AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

WEDNESDAY, JUNE 20, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 118

Pages 16013–16188

PART I



(Part II begins on page 16131)

(Part III begins on page 16143)

HIGHLIGHTS OF THIS ISSUE

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

MILITARY SALES—Presidential determinations concerning sales guaranties to Peru and extension of credit to Argentina, Brazil, Chile, Colombia, and Venezuela (2 documents) 16019, 16021

ECONOMIC STABILIZATION—
ICC freezes prices for 60 days; effective 6–14–73 16126
FCC freezes rates for communication services; effective 6–13–73 16098
CLC rules on disclosures of quarterly price increase reports; effective 6–15–73 16023
CLC rules for determining meat price ceilings; effective 6–14–73 16027

CLEAN AIR—
EPA rules approving and disapproving State compliance schedules 16143
EPA proposed compliance schedules for disapproved plans 16171
EPA notice of hearings on various State plans 16187
EPA modification to 1975 vehicle certification procedures; comments by 7–20–73 16062

TRAINING GRANTS—EPA issues final regulations; effective 7–20–73 16059

NUTRITION LABELING—FDA clarifies regulation; effective 6–20–73 16044

PUBLIC SCHOOL DESEGREGATION—HEW amendments regarding financial assistance awards; effective 6–20–73 16065

ADULT EDUCATION—HEW regulation on financial assistance; effective 7–20–73 16131

AIRPORT SECURITY—FAA declines further rulemaking on designation of law enforcement officers 16031

AUTO SAFETY—
DOT adopts requirements for interlocking assembly; effective 8–25–73 16072
DOT proposes to amend requirements for seatbelt assemblies; comments by 7–20–73 16084

(Continued inside)

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

AMS—U.S. standards for grades of various fruits and asparagus.... 13321; 5–21–73

CAB—Charter trips and special services. 14157; 5–30–73

CUSTOMS BUREAU—Importation and exportation of articles by mail.... 13369; 5–21–73

FAA—SIAI Marchetti models S. 205–18R, S. 205–20R, and S. 305–22R airplanes; airworthiness directives..... 13367; 5–21–73

Next Week's Hearings

JUNE 29

EEO—Elementary and secondary school systems, districts, and individual schools; reporting and recordkeeping requirements, to be held in Washington, D.C..... 15461; 6–12–73

Next Week's Deadlines for Comments on Proposed Rules

JUNE 25

COMMERCE—Mattresses; amendments to flammability standard..... 10111; 4–24–73

FAA—Clarification and expansion of the amounts of medicinal and toilet articles in small quantities that can be carried in passenger baggage. 10157; 4–25–73

—Designation of Federal airways, area low routes, controlled airspace, and reporting points. 13657; 5–24–73, 13748; 5–25–73

FOREST SERVICE—Sawtooth National Recreation area; land acquisition and standards for use of private lands. 13754; 5–25–73

LABOR DEPT.—Labor standards for the registration of apprenticeship programs..... 13894; 5–25–73

PHS—Construction of nurse's training facilities; loan guarantees and interest subsidies..... 13654; 5–24–73

JUNE 26

EPA—Solid waste disposal programs; solid waste management guidelines for thermal processing and land disposal of solid wastes..... 10544; 4–27–73

FAA—Designation of Federal airways, area low routes, controlled airspace, and reporting points.. 14694; 6–4–73

JUNE 27

CAB—Air travel performed for the Department of Defense; establishment of minimum rates.... 15368; 6–11–73

JUNE 28

FCC—Availability of land mobile channels in the 10 largest urbanized areas of the United States..... 13749; 5–25–73

—Notice requirements for schedules for new or revised classifications of service..... 13657; 5–24–73

—TV Broadcast stations in San Bernardino-Riverside, Calif..... 13660; 5–24–73

JUNE 29

CAB—Prohibition of both United States and foreign air carriers from entering into charter contracts except in accordance with currently effective tariffs..... 14112; 5–29–73

EPA—Carbaryl; tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities..... 10643; 4–30–73

—Secondary treatment information. 10642; 4–30–73

—Specifications for viable spores of microorganism Bacillus thuringinensis Berliner.... 10643; 4–30–73

—Establishment of an interim tolerance of 1 part per million for residues of the insecticide benzene hexachloride in or on dried lima beans from post-harvest application in Malagasy Republic..... 14175; 5–30–73

FCC—FM broadcast stations in New Bern and Morehead City, Beaufort, N.C..... 14970; 6–7–73

GEOLOGICAL SURVEY—Revision of coal mining regulations.. 10686; 4–30–73

JUNE 30

AMS—Classification of defects of canned leafy greens..... 9302; 4–13–73

—U.S. standards for grades for fresh tomatoes..... 10106; 4–24–73

FISH AND WILDLIFE SERVICE—Taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife..... 10208; 4–25–73

Weekly List of Public Laws

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

H.J. Res. 296..... Pub. L. 93–42 National Autistic Children's Week, designation (June 15, 1973; 87 Stat. 74)

H.J. Res. 533..... Pub. L. 93–41 Upper Mississippi River, commemoration of opening (June 14, 1973; 87 Stat. 74)

H.R. 6077..... Pub. L. 93–39 Federal employees, immediate retirement (June 12, 1973; 87 Stat. 73)

S. 1235..... Pub. L. 93–40 International Center for Foreign Chanceries (June 12, 1973; 87 Stat. 74)

federal register

Area Code 202 Phone 962–8626

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

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

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

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

SAFE LOADING OF COMMERCIAL VEHICLES—DOT postpones effective date of rules to 10–1–73 16072

FEDERAL HIGHWAY PROJECTS—DOT rules and guidelines concerning social, economic and environmental effects (2 documents); effective 6–20–73 ..... 16044, 16056

TEXTILE PRODUCTS—CITA adjusts import levels of the Republic of China 16096

RURAL DEVELOPMENT COORDINATION—USDA proposed regulation relating to Federal, State and local authorities .. 16077

FEDERAL SAVINGS AND LOAN ASSOCIATION—FHLBB amendments on dwelling unit loans; effective 7–20–73 ... 16029

RENTAL HOUSING—USDA proposal on loan requirements 16077

FEDERAL PROPERTY MANAGEMENT—GSA sets utilization and disposal regulations; effective 6–20–73 16063

MEETINGS—
USDA: South Kaibab Grazing Advisory Board, 7–13–73 .. 16088
Army Department: Advisory Committee for National Dredging Study, 6–21 and 6–22–73 16087
Commission on Revision of the Federal Court Appellate System, 6–22–73 16097
CLC: Food Industry Wage and Salary Committee, 6–27–73 16097
Food Industry Advisory Committee, 6–2 and 6–3–73 .. 16097

Contents

THE PRESIDENT

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS

Memorandum of May 14, 1973; Sales, credits or guaranties to the Government of Peru under the Foreign Military Sales Act .. 16019
Memorandum of May 21, 1973; Presidential determination; Argentina, Brazil, Chile, Colombia, and Venezuela 16021

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Sweet cherries grown in designated counties in Washington; limitation of handling 16075

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service.

Proposed Rules

Rural Development Coordination 16077

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Proposed Rules

Tequila; distilled spirits; hearing on labeling and advertising 16075

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Exotic Newcastle disease; area released from quarantine 16028

Proposed Rules

Official inspection marks; designation of responsible employee 16076

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices

AEC-owned foreign inventions; availability for licensing 16093
Niagara Mohawk Power Corp.; issuance of facility license amendment 16095
Portland General Electric Co. et al.; special prehearing conference (2 documents) 16095
San Diego Gas & Electric Co.; amendment to provisional operating license 16095

CIVIL AERONAUTICS BOARD

Notices

International Air Transport Association; order regarding special fares 16096

CIVIL RIGHTS COMMISSION

Rules and Regulations

Organization and functions of the Commission; staff organization 16070

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Health, Education, and Welfare Department 16023
Housing and Urban Development Department 16023
Labor Department 16023
Veterans Administration 16023

Notices

Department of Health, Education, and Welfare; revocation of authority to make noncareer executive assignment 16096
Grants of authority to make noncareer executive assignments:
Department of Health, Education, and Welfare 16096
Department of Housing and Urban Development 16096

COMMERCE DEPARTMENT

See also Import Programs Office; National Oceanic and Atmospheric Administration; National Technical Information Service.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

Notices

Meeting 16097

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Certain wool and man-made fiber textile products produced or manufactured in the Republic of China; entry or withdrawal from warehouse for consumption 16096

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list 1973; proposed additions 16096

COST OF LIVING COUNCIL

Rules and Regulations

Phase III Regulations:
Determinations of ceiling prices of meat items 16027
Public disclosure of Form CLC–2 data 16023

Notices

Closed meetings:
Food Industry Advisory Committee 16097
Food Industry Wage and Salary Committee 16097
Director, Cost of Living Council; delegation of authority 16097

CUSTOMS BUREAU

Rules and Regulations

Export of pre-Columbian art; addition of Colombia to restricted list 16044

(Continued on next page)

DEFENSE DEPARTMENT

See Army Department; Engineers Corps.

EDUCATION OFFICE

Rules and Regulations

Desegregation of public education ... 16065

State adult education programs, special projects and teacher training in adult education ... 16132

EMERGENCY PREPAREDNESS OFFICE

Notices

Oklahoma; major disaster ... 16113

ENGINEERS CORPS

Notices

Advisory Committee for National Dredging Study; meeting ... 16087

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Compliance schedules; approval and disapproval ... 16142

Training grants, manpower forecasting, and fellowships ... 16060

1975 Model Year light duty vehicle certification; modifications to test procedures ... 16062

Proposed Rules

Compliance schedules; approval and promulgation of state implementation plans ... 16171

Notices

State compliance schedules; public hearing ... 16187

FARMERS HOME ADMINISTRATION

Proposed Rules

Rural housing loans and grants; policies, procedures, and authorizations ... 16077

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Control zone and transition area; designation and alteration ... 16031

Law Enforcement Officers; public hearing regarding evaluation and disposition ... 16031

Transition area:

Alteration (2 documents) ... 16031

Designation ... 16030

Proposed Rules

Control zone and transition area; designation and alteration ... 16080

Transition area:

Alteration ... 16080

Designation ... 16079

Notices

Air traffic control tower at Ann Arbor, Mich.; commissioning ... 16093

FEDERAL COMMUNICATIONS COMMISSION

Notices

Stabilizing of rates and charges; order regarding 60-day freeze on increased rates and charges ... 16098

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Action plan; process guidelines ... 16056

Drivers of commercial motor vehicles; waiver of minimum age requirements ... 16071

Highway beautification ... 16044

Safe loading rules; delay in effective date ... 16072

Proposed Rules

Safe loading of commercial motor vehicles ... 16080

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Maximum loan-to-value ratio for construction of "other dwelling"; increase ... 16029

Policy regarding branch offices and mobile facilities of Federal Savings and Loan Associations ... 16030

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:

American Export Lines, Inc., et al ... 16098

Argentina/United States Pacific Northbound and Southbound Pooling Agreement ... 16098

Continental North Atlantic Westbound Freight Conference ... 16099

Customs Forwarders, Inc., and J. E. Bernard & Co., et al ... 16099

North Atlantic Continental Freight Conference ... 16099

North Atlantic Westbound Freight Association ... 16100

Port of Portland and MGA ... 16100

North Atlantic United Kingdom Freight Conference et al.; petition filed ... 16099

Oriental Central America Lines, Inc., et al.; revocation of certification of financial responsibility ... 16100

Schenkers International, Inc.; order of revocation of independent ocean freight forwarder license ... 16101

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Acco Oil & Gas Co ... 16101

Algonquin Gas Transmission Co ... 16101

Austral Oil Co., Inc ... 16101

Consolidated Gas Supply Corp ... 16102

El Paso Natural Gas Co ... 16102

Grand River Dam Authority ... 16103

Great Lakes Gas Transmission Co. and Michigan Wisconsin Pipe Line Co ... 16103

Green Mountain Power Corp ... 16103

McLain J. Foreman ... 16104

Michigan Wisconsin Pipe Line Co ... 16104

Mississippi River Transmission Corp ... 16104

Natural Gas Pipeline Company of America ... 16104

Northern Natural Gas Co ... 16105

Oklahoma Natural Gas Gathering Corp ... 16105

Pacific Gas Transmission Co ... 16105

Pennzoil Co ... 16105

Producer's Gas Co ... 16106

South Georgia Natural Gas Co ... 16106

Texas Gas Transmission Corp ... 16106

Texas Oil & Gas Corp ... 16107

Transcontinental Gas Pipe Line Corp. (2 documents) ... 16107, 16108

Woods Exploration and Producing Co., et al ... 16108

FEDERAL RESERVE SYSTEM

Rules and Regulations

Interest on deposits; interpretation of "bank" ... 16029

Notices

Acquisitions of banks:

Archer-Daniels-Midland Co ... 16108

Ashland Investment Co ... 16109

Central Bancshares of the South, Inc ... 16109

First Security National Corp ... 16110

Independent Bancorporation ... 16110

Landmark Banking Corporation of America ... 16111

Multibank Financial Corp ... 16111

Formations of bank holding companies:

First Pioneer Bancorp, Inc ... 16109

First York Ban Corp ... 16110

Southern Bancorporation, Inc ... 16111

United Ohio Bancorp ... 16112

Tennessee Valley Bancorp, Inc.; proposed acquisition of Kimbrough-Kavanaugh and Associates, Inc ... 16112

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices; cease and desist orders:

Albert L. Upperco and Beauty-Rama Carpet Centers ... 16036

Arlen Realty & Development Corp., et al ... 16038

Crowell Collier and Macmillan, Inc., et al ... 16039

Discount Carpets, Inc., et al ... 16041

Rubins Discount Carpet Center of Virginia, Inc., et al ... 16042

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Nutrition labeling clarification ... 16044

Notices

Advisory committees; establishment ... 16092

FOREST SERVICE

Notices

Availability of environmental impact statements:

Communication sites on Tongass and Chugach National Forest ... 16088

Proposal for vegetation control by mechanical treatment in New Mexico ... 16087

Proposed Timber management plan, Carson National Forest ... 16087

South Kaibab Grazing Advisory Board; meeting ... 16088

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Standard Form 365; annual report; disposal of foreign excess property ---- 16023
Notices
Secretary of Defense; delegation of authority ---- 16112

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Interstate Land Sales Registration Office.

IMPORT PROGRAMS OFFICE
Notices
Decisions on applications for duty-free entry of scientific article:
Brandeis University ---- 16089
Idaho State University ---- 16090
Tufts University et al ---- 16090
University of Massachusetts ---- 16091
University of Nebraska et al ---- 16091
William March Rice University ---- 16092

INTERIOR DEPARTMENT
See Land Management Bureau.
Rules and Regulations
Personal property management:
Classification of property ---- 16064
Stores records ---- 16064

INTERSTATE COMMERCE COMMISSION
Notices
Assignment of hearings ---- 16119
Fourth section application for relief ---- 16120
Motor carriers:
Alternate route deviation notices (2 documents) ---- 16120
Applications and certain other proceedings ---- 16121
Board transfer proceedings ---- 16126
Filing of intrastate applications ---- 16126
Practices of motor common carriers of household goods; limitations of liability; proposed investigation and order ---- 16126
Stabilization of rates and charges, June 1973 ---- 16126

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Hilltop Lakes Resort City; hearing ---- 16093

LABOR DEPARTMENT
See Wage and Hour Division.

LAND MANAGEMENT BUREAU
Rules and Regulations
Oklahoma; restoration of land ownership of Wichita and affiliated bands of Indians ---- 16065

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules and Regulations
Seatbelt interlock; Federal motor vehicle safety standards ---- 16072
Proposed Rules
Seatbelt assemblies ---- 16084

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Frederick J. Woelkers III and Roy C. Randall; projected filing of environmental impact statements ---- 16088
William Nietupski et al.; exemption application from Marine Mammal Protection Act ---- 16088

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Government-owned inventions; availability for licensing ---- 16089

SECURITIES AND EXCHANGE COMMISSION
Proposed Rules
Form and content of financial statements; improved disclosure of leases ---- 16085
Notices
New York Stock Exchange proposal to raise commission rates; hearings ---- 16115
Hearings, etc.:
Accurate Calculator Corp ---- 16113
Coastal States Gas Corp ---- 16113
Develco, Inc ---- 16113
First Leisure Corp ---- 16113
Input, Inc ---- 16113
J B & T Co ---- 16113
Logos Development Corp ---- 16114
National Institute for Better Reading, Inc ---- 16114
National Environment Corp ---- 16114
Orecraft, Inc ---- 16114
Paragon Securities Co ---- 16114
Photon, Inc ---- 16114
Quad Metals Corp ---- 16114
Quote Company of America, Inc. ---- 16115
Sandia International Metals Corp. ---- 16115
Seaferro Inc ---- 16115
Textured Products, Inc ---- 16115
Twenty-First Century Pilot Fund, Inc ---- 16115
Western Land Corp ---- 16115

SELECTIVE SERVICE SYSTEM
Rules and Regulations
Classification procedures; miscellaneous amendments ---- 16059
Internal organization duties regarding registration; revocation ---- 16059

SUSQUEHANNA RIVER BASIN COMMISSION
Notices
Management and Development of water resources; public hearings on proposed comprehensive plan ---- 16117

TARIFF COMMISSION
Notices
Analog-to-digital meters; complaint received ---- 16118
Investigations and hearings:
Electronic color separating or sorting machines from the United Kingdom ---- 16118
Steel wire rope from Japan ---- 16118
Erskine Industries, Inc.; investigation regarding workers' petition for determination ---- 16118

TRANSPORTATION DEPARTMENT
See also Federal Aviation; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Alcohol, Tobacco and Firearms Bureau; Customs Bureau.

WAGE AND HOUR DIVISION
Notices
Certificates authorizing employment of learners at special minimum rates ---- 16119

List of CFR Parts Affected

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

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

3 CFR

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Determination of May 14, 1973 16019
Determination of May 21, 1973 16021

5 CFR

213 (4 documents) 16023

6 CFR

102 16023
130 16027

7 CFR

PROPOSED RULES:

22 16077
923 16075
1822 16077

9 CFR

82 16028

PROPOSED RULES:

316 16076

12 CFR

217 16029
545 16029
556 16030

14 CFR

71 (4 documents) 16030, 16031
107 16031

PROPOSED RULES:

71 (3 documents) 16079, 16080

16 CFR

13 (5 documents) 16036–16042

17 CFR

PROPOSED RULES:

210 16085

19 CFR

12 16044

21 CFR

1 16044

23 CFR

750 16044
795 16056

27 CFR

PROPOSED RULES:

5 16075

32 CFR

1611 16059
1612 16059
1623 16059

40 CFR

45 16060
46 16061
48 16144
52 16062
85 16062

PROPOSED RULES:

52 16171

41 CFR

101–43 16063
101–44 16063
101–45 16063
114–60 (2 documents) 16064

43 CFR

PUBLIC LAND ORDERS:

5347 16065

45 CFR

166 16132
167 16132
180 16065
701 16070

49 CFR

391 16071
393 16072
571 16072

PROPOSED RULES:

392 16080
393 16080
571 16084

Presidential Documents

Title 3—The President

MEMORANDUM OF MAY 14, 1973

[Presidential Determination No. 73-13]

Sales, Credits or Guaranties to the Government of Peru Under the Foreign Military Sales Act

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 14, 1973.

In accordance with the recommendation contained in your memorandum of April 25, I hereby determine that the waiver of the provisions of Section 3(b) of the Foreign Military Sales Act, as amended, with respect to the Government of Peru is important to the security of the United States and, therefore, the provisions of that Section are hereby waived insofar as they relate to sales, credits or guaranties to the Government of Peru.

You are requested on my behalf to report this determination and waiver to the Speaker of the House of Representatives and to the Chairman of the Senate Foreign Relations Committee, as required by law.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.73-12499 Filed 6-19-73;10:46 am]

MEMORANDUM OF MAY 21, 1973

[Presidential Determination No. 73-14]

Presidential Determination—Argentina, Brazil, Chile, Colombia, and Venezuela

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 21, 1973.

In accordance with the recommendation in your memorandum of April 3, 1973, I hereby determine, pursuant to Section 4 of the Foreign Military Sales Act, as amended, that the extension of credit to the Governments of Argentina, Brazil, Chile, Colombia, and Venezuela, in connection with the sale of F-5 military aircraft, is important to the national security of the United States.

You are hereby requested on my behalf to report this determination to the Congress as required by law.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.73-12500 Filed 6-19-73;10:46 am]

Rules and Regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3316 is amended to show that one position of Secretary to the Associate Manpower Administrator, Unemployment Insurance Service, is no longer excepted under schedule C.

Effective on June 20, 1973, § 213.3315 (c) is revoked.

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

U.S. CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12256 Filed 6–19–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Confidential Assistant to the Administrator, Social and Rehabilitation Service, is excepted under schedule C.

Effective on June 20, 1973, § 213.3316 (o) (3) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(3) Two Confidential Assistants to the Administrator.

* * * * *

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

U.S. CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12254 Filed 6–19–73;8:45 am]

PART 213—EXCEPTED SERVICE

Veterans' Administration

Section 213.3327 is amended to show that one position of Confidential Assistant to the Chief Benefits Director, Department of Veterans' Benefits, is excepted under schedule C.

Effective on June 20, 1973, § 213.3327 (b) (2) is added as set out below.

§ 213.3327 Veterans' Administration.

* * * * *

(b) *Department of Veterans' Benefits.* * * *

(2) One Confidential Assistant to the Chief Benefits Director.

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

U.S. CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12257 Filed 6–19–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title changes: from seven Senior Assistants for Congressional Relations to seven Senior Assistants for Legislative Affairs and from twelve Assistants for Congressional Relations to twelve Assistants for Legislative Affairs.

Effective on June 20, 1973, paragraphs (a) (26) and (a) (27) of § 213.3384 are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(26) Seven Senior Assistants for Legislative Affairs.

(27) Twelve Assistants for Legislative Affairs.

* * * * *

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

U.S. CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12255 Filed 6–19–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 102—COST OF LIVING COUNCIL PHASE III REGULATIONS

Public Disclosure of Form CLC–2 Data

On May 11, 1973, the Cost of Living Council published proposed rule 73–1, concerning public disclosure of information reported quarterly on the form CLC–2. The Council invited interested persons to submit written data, views, and comments on the proposed rule. A substantial number of written submissions were received and public hearings were held on the matter on June 6, 1973.

In promulgating proposed rule 73–1 the Council stated that comments timely received would be taken into consideration before taking final action on the proposed regulation, and that the regulation could be changed in the light of the comments received. The Council has in fact taken into consideration all written and oral comments received by the close of business on Friday, June 8, 1973, and has changed proposed rule 73–1 in several respects to reflect these comments and to give fuller effect to congressional intent.

The new section 205 of the Economic Stabilization Act provides for public disclosure of certain information in the CLC–2 quarterly report, but only when price increases of more than 1.5 percent have been charged since January 10, 1973, on a "substantial product"—i.e., an item which accounted for 5 percent or more of sales or revenues in the firm's most recent fiscal year. For purposes of defining what must be publicly disclosed in this event, section 205 essentially divides CLC–2 information into four categories:

(1) Price data, which is specifically made subject to public disclosure;

(2) Trade data (information regarding trade secrets, processes, operations, style of work, or apparatus), which is specifically required to be withheld from public disclosure;

(3) SEC data (information on income, profits, losses, costs, or expenditures and other information which would be required to be reported to the Securities and Exchange Commission if the business enterprise were engaged in the manufacture of only one substantial product), which is specifically made subject to public disclosure; and

(4) General financial data other than SEC data (information on income, profits, losses, costs, or expenditures), which may be disclosed to the public to the extent that such information is defined an nonproprietary by the Cost of Living Council and may not be disclosed to the public to the extent it is deemed proprietary by the Council.

In determining which data is SEC data (and therefore subject to public disclosure), the Council adhered to the language of section 205(b)(3), which provides that the Council may not define as excludable from public disclosure "any information or data (on form CLC-2) which cannot currently be excluded from public annual reports to the Securities and Exchange Commission" by a firm

exclusively engaged in the manufacture or sale of a substantial product. As explained in the preamble to proposed rule 73–1, the Council found that most of the data on income, profits, losses, costs, or expenditures reported on the form CLC–2 is not required to be reported on the SEC form 10–K and is not coincident with form 10–K information. By way of illustration, the preamble noted that, unlike the SEC's requirements for form 10–K, the Council's definition of "sales" for purposes of lines 1–19 of part VI of the form CLC–2 excludes sales from public utilities activities, foreign operations, insurance activities, farming, exempt items, health servce activities, custom products, and food operations. At other points, the form CLC–2 calls for data expressed as a percentage. This is significantly different from the data expressed in dollar amounts called for by SEC form 10–K.

However, the incongruence of the two types of data is more serious than a mere difference in mode of expression. For example, the 10–K reveals aggregate cost data. By contrast, form CLC–2 calls for cost data on a per unit basis. Thus, a typical 10–K account of costs might be as follows:

Costs and expenses	Dec. 31, 1971	Dec. 31, 1972
Manufacturing	$35,491,000	$37,028,000
Administrative and general	5,628,000	6,044,000

The schedule C form CLC–2 for the same firm might show for any given cost element (e.g., direct materials), the following: (a) Percentage of cost element that is variable, 41 percent; (b) percentage increase (decrease) in current cost level versus primary cost level, 2 percent; (c) percentage of cost element to total costs at the primary cost level 5.5 percent; (d) the weighted value of the percentage cost increase, taking into account the percentage of the cost element to total costs, 1.1 percent. In this example, the increase in total dollar costs between 1971 and 1972, as shown in the 10–K illustration, bears no direct relationship to the cost increase or decrease per unit provided in the schedule C. The slight increase in total costs on the 10–K would not reveal a large increase in production matched by a corresponding decrease in costs per unit, or a substantial decline in production accompanied by an equivalent increase in per unit costs.

Furthermore, the increases on the schedule C are not measured by comparing the results of 1 fiscal year with another, as in the form 10–K. The schedule C calls for a comparison of costs at the primary level with those at the current level. These are ad hoc periods selected under Cost of Living Council regulations by the reporting firm depending upon the incidence or frequency of cost increases and price increases. The period for comparison purposes may be various combinations of months or weeks and do not relate to fiscal periods. Thus, even if the basis of cost data on the CLC–2 and the 10–K were otherwise identical the data would not be comparable, and comparable SEC data would not be ascertainable or inferable from the CLC–2 data.

The necessary conclusion is that since the data called for by the CLC–2 is not required or provided on the SEC form 10–K, it is therefore data which can currently be excluded therefrom and is not specifically made subject to disclosure by section 205(b)(3). Moreover, the difference between the two types of data is so substantial as to preclude any contrary conclusion by the Council based on possible legislative intent in conflict with the explicit language of section 205 (b)(3).

This information, therefore, falls into the fourth category referred to above—i.e., general financial data other than SEC data (information on income, profits, losses, costs, or expenditures which is not price data or trade data). This category of information need not be disclosed to the public to the extent it is defined as "proprietary" by the Council. In proposed rule 73–1, the Council defined all such information as proprietary. It did so on the basis of the language in section 205(b)(2) which indicates that the term "proprietary" is to have the same meaning as "confidential" in 18 U.S.C. 1905, except to the extent specifically provided in (b)(3). As explained in the preamble to proposed rule 73–1, the Council believes that "proprietary" in the new section 205 and confidential in 18 U.S.C. 1905 are to be understood as synonymous. The Council continues to believe that this is the most consistent reading of the statutory language. However, several persons commenting to the Council at the public hearing and in response to the proposed 73–1 pointed out that a literal implementation of this interpretation would virtually nullify the language of 205(b) and frustrate the intent of Congress in enacting the amendment.

The Council thus finds itself in the position of having to reconcile a direct conflict between a literal application of the language of the amendment and its apparent intent. In this situation the Council has determined that a mechanical reading of the amendment must give way sufficiently to accommodate the intent of the Congress, while still doing as little violence as possible to the definition of "proprietary" generally intended in (b)(2).

The evident purpose of Congress in adopting this amendment was to accord members of the public access to information on CLC–2 quarterly reports sufficient to permit them to determine whether price increases were justified. The sponsor and principal supporters of the amendment indicated that this would accomplish two objectives: It would give members of the public a basis for making independent judgments on reporting companies' compliances with the rules of the Economic Stabilization program, and it would also put these companies on notice that price increases above 1.5 percent on any substantial product would subject them to public scrutiny.

In order to accommodate this objective, and in the exercise of its authority under section 205(b)(3) to define what is proprietary information, the Council in the final version of its new public disclosure regulation has made two significant changes. These changes will implement the general purpose of the new section 205 by permitting public access to sufficient information to monitor the two chief criteria of phase 3 performance: (1) Cost justification for price increases, and (2) profit margin compliance.

Under the new subpart F to part 102 of the Economic Stabilization Regulations, the Council has now designated part III, line 17, of the form CLC–2 as providing nonproprietary information subject to public disclosure. Line 17 indicates the dollar amount by which a CLC–2 entity is currently over or under its base period profit margin. The Council has also designated as nonproprietary the entire column (f) of part VI of the form CLC–2. Column (f) provides the total weighted average cost justification for each product line or entity-wide, as the case may be, where price increases are shown.

From the information now made available to the public, compliance with general standards of the program can be determined. A comparison of column (f) with the price adjustment information in column (e) will indicate whether the price increases meet the general standard of the program that all price increases be cost justified. Whenever the weighted annual average price increase in line 22, column (e), exceeds 1.5 percent over prices authorized or lawfully in effect on January 10, 1973, and a positive figure appears in part III, line 17, it will also be apparent that the firm may not be in full compliance with the general price standard which provides, in this circumstance, that the profit margin should not exceed that which prevailed during the base period.

Concern was expressed by many persons commenting on proposed rule 73–1 that disclosure of the information called for on form CLC–2 could be harmful since it would be available to foreign and domestic competitors of reporting companies. The Council believes that the changes in the proposed regulations accommodate this concern as well as the need to give effect to Congressional intent. The information required to be disclosed in part III, line 17, shows the degree of current compliance with the base period profit margin rule. It is therefore of assistance in determining compliance with the Economic Stabilization program, but does not reveal actual firm profitability. The same is generally true with respect to the information required to be disclosed under part VI, column (f). That entry shows the extent to which cost justification is advanced in support of a price increase, thereby assisting in reviewing compliance with the Economic Stabilization program, but not revealing actual cost figures.

It was brought to the Council's attention that the nonproprietary classification of information required in part I, line 5, of the CLC–2 proposed in proposed rule 73–1 was inconsistent with the proprietary treatment generally afforded similar information required in parts II, III, and VI. This entry follows the Council's special definition of annual sales or revenues in that it does not include sales or revenues from foreign operations. This type of information is not found on the SEC form 10–K. Disclosure of this information is not necessary to any purpose related to public review of cost justification and profit margin data. The Council has, therefore, now designated as proprietary part I, line 5, of the CLC–2 (annual sales or revenues of the total firm of which the entity filing the CLC–2 is a part).

It was suggested to the Council that trade data (trade secrets and the like) should be defined to include all general financial data (that which relates to income, profits, losses, costs, and expenditures). Evidence was cited from the Congressional Record in support of this view, but the Council did not find this evidence to be conclusive. Moreover, the Council disagrees with this interpretation on the ground that (1) trade data and general financial data have been treated as separate categories in both 18 U.S.C. 1905 and section 205 of the Economic Stabilization Act, (2) this interpretation would effectively nullify the authority granted to the Council in section 205(b)(3) to define what is proprietary, and (3) this interpretation would prevent the Council from giving any effect to the Council's interpretation of the general purpose of section 205 as indicated above.

Other changes have been made of an administrative nature, relating, among other things, to how public disclosure of the form CLC–2 is actually made when sufficient price increases have been effected to require public disclosure. Section 205 imposes the public disclosure requirement upon the business enterprise which files the CLC–2 quarterly report. However, the Council may also be required to make CLC–2 quarterly reports available to the public pursuant to the Freedom of Information Act. The Council in most cases will probably not be able to ascertain from the CLC–2 quarterly report whether sufficient price increases have been charged to require public disclosure unless further information from the business enterprise which files the CLC–2 quarterly report is provided. This is because:

(1) A "substantial product" is defined in section 205 as a product or service which accounted for 5 percent or more of the gross sales or revenues of the business enterprise's last full fiscal year. The CLC–2 does not require a breakdown by product or service of sales in the last fiscal year and the Council does not generally have this information available elsewhere.

(2) Section 205 measures the 1.5 percent price increase test from the price lawfully in effect on January 10, 1973, whereas the CLC–2 quarterly report principally measures price increases from the price level authorized on January 10, 1973. All firms required to submit the CLC–2 which raised prices in phase 2 did so pursuant to an authorization granted by the Price Commission, and in many cases the full authorization was not immediately implemented. Therefore, the authorized price on January 10, 1973 (which is the basic starting point for CLC–2 price increase measurement) for any given product or service may be above the level actually and lawfully in effect on that date.

(3) Business enterprises which have kept their weighted average price increases (overall basis) to 1.5 percent or less are entitled to submit the CLC–2 quarterly report on an abbreviated reporting basis. Under abbreviated reporting procedures, no breakdown of sales, prices or cost justification is provided on a product-by-product or service-by-service bases—only the overall weighted average price adjustment of 1.5 percent or less is reported on the CLC–2. Again, information as to whether an individual substantial product went over 1.5 percent will be available only to the business enterprise submitting the report.

Because of these difficulties, the Council's new public disclosure regulation requires all business enterprises which submit CLC–2 quarterly reports after the date of publication of the present regulation in the FEDERAL REGISTER to appropriately mark the face of the form CLC–2 if sufficient price increases have been charged to require public disclosure pursuant to the new section 205 of the act. This convenience will permit the Council to make the nonproprietary portions of the CLC–2 quarterly report available to the public on behalf of the business enterprise filing it and will assure prompt public disclosure in an orderly manner.

To avoid any question as to whether there is a difference between the term "business enterprise," as used in section 205 and the term "entity" as used in the CLC–2 instructions to identify the business entity to which the CLC–2 is filed applies, the Council has included a definition of business enterprise which makes it clear that a business enterprise is a CLC–2 entity.

Similarly, a definition of substantial product has been included which makes it clear that for purposes of public disclosure a substantial product is a product, product line, service, or service line as reported in lines 1–19 of part VI of the CLC–2 quarterly report, or on any continuation schedule, in accordance with CLC–2 instructions, which accounted for 5 percent or more of the business enterprise's annual sales or revenues as defined in part 130 of this title.

Finally, a more definitive statement as to the applicability of the public disclosure regulation has been included.

In consideration of the foregoing, part 102 of title 6 of the Code of Federal Regulations is amended as set forth herein, effective June 15, 1973.

Issued in Washington, D.C., on June 15, 1973.

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

A new subpart F is added to part 102 of title 6 of the Code of Federal Regulations, to read as follows:

Subpart F—Public Disclosure of CLC Reports

Sec.
102.50 Purpose and scope.
102.51 General rule.
102.52 Definitions.
102.53 Form CLC–2 data.
102.54 Disclosure procedure.

AUTHORITY.—Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 93–28, 87 Stat. 27; EO 22695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489.

Subpart F—Public Disclosure of CLC Reports

§ 102.50 Purpose and scope.

(a) The purpose of this subpart is to define, pursuant to section 205(b)(3) of the Economic Stabilization Act of 1970, as amended, what information or data contained in quarterly reports submitted to the Cost of Living Council pursuant to § 130.21(b) of this chapter is proprietary in nature and therefore excludable from public disclosure and, conversely, what information or data contained in those quarterly reports is nonproprietary in nature and therefore available to the public.

(b) This subpart applies only with respect to:

(1) A business enterprise which

(i) Is subject to the quarterly reporting requirements of § 130.21(b) of this chapter in effect on January 11, 1973; and

(ii) Charges a price for a substantial product which exceeds by more than 1.5 percent the price lawfully in effect for such product on January 10, 1973, or on the date 12 months preceding the end of such period, whichever is later; and

(2) The form CLC–2 as submitted pursuant to the quarterly reporting requirement of § 130.21(b) of this chapter, and any schedule or supporting information or document attached thereto in accordance with the instructions to the form CLC–2.

§ 102.51 General rule.

All CLC data determined by this subpart to be proprietary data is excludable from public disclosure. All CLC data determined by this subpart to be nonproprietary data is available to the public.

§ 102.52 Definitions.

For the purpose of this subpart—

"Business enterprise" means an entity as defined in the instructions to the form CLC–2.

"CLC data" means any information or data provided on or with a quarterly report submitted to the Cost of Living Council pursuant to § 130.21(b) of this chapter when that report is subject to public disclosure pursuant to section 205(b)(1) of the Economic Stabilization Act of 1970, as amended.

"General financial data" means any CLC data, other than trade data, which concerns or relates to the amount or sources of a firm's income, profits, losses, costs, or expenditures.

"Price data" means any CLC data which concerns or relates to a firm's prices for goods and services.

"SEC data" means any general financial data which cannot currently be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities and Exchange Act of 1934 by a firm exclusively engaged in the manufacture or sale of a substantial product as defined in section 205(b)(1) of the Economic Stabilization Act of 1970, as amended.

"Substantial product" means a product, product line, service, or service line, as called for in lines 1–19 of part VI of the form CLC–2, or any continuation schedule, in accordance with the instructions to the form CLC–2, which accounted for 5 percent or more of the business enterprise's annual sales or revenues as defined in part 130 of this title.

"Trade data" means any CLC data which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus of a firm.

§ 102.53 Form CLC–2 data.

(a) *Form CLC–2 proper.*—(1) *Part I (identification information).*—The information called for in part I (and in the spaces provided above part I) serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm, is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (line 5) is proprietary because the Council's special definition of annual sales or revenues results in a figure not disclosed in the SEC Form 10–K.

(2) *Parts II and III (profit margin calculations).*—Except for the calendar entries in lines 6 and 7 (nonproprietary data), all general financial data furnished in parts II and III is based on base period and current period net sales and operating income as defined by the Cost of Living Council for purposes of parts II and III. These definitions are not the same as those used for SEC purposes because they exclude revenues from foreign operations, public utilities, farming activities, and insurance activities. Since such general financial data, thus more narrowly defined, is not required for SEC purposes, it can be excluded from the public annual reports to the SEC and is, therefore, defined as proprietary data with the exception of the information in line 17. In order to fulfill the general purposes of section 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the information required in line 17 as nonproprietary CLC data.

(3) *Parts IV and V (other information).*—Parts IV and V call for names, titles addresses, and similar nonfinancial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other then SEC data, and is generally available to the public elsewhere.

(4) *Part VI (price/cost information).*—The information required at the top of the page—the name of the firm, the reporting period dates and the cumulative period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(i) All of the information required in columns (a) and (b) on lines 1 through 19 and on any continuation schedule is nonproprietary data because only the names of product lines or service lines and related standard industrial classification codes is required, which is neither trade data nor general financial data other than SEC data and is generally available to the public elsewhere.

(ii) The general financial data required in columns (c) and (h), lines 1 through 19 (and any continuation schedule) concerns sales by product or service line. Because the CLC definition of sales for these columns excludes sales from public utilities activities, foreign operations, insurance activities, farming, exempt items, health service activities, custom products, and food operations, the column (c) or (h) sales entry does not coincide with the equivalent information on the SEC Form 10–K prepared as though the firm were a single-product-line firm. Therefore, the general financial data in column (c) and (h) is defined as proprietary data.

(iii) The general financial data required in columns (c) and (h), lines 20 and 21, are subtotals and totals of the individual sales entries on lines 1–19 and in any continuation schedule. This information has no counterpart on a SEC Form 10–K prepared as though the firm were a single-product-line firm and thus it is defined as proprietary data.

(iv) The general financial data required in columns (c) and (h), lines 23–25, is a breakdown of total sales into sales of or from foreign operations, food sales, and other nonapplicable sales. These entries have no counterparts on any SEC form and are, therefore, defined as proprietary data.

(v) The net sales information required in columns (c) and (h), line 26 coincide in scope with the data shown in part III, line 13 (net sales). As explained in the discussion for parts II and III, this information is proprietary data.

(vi) Columns (d), (e), (g), and (i) all call for price data. All information required is, therefore, nonproprietary data.

(vii) The data required in column (f) is a percentage figure representing cost justification for each product or service line entered in lines 1–19 and on any continuation schedule for which a price increase is indicated in column (e). The general financial data required in column (f), line 22, is the cost justification supporting the weighted average price increase for the combined product or service lines. These are calculations unique to the form CLC–2 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purposes of section 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in column (f), lines 1–19, inclusive, line 22, and on any continuation schedule, as nonproprietary CLC data.

(b) *Schedule C (cost justification).*—(1) *Part I (identification information).*—All of the information called for in part I (and in the spaces provided above part I) serves to identify or describe the firm, the reporting period, and the product line or SIC code. All of the information is already defined as nonproprietary in part I of the form CLC–2. However, as an administrative convenience, to avoid unnecessary handling and cost of duplication of this portion of the schedule C which otherwise contains no financial data which is to be available to the public, information required by part I of schedule C is defined as proprietary.

(2) *Part II (calculation of cost justification).*—All of the general financial data called for in part II, lines 3 through 7, is calculated and entered on the basis of cost per unit of input or output. There are no counterparts for these figures on the SEC 10–K. None of the information required in lines 3 through 7 is SEC data and all of it, therefore, is defined as proprietary data.

(i) The general financial data required in lines 8 through 12 are special CLC calculations which have no counterpart in the SEC 10–K. Therefore, none of the information required is SEC data and all of it is defined as proprietary data.

(ii) The same figure that appears on line 11 of schedule C also appears in column (f) of part VI of the form CLC–2. As explained above, column (f) information is defined as nonproprietary even though it is general financial data which is not SEC data. Consistency would normally require that information required by line 11 of schedule C also be defined as nonproprietary. However, as an administrative convenience, to avoid unnecessary handling and cost of duplication of this portion of the schedule C

which otherwise contains no financial data which is to be available to the public, information required by line 11 of schedule C is defined as proprietary.

(c) *Supporting information.*—(1) Parts of the CLC–2 are required to be submitted as attachments to the CLC–2 proper. Determination of the proprietary nature of information or data shown on these attached parts is to be made on the same basis as the determination for the equivalent part on the CLC–2 proper.

(2) Supporting information prepared by the firm in textual or other form other than on a form provided by the Council must be reviewed on an ad hoc basis to determine whether or not it contains proprietary data. The rules contained in this subpart shall be used as guidelines for this purpose.

§ 102.54 Disclosure procedure.

(a) Each business enterprise submitting to the Cost of Living Council a form CLC–2 which is subject to public disclosure pursuant to section 205(b)(1) of the Economic Stabilization Act of 1970, as amended, shall:

(1) In addition to checking the box provided on the front page of the form CLC–2 under the heading "Type of Submission," to indicate the submission of a quarterly report, check the box provided for other purposes and, in the adjacent space provided, enter the words, "public disclosure required";

(2) Attach to the form CLC–2 a supporting schedule which identifies the substantial product or products which gave rise to the requirement of public disclosure and the weighted average percentage price increase or increases above the weighted average price or prices lawfully in effect on January 10, 1973, charged for those substantial products; and

(3) Attach three copies of the entire CLC–2 submission which omit all proprietary information or data in accordance with the definitions and rules provided in § 102.53.

(b) The instructions provided in paragraph (a) of this section are in addition to the instructions to the form CLC–2.

(c) Interested persons may examine nonproprietary information or data furnished on or with form CLC–2 reports subject to public disclosure at 2000 M Street NW., Washington, D.C. 20508, or may obtain a copy of that information or data by mail upon written request addressed to the Council.

[FR Doc.73-12347 Filed 6-15-73;4:44 pm]

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Determination of Ceiling Prices of Meat Items

Subpart M of Part 130 of the Cost of Living Council's regulations is amended to establish rules for the determination of ceiling prices of new meat items. The existing rules for the determination of ceiling prices of meat items other than new meat items are also amended to restrict their scope to transactions occurring within a limited time period prior to March 28, 1973.

Because of these amendments, a seller whose last transaction in a particular meat item occurred more than 6 months prior to March 28, 1973, will no longer be subject to the difficulty of abiding by a ceiling price which, at best, may be unreasonably low or, at worst, may be less than cost. The new rules for determining ceiling prices applicable to new meat items will now apply in this case. These new rules will also apply to a seller entering into a contract with a governmental agency which is a separate class of customer if the seller has not sold the same meat item to the agency during the 3-month period prior to March 28, 1973.

A "new meat item" is defined as a meat item which the offeror has sold or is offering for sale to a class of customer, but did not sell to that class of customer in the same or substantially similar form at any time during the meat ceiling base period. A substantial limitation is placed on what may be treated as a new meat item by the provision that a mere change in appearance, arrangement, combination of ingredients, form of meat cut or packaging does not create a new meat item. Thus, a new meat item is not created by a slight modification of the cut of a chuck roast accompanied by a redesignation such as "California roast".

As part of the definition of new meat item, "class of customer" is defined to mean those customers to whom an offering person has charged a comparable price for comparable meat items pursuant to customary price differentials between those customers and other customers. If no transactions have occurred in the past, "class of customer" means all of those prospective customers to whom an offering person would charge a comparable price for comparable meat items based on his historical practice of determining customary price differentials. If a transaction occurred during the meat ceiling base period, then the term class of customer would have the same meaning as class of purchaser.

The methods for determining ceiling prices for new meat items are established in a new § 130.125(b). The first method allows a manufacturer, retailer, or wholesaler to use ceiling prices received on the most nearly similar meat item sold in a substantial number of transactions to the most nearly similar class of customer during the 30-day period prior to March 28, 1973. The second method allows sellers to determine ceiling prices by reference to the sales of others if the seller did not offer a similar meat item for sale to a similar class of customer during the 30-day period prior to March 28, 1973. Because of the establishment of this different method of determining ceiling prices for new meat items, the definition of "ceiling price" in § 130.123 is also amended accordingly.

The procedures for determining ceiling prices for new meat items are fundamentally the same as the procedures for establishing base prices for new products in § 300.409 of the phase II regulations. However, since it is not always possible to determine total allowable unit costs, net operating profit markup or customary initial percentage markup for meat items, the basis used for establishing ceiling prices for new meat items is the price of the most nearly similar meat item. Because the rules for determining ceiling prices for new meat items are similar to § 300.409, rulings and interpretations issued to clarify § 300.409 can be used by analogy in interpreting the provisions of § 130.125.

A pricing rule for new meat items is created in § 130.125(a) because § 130.121 (a) applies only to charges to a class of purchaser. This rule provides that no seller of a new meat item may charge to any class of customer and no purchaser of a new meat item may pay, a price for any new meat item which exceeds the ceiling price as determined by paragraph (b) of § 130.125. To clarify application of the new meat item rules to ceiling prices determined by predecessor entities, § 130.125(c) is added which provides that once a ceiling price is established for a meat item it cannot be treated as a new meat item merely because of a change in ownership of the predecessor manufacturer, retailer or wholesaler.

The definition of "meat ceiling base period" in § 130.123 is revised to established a time limitation for determining when a meat item will be considered new. The new definition in paragraph (b) allows sellers who have had no transactions with a class of customer on a particular meat item within a 6-month period prior to March 28, 1973, to treat the meat item as a new meat item. This provision is designed to give relief to sellers who have very infrequent or seasonal sales. It allows them to establish prices for their meat items which are more realistically in line with other ceiling prices. A seller entering into a contract with a governmental agency which constitutes a distinct class of customer may also treat a meat item as a new meat item if the seller has not sold the same meat item to the agency during the 3-month period prior to March 28, 1973. Contracting with governmental agencies by its very nature creates extended periods during which no transactions occur and therefore merits special treatment.

Finally, a new paragraph (e) is added to § 130.124 which requires the retailer of a new meat item to post the ceiling price for each new meat item prior to its first sale.

Because the purpose of this amendment is to provide 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, Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, part 130 of chapter I, title 6, Code of Federal Regulations is amended as follows, effective June 14, 1973.

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

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

Subpart M is amended as follows:

§ 130.123 [Amended]

1. Section 130.123 is amended in the definition of "Ceiling Price" by adding after the last sentence the following sentence:

With respect to new meat items, ceiling price means the price determined in accordance with the provisions of § 130.125(b).

2. Section 130.123 is amended by adding the following new definitions:

"Class of customer" means all of those customers to whom a seller has charged a comparable price for comparable meat items pursuant to customary price differentials between those customers and other customers or, if no transactions have occurred in the past, all of those prospective customers to whom a seller would charge a comparable price for comparable meat items based on his historical practice of determining customary price differentials.

"New meat item" means a meat item which the seller has sold or is offering for sale to a class of customer, but did not sell to that class of customer in the same or substantially similar form at any time during the meat ceiling base period. A mere change in appearance, arrangement, combination of ingredients, form of meat cut, or packaging does not create a new meat item.

3. Section 130.123 is amended by replacing the definition of "Meat ceiling base period" with a new definition which reads as follows:

"Meat ceiling base period" means—

(a) The 30 days prior to March 28, 1973; or

(b) In the case of a seller who had no transactions during that period the nearest preceding 30-day period in which he had a transaction during the 6 months prior to March 28, 1973; or

(c) In the case of a seller offering to sell meat items on a contract basis to the Federal Government or State and local governments when the contracting entity constitutes a separate class of customer, the 30 days prior to March 28, 1973, or if no transactions occurred during that period the nearest preceding 30-day period in which the seller had a transaction during the 3 months prior to March 28, 1973.

4. Section 130.124 is amended by adding the following new paragraph (e):

§ 130.124 Ceiling price information.

* * * * *

(e) Each seller which establishes ceiling prices for new meat items pursuant to § 130.125(b) shall prepare and maintain a list of those ceiling prices and shall post them in accordance with paragraphs (a), (b), and (d) of this section, except that the ceiling price of each new meat item shall be posted prior to the first sale of that item and except that the ceiling prices of all new meat items offered for sale shall be posted.

5. Section 130.125 is added which reads as follows:

§ 130.125 New meat items.

(a) *Price rule.*—No seller of a new meat item may charge to any class of customer, and no purchaser of a new meat item may pay, a price for any new meat item which exceeds the ceiling price as determined by paragraph (b) of this section.

(b) *Determination of ceiling price.*—A seller offering a new meat item shall determine ceiling prices as follows:

(1) *Average price of similar meat items.*—A manufacturer, retailer, or wholesaler shall use as a ceiling price, the price received on the most nearly similar meat item sold in a substantial number of transactions to the most nearly similar class of customer during the 30-day period prior to March 28, 1973.

(2) *Average price of similar meat items sold by others.*—If the seller did not offer a similar meat item for sale to a similar class of customer during the 30-day period prior to March 28, 1973, the ceiling price for the sale of a new meat item shall be the average price received in a substantial number of transactions with respect to that class of customer by others selling similar meat items during the 30-day period prior to March 28, 1973.

(c) *Ceiling prices determined by predecessor entities.*—If a manufacturer, retailer, or wholesaler determines a ceiling price for a meat item with respect to a particular class of customer and the manufacturer, retailer, or wholesaler is acquired by another person after March 28, 1973, the meat item does not become a new meat item with respect to that class of customer. The ceiling price for the meat item with respect to that class of customer remains the ceiling price determined for it by the predecessor manufacturer, retailer, or wholesaler except, if the acquiring person had previously sold that meat item to the same class of customer, then the ceiling price previously determined by that person is the ceiling price for that meat item with respect to that class of customer.

[FR Doc.73-12236 Filed 6-15-73;11:41 am]

Title 9—Animals and Animal Products

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

This amendment excludes a portion of Riverside County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR, part 82, as amended, will not apply to the excluded area.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the act of March 3, 1905, as amended, sections 1 and 2 of the act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the act of May 29, 1884, as amended, and sections 3 and 11 of the act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), part 82, title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.3, paragraph (a)(1)(iii) relating to the State of California, San Bernardino and Riverside Counties is amended to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *California.* * * *

(iii) That portion of San Bernardino and Riverside Counties bounded by a line beginning at the junction of the eastern edge of U.S. Highway 395 and the northern border of Interstate Highway 10; thence, following the northern border of Interstate Highway 10 in an easterly direction to the western edge of Alabama Street; thence, following the western edge of Alabama Street in a northerly direction to the northern edge of California State Highway 30; thence, following the northern edge of California State Highway 30 in a generally northeasterly direction to the San Bernardino National Forest boundary line; thence, following the San Bernardino National Forest boundary line in an easterly, then southerly direction to the San Bernardino meridian; thence, following the San Bernardino meridian in a southerly direction to the dividing line between T. 3 S. and T. 4 S. of the San Bernardino baseline in Riverside County; thence, following the dividing line between T. 3 S. and T. 4 S. in a westerly direction to the dividing line between R. 1 W. and R. 2 W. of the San Bernardino meridian; thence, following the dividing line between R. 1 W. and R. 2 W. in a northerly direction to the southern edge of the San Timoteo Canyon Road; thence, following the southern edge of the San Timoteo Canyon Road in a westerly, then northerly direction to the Riverside-San Bernardino County line; thence, following the Riverside-San Bernardino County line in a generally westerly direction to the eastern edge of U.S. Highway 395; thence, following the eastern edge of U.S. Highway 395 in a northerly direction to its junction with the northern border of Interstate Highway 10.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs.

3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective June 15, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, 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 15th day of June 1973.

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

[FR Doc.73-12322 Filed 6-19-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 217—INTEREST ON DEPOSITS

Interpretations

Paragraph (a) of § 217.137 is amended to read as follows:

§ 217.137 Member bank participation in "Federal funds" market.

(a) Effective February 12, 1970, the Board of Governors has amended § 217.1(f) to narrow the category of "Federal funds" transactions entered into by member banks that may be classified as nondeposit borrowings rather than as deposits. One question that arose in connection with such amendment is the meaning of "bank" as such term is used in the exemption from regulation Q for obligations in nondeposit form to another bank. Such an exemption has been included in § 217.1(f) since its adoption in 1966. As used in such exemption, "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, Minbanc Capital Corp., or a foreign bank. It also includes bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.

* * * * *

By order of the Board of Governors, June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12200 Filed 6-19-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-812]

PART 545—OPERATIONS

Loans on Other Dwelling Units

JUNE 13, 1973.

The Federal Home Loan Bank Board considers it desirable to amend paragraph (b) of § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(b)) in order to increase the maximum loan-to-value ratio for construction of "other dwelling units" and "combinations of dwelling units, including homes, and business property involving only minor or incidental business use" and to clarify certain ambiguities in paragraph (b) of said § 545.6-1 with respect to the permissible methods of payment of combination permanent and construction loans on such property.

Paragraph (b) of said § 545.6-1 has been amended by revising paragraph (b)(3)(ii) thereof to authorize Federal associations to make construction loans on "other dwelling units" and "combinations of dwelling units, including homes, and business property involving only minor or incidental business use" up to 80 percent of the value of such properties. Before this amendment, the maximum loan-to-value ratio was 75 percent. This change is made in order to permit Federal associations to make full use of their authority under paragraph (b)(1) to make combination permanent and construction loans up to 80 percent of the value of the property involved. Before this amendment, paragraph (b)(3)(ii) prohibited more than 75 percent of the value of the security property from being disbursed to a borrower prior to the end of the construction period.

Paragraph (b)(1), captioned "Monthly installment loans", and paragraph (b)(2), captioned "Other installment loans", are amended to make clear that combination permanent and construction loans on "Other dwelling units" and "combinations of dwelling units, including homes, and business property involving only minor or incidental business use" may be repaid in either monthly installments, partially-amortized monthly installments, or fully-amortized semiannual installments.

Since the above amendment to paragraph (b)(3)(ii) of said § 545.6-1 relieves restriction and the above amendments to paragraphs (b) (1) and (2) of said § 545.6-1 are for the purpose of clarification, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(d). Therefore, the usual notice and public procedure are not provided regarding these amendments.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.6-1 by revising paragraphs (b) (1) and (2) and paragraph (b)(ii) thereof to read as set forth below, effective July 20, 1973.

§ 545.6-1 Lending powers under sections 13 and 14 of charter K.

Any Federal association which has charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6-13, are hereby approved by the Board:

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use*—(1) *Monthly installment loans.*—Subject to the limitations of § 545.6-7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 80 percent) of the value thereof, repayable monthly within 30 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency.

(2) *Other installment loans.*—(i) *Fully-amortized loans.*—Loans that such an association may make on a monthly installment basis may also be made with interest payable at least semiannually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest, and principal, within 15 years: *Provided*, That insured or guaranteed loans may be repayable upon such terms as are acceptable to the issuing or guaranteeing agency.

(ii) *Partially-amortized* loans. Partially-amortized monthly installment loans may be made in an amount not in excess of 80 percent of the value of the real estate.

Both monthly installment loans under paragraph (b)(1) of this section and other installment loans under paragraph (b)(2) of this section may be combined into a single loan with a loan for the purpose of construction which meets the requirements of paragraph (b)(3)(ii) of this section, and the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction.

(3) *Loans without full amortization.*—Any loan of a type that such an

association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That, when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) Sixty percent of the value and for a term of not more than 3 years; and

(ii) If such loan is made for the purpose of construction, 80 percent of the value and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary.

[FR Doc.73-12352 Filed 6-19-73;8:45 am]

[No. 73-757]

PART 556—STATEMENTS OF POLICY

Policy Regarding Branch Offices and Mobile Facilities

JUNE 8, 1973.

The Federal Home Loan Bank Board considers it advisable to amend certain portions of § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) relating to the Board's policy concerning an application by a Federal savings and loan association for permission to establish a branch office or mobile facility. Accordingly, the Board hereby amends said § 556.5 by revising paragraphs (b)(1) and (3) thereof to read as set forth below.

Prior to the present amendment, § 556.5(b)(1) provided in part that "[a]s a general policy, the Board permits branches and mobile facilities by Federal savings and loan associations in a particular State if the State law, or State practice in absence of statutory prohibition, permits *savings and loan associations, savings banks, or commercial banks* of the State to establish branches in such State or to conduct chain, group or affiliate operations" [Italic supplied.] Since these italic words were intended to include all types of thrift institutions and commercial banks, the present amendment clarifies this language by adding the words "or similar institutions" after the words "savings banks." As amended, this phrase now reads "savings and loan associations, savings banks or similar institutions or commercial banks."

Prior to the present amendment, § 556.5(b)(3) provided in part that although the Board's general policy is to consider an application by a Federal association for permission to establish or maintain a branch office or a mobile facility only when the proposed office or mobile facility is to be located within 100 miles of the association's home office, the Board may consider an application without regard to this 100-mile geographical limitation if the Board determines that the proposed office or mobile facilities is to be located in a State which permits its State-chartered *savings and loan associations, savings banks, or similar institutions* to establish branch offices or mobile facilities beyond 100 miles from their home offices. The present amendment conforms the above italic language in the 100-mile geographical limitation to the italic language in the above amended § 556.5(b)(1) by adding the words "or commercial banks" after the words "or similar institutions." As amended, this phrase now reads "savings associations, savings banks or similar institutions or commercial banks."

The amended text of said § 556.5(b)(1) and (b)(3) is as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* (1) As a general policy, the Board permits branches and mobile facilities by Federal savings and loan associations in a particular State if the State law, or State practice in absence of statutory prohibition, permits savings and loan associations, savings banks or similar institutions or commercial banks of the State to establish branches in such State or to conduct chain, group, or affiliate operations. However, the Board will make exceptions to this policy in cases where (i) an office acquired as a result of a merger instituted for supervisory reasons would be maintained as a branch office or (ii) a proposed branch office would be located in and serve, based on the criteria set forth in paragraph (b)(4) of this section, a low-income, inner-city area which is inadequately served by existing savings and loan facilities.

* * * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, or Puerto Rico, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6–6 of this subchapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, if the Board determines that a State permits State-chartered savings and loan associations, savings banks or similar institutions or commercial banks to establish branch offices or mobile facilities beyond 100 miles from their home offices, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in such State without regard to the 100-mile geographical limitation contained in the preceding sentence.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73-12302 Filed 6-19-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-15]

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

Designation of Transition Area

On pages 9442 and 9443 of the FEDERAL REGISTER dated April 16, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which amend § 71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Superior, Wis.

Interested persons were given until May 16, 1973, to submit written comments, suggestions, or objections regarding the proposed amendment.

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

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

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

Issued in Des Plaines, Ill., on June 5, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

SUPERIOR, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Richard I. Bong Airport (lat. 46°40'-55" N., long. 92°05'35" W.), excluding the portion which overlies the Duluth, Minn., transition area.

[FR Doc.73-12205 Filed 6-19-73;8:45 am]

[Airspace Docket No. 73-GL-16]

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

Alteration of Transition Area

On page 9443 of the FEDERAL REGISTER dated April 16, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the transition area at Rochester, Minn.

Interested persons were given until May 16, 1973, to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The citation indicated the transition area should be "added".

This should be "amended to read".

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

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

Issued in Des Plaines, Ill., on June 5, 1973.

R. O. ZIEGLER,
Acting, Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

ROCHESTER, MINN.

That airspace extending upward from 700 feet above the surface within a 19½-mile radius of Rochester Municipal Airport (lat. 43°54'32" N., long. 92°29'47" W.); and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from the 19½-mile radius to 24 miles southeast of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the Minnesota-Iowa border to 38 miles south of the VOR.

[FR Doc.73-12206 Filed 6-19-73;8:45 am]

[Airspace Docket No. 73-GL-18]

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

Alteration of Transition Area

On page 9443 of the FEDERAL REGISTER dated April 16, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the transition area at Piqua, Ohio.

Interested persons were given until May 16, 1973, to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The citation indicated the transition area is "added".

This should be changed to read the transition area is "amended to read".

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

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

Issued in Des Plaines, Ill., on June 5, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

PIQUA, OHIO

That airspace extending upward from 700 ft above the surface within a 5-mi radius of the Piqua Airport (lat. 40°09'55" N., long. 84°18'37" W.); afid within 2 mi each side of the Dayton VORTAC 023° radial extending from the 5-mi radius area to the VORTAC, and within 1.5 mi each side of the 078° bearing from the airport extending from the 5-mi radius area to 6 miles northeast, excluding that porton overlying the Sidney, Ohio transition area.

[FR Doc.73-12207 Filed 6-19-73;8:45 am]

[Airspace Docket No. 72-GL-55]

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

Designation of Control Zone and Alteration of Transition Area

On page 24766 of the FEDERAL REGISTER dated November 21, 1972, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Danville, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

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

These amendments shall be effective 0901 G.m.t. August 16, 1973.

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

Issued in Des Plaines, Ill., on June 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

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

DANVILLE, ILL.

That airspace within a 5-mile radius of Vermillion County Airport (lat. 40°11'54" N.; long. 87°35'49" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 435), the following transition area is amended to read:

DANVILLE, ILL.

That airspace extending upward from 700 ft above the surface within a 6½-mi radius of the Vermillion County Airport (lat. 40°11'54" N.; long. 87°35'49" W.); and within 2 mi each side of the Danville VORTAC 196° radial extending from the 6½-mi radius to the VORTAC.

[FR Doc.73-12208 Filed 6-19-73;8:45 am]

[Docket No. 12423; Reference Amendment 107-1]

PART 107—AIRPORT SECURITY

Law Enforcement Officers; Public Hearing Regarding Evaluation and Disposition

In accordance with the order of the U.S. Court of Appeals for the District of Columbia, entered February 15, 1973, in Civil Action No. 73-1175, the Federal Aviation Administration (FAA), pursuant to published notice (38 FR 5260), held a public hearing at 10 a.m. on March 13, 1973, at Federal Building 10A, 800 Independence Avenue SW., Washington, D.C. 20591, to receive views of all interested persons concerning amendment No. 107-1 of the Federal Aviation Regulations (FAR's).

The hearing was an informal hearing conducted by a designated representative of the Administrator under 14 CFR 11.33. Interested persons were given an opportunity to present written and oral statements at the hearing, or submit written comments. Rebuttal oral statements were also permitted. Since the hearing was not of the evidentiary or judicial type, there was not any cross-examination of those persons presenting statements. Questions were permitted, however, for the purpose of clarifying the substance of any oral statement.

Amendment No. 107-1, which became effective December 6, 1972 (37 FR 25934) was adopted by the FAA to require each operator of an airport covered by part 107 of the Federal Aviation Regulations to submit not later than January 6, 1973, for FAA approval, an amendment to the master security plan included in the airport's security program. Each airport operator was to designate facilities and procedures to insure that as soon as possible, but in any event not later than February 6, 1973, armed law enforcement personnel would be present prior to and throughout screening of passengers prior to boarding. A temporary restraining order issued by the U.S. District Court for the District of Columbia stayed this rule until February 16, 1973.

Simultaneous with promulgation of amendment 107-1, the FAA amended air carrier security programs approved under § 121.538 of the Federal Aviation Regulations. Under the new procedures, on and after January 5, 1973, each air carrier was required to inspect all carry-on baggage, to clear each passenger by an electronic metal detection device, or, in the absence of a metal detector, to clear each passenger by a consent search prior to boarding the aircraft. Previous procedures had required screening of only those passengers meeting a prescribed profile.

BACKGROUND TO FAR'S PERTAINING TO THE CIVIL AVIATION SECURITY PROGRAM

The U.S. Government has to date fashioned a series of responses to the menace of hijacking. Aircraft hijacking has been a continuing problem since the early 1960's. In 1961, five U.S. air carrier aircraft were hijacked. In 1962, 1963, and 1964, there were not any hijackings. In 1965 there were four hijackings. There were not any hijackings in 1966 and 1967. In 1968 there were 17 hijackings. There were 40 in 1969, 26 in 1970, 25 in 1971, and 28 in 1972. In 1973 there have not been any hijackings.

In 1963, in response to the initial wave of aircraft hijacking, the United States and various States negotiated the Tokyo convention which obligates signatory States to facilitate the return of hijacked passengers, crews, aircraft and contents.

In January 1969, the FAA established a task force to develop procedures to combat hijacking of U.S. aircraft. By July 1969, the task force had developed a three-element preboard passenger screening system designed to identify potential hijackers. This screening system was placed in operation on a voluntary basis by Eastern Air Lines and at selected airports by Trans World Airlines and Pan American World Airlines. Law enforcement officer support was provided by the U.S. Marshal Service. The three elements consisted of a profile, a Deputy U.S. Marshal, and a walk-through metal detector at the boarding gate. The key element was the use of a profile that could clear without inspection all but approximately 1 percent of the enplaning passengers. Individuals who met the profile were asked to produce identification if they failed the metal detector test through which all passengers passed. If the passenger was unable to satisfactorily explain the presence of an abnormal amount of metal, the observing Deputy U.S. Marshal conducted a consent search. The profile proved effective as a tool for clearing 99 percent of the passengers without any inspection. The three-element screening system was thought to be an effective response to the hijacking menace if properly used. Although use of this screening procedure by a few airlines probably prevented many hijackings, the problem continued.

In September 1970, Palestinian guerrillas seized and blew up a Pan American Boeing 747 at Cairo and successfully hijacked and destroyed aircraft belonging to Trans World Airlines, British Overseas Airways Corp., and Swissair in the Jordanian desert. Because of the apparent imminent threat to passengers traveling on American aircraft, the President directed that Federal law enforcement personnel be immediately placed on U.S.-flag air carrier flights operating over international routes.

The initial "sky marshal" force of law enforcement officers included treasury agents, FBI agents, and other Federal officers. In October, arrangements were made to replace the initial sky marshals with 880 enlisted personnel of the armed forces. At about the same time, the Secretary of Transportation and the Secretary of the Treasury agreed that the Bureau of Customs in the Treasury Department would select, hire, and train 1,500 Customs Security Officers who would replace the military personnel. By May 1971, the Customs Security Officers replaced the military personnel.

The FAA recognized that the "sky marshal" program was only an emergency short-term expedient and that the long-term solution to hijacking would require sufficient security at the boarding gates to deter potential hijackers and to prevent determined hijackers from seizing aircraft. Also, it was clear that new international agreements were required to insure that hijackers were prosecuted.

In 1970 and 1971, the United States and various States negotiated two international conventions relating to aviation hijacking and security. The Hague Convention makes seizure of an aircraft an international offense and obligates signatory States to prosecute or extradite hijackers. The Montreal Convention is directed against sabotage. Fifty-three States have ratified the Hague and 26 States have ratified the Montreal Conventions.

To prevent hijackers from boarding aircraft and to deter potential hijackers, in 1971 U.S. air carriers were requested by the FAA to follow voluntarily the procedures previously developed by the FAA task force and tested by Eastern Airlines. At the 33 principal airports, 230 U.S. Deputy Marshals were made available to provide law enforcement backup to the air carriers participating in the voluntary screening program. In addition, the Customs Security Officers supported the preboard screening of international flights at 28 airports. Approximately 470 airports did not have any officers stationed at passenger check points.

The voluntary screening program was applied erratically by the air carriers and was not successful. Although the program probably deterred some potential hijackers, hijacking continued. In the first 9 months of 1971, with voluntary screening procedures in effect, there were 18 air carrier hijackings. On September 28, 1971, the FAA issued a notice of proposed rulemaking (NPRM) proposing that each air carrier be required to institute a passenger screening program. On the same date, an NPRM was issued which proposed that airport operators institute security measures designed to prevent access by unauthorized persons to aircraft operations areas.

The FAA's normal rulemaking procedures, including a notice of the proposed rulemaking rather than emergency procedures, were utilized in connection with the rule regarding air carriers. The rule was issued on January 31, 1972, effective February 2, 1972. During the period between the NPRM and January 31, 1972, there were 14 hijackings or attempted hijackings of air carrier aircraft. For that reason, the Administrator by amendment to the FAR's required each air carrier to adopt and implement an acceptable screening program within 72 hours. The air carriers, in general, decided to adopt a screening program similar to the then existing voluntary program. It consisted for the most part of profile screening only, without benefit of law officer support or metal detectors. Several amendments were subsequently added to the air carrier rules to further strengthen them.

The initial security rules applicable to airport operators (NewFAR part 107) were issued on March 16, 1972, and, because of the emergency nature of the threat to persons and property carried in air commerce due to hijacking and bomb threats, the Administrator directed that the rules were to become effective March 18, 1972.

These measures reduced the number of successful hijackings in 1972. There was, however, an actual increase in the number of attempted hijackings. Rather than decreasing, the hijacking problem was becoming even more dangerous because the nature of hijacking had changed. From 1961 until September 1970 when the Palestinian guerrillas engaged in political hijacking, the majority of hijackings were accomplished by individuals desiring to go to Cuba. The planned and highly destructive assaults by the Palestinian guerrillas on the U.S. aircraft were encouragement for other groups to imitate.

In November 1971, the first parachute extortion hijacking occurred in the United States. Individuals and groups began seizing aircraft and demanding large sums of money by threatening destruction of passengers, crew, and aircraft.

Like earlier efforts, the new rules effective in February and March 1972 did not prove successful in eliminating air carrier hijackings. There was a hijacking in March 1972, five hijackings in April, two in May, four in June, six in July, and one in August. Two high-violence hijackings within the space of 12 days in late 1972 at Houston, Tex., and Birmingham, Ala., made it clear that the then existing programs were not sufficient and that enhanced security measures were required on an emergency basis if the public was to receive adequate protection.

On October 29, 1972, at Houston, Tex., four males armed with pistols and a shotgun walked through the boarding area and shot and killed a ticket agent who was in the area for the purpose of stopping and checking the ticket of another passenger who had previously failed to present his ticket. There were Federal officers assigned to the airport

available for passenger screening duties at the air carrier's request. There were not, however, any law enforcement personnel present in the boarding area. The gunmen boarded the aircraft and prior to its departure shot a ramp serviceman. Over a period of several hours, 36 innocent passengers and crew members faced death and endured extreme personal hardships and indignities at the hands of the hijackers.

The second incident occurred at Birmingham, Ala., on November 10, 1972. In that incident, three hijackers boarded the aircraft after passing through the existing security procedures. Again, due to the voluntary nature of the program, police officers were not present at the boarding gate but were at the airport available for call. Once airborne, the hijackers, identified themselves and demanded and later received $2.5 million in ransom money. The hijackers controlled the destiny of the aircraft for more than 29 hours and forced it to land and refuel eight times. Passengers and crew faced imminent death or injury. In the course of the incident, the copilot of the airplane was shot, leaving the exhausted pilot to fly to Cuba without assistance.

Because of continuing hijacking attempts and the apparent increasing sophistication of hijackers in selecting target flights, in 1972 the FAA was considering a preboarding inspection program to replace the very limited, profile only, screening program. The basic elements of the new program are 100 percent inspection of all passengers by metal detectors and physical inspection of all carry-on items in the presence of law enforcement officers. It was hoped that such procedures would not be necessary, but the FAA informally discussed the possibility of these procedures with airport operators and air carriers to determine the difficulties that such requirements might entail.

The threat of high-violence potential hijackings by fleeing felons to avoid arrest, as illustrated by the Houston and Birmingham incidents, in the FAA's judgment, made the hijacking problem more critical and immediate. The increasing physical violence attending hijackings, the extreme danger they posed to passengers and crews, the likelihood of imitators, and the absence of international agreements eliminating all safe havens for hijackers demanded immediate Federal action. The FAA concluded that nothing less than 100 percent inspection of all boarding passengers and carryon items and the presence of a law enforcement officer was necessary if air travelers were to have adequate protection.

On December 5, 1972, the FAA amended the air carrier security programs by requiring the air carriers to implement the 100 percent inspection requirement as quickly as possible and not later than January 6, 1973. At the same time, the FAA adopted the law enforcement officer rule (amendment 107–1) here in issue and made it effective to the airport operators on an emergency basis. The airport operators were required to provide the new security measure as soon as possible, but in no event later than February 6, 1973 (later changed by court order to February 16, 1973). The FAA believed that nothing less than these requirements would be successful in significantly reducing or eliminating the threat of hijacking.

Summary of Comments Received in Response to the Notice of the March 13, 1973, Hearing

In response to the notice, 11 oral statements were presented and 65 written statements were received regarding amendment 107–1. One-third of these expressed approval of the amendment. The views of those opposing amendment 107–1, recommending modifications, or explaining compliance difficulties and the reasons for their positions follow:

Need for Armed Officers

Several commentators question the need for law enforcement officers at every final passenger screening location. The relationship between the requirement that air carriers perform 100 percent inspection of passengers and carry-on baggage and the required presence of law enforcement officers is apparent and must be recognized. Airline employees performing screening for weapons without backup support could be in great personal danger. The commentators argue, however, that one of the most effective solutions to the problem is elimination of safe havens or sanctuaries for the hijackers or political terrorists so that there is not any airport or country that can serve as an avenue of escape. Additional international understandings are important and the U.S. Government is making every effort to reach such understandings to eliminate safe havens. The U.S. Government is a party to the Tokyo, Hague, and Montreal Conventions. These treaties have not, however, been ratified by all nations. In view of the foregoing, relaxation of U.S. antihijacking security measures is not justified.

Several commentators suggest that the recent bilateral accord with Cuba would make it possible to reduce the security measures required by part 107–1. The FAA does not agree. The bilateral agreement is an essential step in reducing the number of destinations available to hijackers. While Cuba has been the most popular destination for hijackers, there have been nine other destinations used in successful hijackings of U.S. registered aircraft. Not all of these destinations are safe havens. At certain of the destinations, however, there has not been any action taken to prosecute or extradite hijackers.

Some commentators argue that requiring 100 percent inspection and the presence of law enforcement officers is excessive protection and that some lesser level of protection would be sufficient. The FAA does not agree. The FAA has tried voluntary programs, and they have proved unsuccessful. The FAA has tried selective screening programs in conjunction with enhanced general airport security programs. At selected airports, the airline screening was supported by Federal officers on call. The program was also unsuccessful.

These same commentators suggest that the FAA did not give the previous selected screening and general airport security program a sufficient trial. The program was in effect for 10 months in 1972 and there were 22 hijackings or attempted hijackings. In the similar 10-month period in 1971, there were 21 hijacking or attempted hijacking of air carrier aircraft. Inspection of all passengers and their carry-on items and support by the presence of law enforcement officers was, in the FAA's judgment, necessary in providing an adequate level of protection to passengers and airline personnel. The apparent success of the present program is encouraging, since there have not been any hijackings since its institution.

Another argument advanced is that the presence of an officer at the screening checkpoint as required by the rule will not stop a determined hijacker. It is possible that a determined hijacker or group of hijackers may be able to overpower law enforcement officers. On the other hand, it is believed that the presence of the uniformed officer will provide a powerful deterrent effect on the potential hijacker. Potential criminals are, the FAA believes, less likely to attempt a criminal act at the very spot where a trained law enforcement officer is on duty.

Use of Immediate Rulemaking

Several commentators argue that the rule should have been issued under the FAA's rulemaking procedures with notice rather than under emergency procedures. The FAA is convinced that emergency action was justified by the continued threat of aircraft hijacking, the escalated dangers to the passengers and airline crews from hijacking as demonstrated by the Houston and Birmingham incidents, and the apparent deficiencies of the then existing rules in meeting the threat.

Despite the required security procedures imposed on air carriers and airport operators in early 1972, hijacking had not been eliminated. Moreover, it appeared that each new hijacking spurred imitators. The FAA concluded that there was an unacceptably high probability that the two violent hijackings would result in similar attempts and that increased security must be in place as soon as possible. Use of rulemaking procedures with notice would have meant that law enforcement officers would not have been in place at all airports for as long as 4 months.

Immediate action by the FAA to prevent further attempts was necessary. The law contemplated emergency action in circumstances where the risks in a delay in decisive Federal action are unacceptable. The purpose of acting decisively with a widely publicized, across-the-board attack on hijacking in the form of a final rule was: First, to discourage the imitator; and second, to deter him by implementing as quickly as possible a

highly visible screening program including uniformed law enforcement officers.

It is asserted that the rule was issued without consideration of the legal, financial, and practical problems which the new requirements would pose for airport operators. The assertion is not correct. Problems of implementing the amendment to part 107 were considered. There were not enough Federal law enforcement officers to provide the coverage immediately required. It was estimated that approximately 3,100 law enforcement officers were needed to support passenger screening at over 500 airports. Only about 1,200 Federal officers were available. The FAA was aware that many airports had uniformed police on station for general law enforcement purposes and concluded that with a 60-day period for planning, most local airport operators would be able to obtain sufficient law enforcement officers.

It was determined that the Federal officers available could be most efficiently used by redistributing them to airports that could not obtain sufficient local officers within the time limits established. This procedure was followed, and Federal officers were made available to the airports that requested them.

The FAA appreciated the need to explore whether local law enforcement officers would encounter legal difficulties providing security at boarding gates. The matter of State enforcement of Federal law was explored with the Department of Justice prior to the date on which the rule required the presence of officers. The application of State laws to the kinds of criminal conduct associated with hijacking was considered. It was concluded that any difficulties in this area could be overcome and did not justify delaying the expanded security program. The FAA determined that in those cases where the arrest powers of the local officers were inadequate, Federal officers could be provided.

The FAA fully recognized that placing local law enforcement officers at boarding gates could create short-term financial problems for some airport operators. This would, however, be a problem regardless of whether the emergency rulemaking or rulemaking with notice procedures were followed.

The FAA also recognized that delays would be experienced in recruiting, qualifying, and training such local officers as were needed over and above existing levels. While it has been estimated that some 3,100 officers would be required to protect all boarding gates, it is not certain that there will be 3,100 new hires. Many officers will simply be diverted from other duties. The hiring of new personnel and the allocation of duties involve decisions that are properly the responsibility of local airport operators. The emergency rule provided 60 days to obtain sufficient officers. If sufficient officers were not available, Federal officers were available to supplement local forces until the airport operators obtained sufficient manpower. A number of facilities requested and received Federal officers on this basis.

Federal vs. Local Airport Responsibility

Some commentators argued that the Federal Government is responsible for providing the necessary law enforcement officers at passenger screening positions and that amendment 107-1 improperly makes airports responsible for enforcing Federal criminal laws. The FAA does not accept these arguments.

The Federal Aviation Act requires the FAA to establish minimum safety standards to assure the safety of air commerce. These standards are to be met by airmen, aircraft operators, aircraft manufacturers, air navigation facilities and others engaged in air commerce. The burden of meeting such safety standards rests on the persons regulated. The FAA's responsibility is to prescribe standards and to enforce compliance with them. In directing the operator of an airport to provide law enforcement support clearly necessary for the safety of persons moving in air commerce, the FAA is fulfilling its responsibilities under the Federal Aviation Act.

To the extent State and local governments are required to provide law enforcement officers, it is because they are proprietors operating a facility in interstate commerce. Consequently, they are subject to the constitutional power of the Federal Government to regulate interstate commerce. In deciding to operate a facility in interstate commerce, an airport operator subjects itself to that degree of Federal regulation necessary to insure safety in air commerce in accordance with the Federal Aviation Act.

It is asserted that the local officers are being directed to enforce Federal antihijacking laws and that the enforcement of these laws is the proper responsibility of the Federal Government. It should be emphasized that the objective of the rule is to provide the highest degree of safety to passengers, aircraft, and crews moving in air commerce. The presence of a law enforcement officer at the boarding gate or checkpoint provides a clearly needed deterrent to an act which if attempted or committed poses grave hazards to the safety of passengers, crews, airline personnel, and aircraft. The rule is comparable to the air operations area security requirements previously imposed on airport operators (37 FR 5689, Mar. 18, 1972). For example, if securing the operations area required fences, the purpose would be to prevent access to hijackers and saboteurs who create a grave threat to the safety of air commerce. The purpose of the fence is not to enforce Federal laws making hijacking and sabotage Federal crimes.

Law enforcement jurisdiction and responsibility for air piracy violations are vested in the Federal Bureau of Investigation. As stated by the Attorney General in a letter to Senator Cannon dated January 18, 1973:

> The FBI has fulfilled and will continue to meet these responsibilities; that is, all apparent and actual violations are immediately investigated and the facts presented to appropriate U.S. Attorneys for prosecutive action. These violators will continue to be swiftly and vigorously prosecuted and severe sentences will be sought in the event of conviction.

Several commentators argued that it is an abdication of responsibility by the Federal Government to permit the present force of customs security officers and deputy U.S. marshals that were in place at selected airports to be replaced by local law enforcement officers. This Federal force, however, was never intended to be permanent. At the time the rule was issued, the FAA anticipated that various localities would have problems providing sufficient law enforcement officers in time to meet the deadlines established by the rule. For that reason the existing Federal force was not terminated as some have argued, but was redistributed to those airports requiring assistance.

Several commentators argued that local law enforcement officers do not have the training to provide the security necessary at the Nation's airports. Further, it is argued that central direction with a coordinated central intelligence network is necessary to respond effectively to hijacking. In the view of the FAA the success of the present program to date shows that local officers can do the job, and do it well. The FAA has developed two programs to assist in training local law enforcement officers. The first program trains local law enforcement supervisors. (The Law Enforcement Assistance Administration provides financial assistance for this program). The course is offered at Oklahoma City, Okla. The objective of the course is to prepare local law enforcement supervisors (such as chiefs, captains, lieutenants, training directors) to conduct aviation security training for the personnel of their local organizations. Law enforcement support of the passenger screening program is covered in detail, including practical exercises and workshops. Instruction is provided concerning the inspection of carryon baggage and similar items. It is the intention of the FAA to provide training for representatives of every organization having aviation security responsibilities.

The second training program provides instructions to local law enforcement officers and airline personnel on preboard screening. It consists of an instructor's guide, a set of seventy-five 35-mm slides, a professionally narrated sound cassette tape, a complete script and study notes. Basically it is a technical guidance service to aid airport operators in insuring an acceptable level of personnel performance

FAA regional air transportation security program. It provides basic information regarding passenger screening procedures, techniques of examining baggage and other carry-on items, methods of conducting consent "frisks" and proper use of detection devices.

FAA regional air rtansportation security officers have specific responsibilities to assure that Federal Aviation regulations are administered uniformly and that local officers are kept advised of all relevant developments. They conduct briefing sessions for local law enforcement personnel at the airports in their regions on a regular basis. These FAA employees also aid airport operators in other aspects of aviation security, providing assistance similar to that received by airport operators from the FAA with regard to construction of runways, taxiways, and other aspects of the operation of an airport facility.

The FAA is also engaged in systemwide air transportation security activities including research and development on weapons and explosives detection and other protective devices, flight crew training on ways to neutralize inflight hijackers, and other similar matters.

As discussed earlier, the U.S. Government continues to work for an international solution to the safe haven problem.

If, in spite of all preventive measures, a hijacking does occur, the Federal Bureau of Investigation will continue to assume responsibility for apprehending the hijacker.

The FAA believes that the local law enforcement officers in place at the passenger inspection checkpoints are generally well trained. The FAA air transportation security officers will continue to provide the necessary coordination and assistance to aid these local officers in the conduct of their duties.

Paying for the Cost of the Program

Many of the commentators expressed concern about the cost of the program to local airport operators. These commentators stated that the airlines have not been willing to absorb the cost of the program or renegotiate existing contracts with airport operators to include the law enforcement officer costs. Some commentators believe the Federal Government should bear responsibility for financing the costs incurred for law enforcement officers.

The FAA believes in the principle that users of the air transportation system should pay for its costs, and that the cost of providing law enforcement officers at airports must be considered as part of the system's costs. Indeed, all costs related to the Federal Aviation security program should be considered an integral part of the total system cost. These costs should not be considered differently than costs such as aircraft maintenance, flight crew training, pilots' wages, and crash and fire services.

The FAA does agree that these costs should not be borne solely by the local community or by the local airport or by the air carriers. At the time comments were filed and the hearing held in this proceeding the Civil Aeronautics Board had not authorized air carriers to increase passenger fares to reimburse airport operators for the cost of law enforcement officers. The comments of many airport operators indicated that the air carriers serving the facilities were unwilling to renegotiate contracts to pay for law enforcement officers until the CAB authorized the fare increases. According to the operators, this reluctance was imposing a severe financial strain on their budget.

The matter of cost recovery has now been resolved by the CAB. By order 73-5-12 the CAB authorized a 25-cent surcharge on passenger fares to become effective on May 12, 1973, to cover the cost of law enforcement officers at passenger inspection checkpoints. Based on the best available estimates, the charge authorized should be sufficient to cover the cost of providing local law enforcement officers. It is the FAA's understanding that local airport operators and air carriers are in the process of working out arrangements for airport recovery of these costs.

One commentator estimated the total program cost at a somewhat higher level than that used by the CAB. The survey submitted by that commentator, however, was completed in January 1973. In February 1973 after the law enforcement officers were in place, the air carriers submitted estimates of total program costs to the CAB which were less than the commentator's estimate. The surcharge which was authorized by the CAB was based on the carrier estimates as compiled to determine a total industry cost. The carrier estimates are consistent with those forecast by the Department of Transportation.

The CAB has instituted an investigation to determine the actual cost incurred in the law enforcement officer support program, and has directed carriers to file reports regarding costs actually incurred. If the costs estimated by carriers are too low or too high, the CAB will presumably authorize additional upward or downward adjustments in the surcharge.

The Problems at Small Airports

Several small airport operators argue that the regulation is too stringent. There are approximately 200 airports regularly served by scheduled air carriers which board fewer than 50 passengers per day. Full-time law officers are not necessary to provide the required support at passenger screening check points. At these smaller airports, the airport operators have achieved compliance with the rule by arranging for law enforcement officer coverage during a period beginning immediately prior to and following the few scheduled departures.

The FAA considers full compliance with the FAR's at all airports absolutely essential to ensure that the security program will be completely effective. Hijackers have boarded aircraft at relatively small airports such as Reno, Nev.; Allentown, Pa.; Alexandria, La.; Charleston, W. Va.; Chico, Calif.; Molokai, Hawaii; and Petoskey, Mich. In one instance, a hijacker stated that he chose relatively unprotected Allentown, Pa., because antihijacking security measures at the New York City area airports were too strong for his liking. Should security procedures be lessened at the smaller airports, the FAA believes there is a substantial risk that potential hijackers deterred by security at larger facilities would divert to the smaller unprotected facilities.

The Suggested Alternative of a Quick Response System

Several commentators contend that a "quick response" "on call" system would be just as effective and less expensive than the present program. Law enforcement officers would respond at any point on the airport premises within 2 minutes after an alert. This system may have its merits for some purposes, but the FAA does not believe that it would be successful in eliminating hijacking. The most serious drawback is that similar systems have not eliminated hijackings. Both local and Federal officers were on duty at selected airports prior to amendment 107-1. They were not on duty at all gates but were present in sufficient numbers to be quickly available on request. This procedure did not eliminate hijacking at these facilities. The Birmingham and Houston hijackings are prime examples.

The "quick response" system also lacks the deterrent effect associated with the highly visible law enforcement personnel at each final passenger screening check point as required by the current regulation. The FAA is convinced that the on-site presence of uniformed law enforcement personnel has a powerful deterrent effect on potential hijackers, facilitates the interdiction of any hijacker who attempts to force his way aboard an aircraft, and enables immediate, authoritative assistance to be provided in conjunction with the screening of passengers. A "quick response" system would not achieve the same results.

Legal Questions Raised

Certain commentators questioned whether local law enforcement officers may make arrests for violations of Federal antihijacking statutes. Violations of the Federal statutes in this area may constitute a felony or misdemeanor. For example, committing or attempting to commit aircraft piracy (49 U.S.C. 1472 (i)) is a felony and carrying or attempting to carry a deadly or dangerous weapon aboard an aircraft is a misdemeanor (49 U.S.C. 1472(1)).

The authority of local law enforcement officers lawfully to arrest without a warrant a person who violates either of these statutes depends in some cases on the felony/misdemeanor distinction. According to a survey made by the Department of Justice, law enforcement officers in 31 States are authorized to make arrests for violations of Federal crimes, whether misdemeanors or felonies. In eight States, law enforcement officers are not authorized by State law to make arrests for Federal misdemeanors. In 11 States, officers are not authorized by State law to make arrests for any Federal offense. It appears that in each of the States in which officers are not authorized by State law to

arrest for Federal offenses, there is a State offense which a person attempting to board an aircraft with a deadly or dangerous weapon could violate. In 2 of the 11 States, Illinois and Indiana, the State statutes specifically declare it unlawful to attempt to board an aircraft while in possession of a dangerous weapon.

NEED FOR NATIONAL UNIFORMITY

One commentator states that its experience with the program has indicated a lack of uniformity from airport-to-airport both with regard to the personnel providing the local law enforcement officer support and the quality of the training afforded the officers. The FAA agrees that providing uniform training for law enforcement officers engaged in the aviation security program is a worthy objective. As discussed above, the FAA has a training program for law enforcement officer supervisors. The FAA has also trained numerous local law enforcement officers in aviation security. It cannot be expected that in the first 3 or 4 months any national program involving some 500 different airports that uniformity in the quality of personnel and their training will be achieved. The FAA believes that airport operators have done an outstanding job in the early months of program operation. As the program proceeds, the FAA will make every effort to correct any lack of uniformity in training and in the quality of personnel which adversely affects the program.

One commentator stated that differing applications of the requirements of amendment 107–1 from region to region have created problems. To the extent that the applications and controls pertaining to the regulations are not uniform, the FAA will make every effort to eliminate differences. The FAA is in the process of providing guidelines for carriers and airports to help achieve procedural uniformity in the antihijack program.

As in other areas of regulatory responsibility, the FAA will continue to maintain surveillance over the security program at airports and will require any changes deemed necessary to insure uniformity, responsiveness, and effectiveness. Furthermore, the FAA, through its close cooperation with airports and air carriers, will continue to provide leadership, advice, guidance, and training to insure effective implementation of the various security programs. Also, the FAA is obviously under a continuing obligation to monitor the efficacy of its regulations. Should future circumstances indicate that changes need to be made in the regulations adopted in amendment 107–1 in order to maintain the uniformity, effectiveness, and efficiency of the security program, appropriate rulemaking action will be initiated.

THE ADMINISTRATOR'S DETERMINATION

I have concluded that emergency action in promulgating amendment No. 107–1 was proper and necessary. I further conclude that the new procedures have proved very effective. There have not been any domestic or international hijackings of U.S. aircraft since the rule became effective. Violence associated hijackings have occurred in other countries with less strict rules. In my judgment, inspection procedures and the presence of law enforcement officers at each inspection checkpoint have served to deter hijacking attempts and have lessened substantially the risk of successful hijacking. Over 8,000 unauthorized weapons have been detected from January through April of this year, including 4,742 guns, knives, and explosives.

In my judgment, placing responsibility for local airport security on airport operators is proper. The Civil Aeronautics Board has authorized air carriers to add a surcharge to passenger fares in order to reimburse airport operators for the cost of providing local law enforcement officers.

The success of the program to date is a persuasive demonstration that local law enforcement officers have sufficient authority to provide the required protection, that these officers are generally well trained, and that they are doing an excellent job of providing backup support to the air carrier inspection procedures in eliminating and reducing the risk of hijacking.

Every effort is being made and will continue to be made by the FAA to work with local jurisdictions to insure that the rule is uniformly and effectively administered.

In summary, I have carefully considered all of the statements presented at the hearing and written comments received and made a part of the record and the reasons for the initial issuance of the rule. I find the original determination proper and that the oral and written comments do not present adequate reasons to justify changes in the provisions of amendment 107–1 or further rulemaking at this time. Requests for such action are hereby denied.

This notice of evaluation and disposition is issued under the authority of sections 313(a), 601, 606, 901, and 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1426, 1471, and 1485), and section 6(a) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 12, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-12219 Filed 6-19-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2398]

PART 13—PROHIBITED TRADE PRACTICES

Albert L Upperco and Beauty-Rama Carpet Centers

Subpart—Advertising falsely or misleadingly: § 13.10, Advertising falsely or misleadingly; § 13.30, Composition of goods: 13.30–75, Textile Fiber Products Identification Act; § 13.155, Prices: 13.155–5, Additional charges unmentioned; 13.155–40, Exaggerated as regular and customary; § 13.225, Services; § 13.270, Trademark registration. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675, Delaying or withholding corrections, adjustments or action owed; § 13.677, Delaying or failing to deliver goods. Subpart—Failing to maintain records: § 13.1051, Failing to maintain records: 13.1051–20, Adequate. Subpart—Misbranding or mislabeling: § 13.1185, Composition: 13.1185–80, Textile Fiber Products Identification Act; § 13.1212, Formal regulatory and statutory requirements: 13.1212–80, Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1553, Services; —Goods: § 13.1647, Guarantees; —Prices: § 13.1778, Additional charges unmentioned; § 13.1805, Exaggerated as regular and customary; —Services: § 13.1843, Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845, Composition: 13.1845–70, Textile Fiber Products Identification Act; § 13.1852, Formal regulatory and statutory requirements: 13.1852–70, Textile Fiber Products Identification Act; § 13.1857, Instruments' sale to finance companies; § 13.1882, Prices; § 13.1892, Sales contract, right-to-cancel provision; § 13.1905, Terms and conditions: 13.1905–50, Sales contract. Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1980, Guarantee, in general. Subpart—Using deceptive techniques in advertising: § 13.2275, Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70.) [Cease and desist order, Albert L. Upperco trading as Beauty-Rama Carpet Centers, Baltimore, Md., docket No. C-2398, May 2, 1973.]

In the Matter of Albert L. Upperco, an Individual Trading and Doing Business as Beauty-Rama Carpet Centers.

Consent order requiring a Baltimore, Md., seller, distributor, and installer of carpets and floor coverings, among other things to cease misrepresenting various sales offers; disparaging any advertised products; failing to maintain adequate records; misrepresenting the nature or extent of services provided by respondent; misrepresenting guarantees; misrepresenting prices; failing to furnish copies of contracts in the language, e.g., Spanish, as is principally used in oral sales presentations; failing to notify customers of their right to a 3-day, cooling-off period, during which time they may cancel any sales contract; misbranding or falsely or deceptively advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I.—*It is ordered*, That respondent Albert L. Upperco, an individual trading

and doing business as Beauty-Rama Carpet Centers, or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations, orally or in writing, directly or by implication, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging, in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, orally or in writing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of 3 years adequate records to document for the entire period during which each advertisement was run and for a period of 6 weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square-yard price for additional quantities of such carpet with padding and installation needed.

7. Representing, orally or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondent delivers to each purchaser, prior to the signing of the sales contract, a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, orally or in writing, directly or by implication, made to each such purchaser, and unless respondent promptly and fully performs all of his obligations and requirements under the terms of each such guarantee.

8. Representing, orally or in writing, directly or by implication, that respondent or his employees install carpet or other floor coverings, or misrepresenting, in any manner, the nature or extent of services provided by respondent.

9. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

10. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 point, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

11. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of cancellation," which shall be attached to the contract or receipt and easily detachable, and which shall contain in 10-point boldface type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(Enter date of transaction)

_____

(Date)

You may cancel this transaction, without any penalty or obligation, within 3 business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do not agree to return the goods to the seller or if the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to_____, at

(Name of seller)

_____,

(Address of seller's place of business)

not later than midnight of_____.

(Date)

I hereby cancel this transaction.

_____

(Date)

_____

(Buyer's signature)

11a. Failing, before furnishing copies of the notice of cancellation to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

12. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

13. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

14. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

15. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

16. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

17. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, That nothing contained in part I of this order shall relieve respondent of any additional obligations respecting contracts required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent, respondent can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

II.—*It is further ordered,* That respondent Albert L. Upperco, an individual trading and doing business as Beauty-Rama Carpet Centers, or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly

or through any corporation or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings, or paddings, that such disclosure related only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trade-mark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That each of the respondents do forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement of merchandise by means of newspapers, or other printed media, television or radio, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless respondents clearly and conspicuously disclose in each advertisement the following notice set off from the text of the advertisement by a black border:

The Federal Trade Commission has found that we have engaged in bait and switch advertising solely designed to sell products other than those advertised.

One year from the date this order becomes final or any time thereafter, respondents upon showing that they have discontinued the practices prohibited by this order and that the notice provision is no longer necessary to prevent the continuance of such practices may petition the Commission to waive compliance with this order provision.

It is further ordered, That respondent shall maintain for at least a 1-year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and instore solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion, or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondent, for a period of 1 year from the effective date of this order, shall provide each advertising agency utilized by respondent and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondent to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's news release setting forth the terms of this order.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in his business organization such as dissolution, assignment, incorporation, partnership, sale or any other change which may effect compliance obligations arising out of this order.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of his operating divisions.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit, or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein shall within 60 days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form of his compliance with this order.

Issued May 2, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-12280 Filed 6-19-73;8:45 am]

[Docket No. C-2383]

PART 13—PROHIBITED TRADE PRACTICES

Arlen Realty & Development Corp., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852, Formal regulatory and statutory requirements: 13.1852-75 Truth in Lending Act. Subpart—Securing signatures wrongfully: § 13.2175, Securing signatures wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1665.) [Cease and desist order, Arlen Realty & Development Corp., trading as Korvettes, et al., New York, N.Y., Docket No. C-2383, April 18, 1973.]

In the Matter of Arlen Realty & Development Corp., a Corporation, Also Doing Business as Korvettes, a Division, and NAC Credit Corp., a Corporation

Consent order requiring a New York City operator of 51 department stores in numerous States and its subsidiary located in Baltimore, Md., whose charge plate is honored by approximately 4,000 merchants in the Washington, D.C.-Baltimore area, among other things to cease issuing credit cards without a prior request or application for them.

The order to cease-and-desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Arlen Realty & Development Corp., a corporation, also doing business as Korvettes, a division, or under any other name or trade style, and respondent NAC Credit Corp., a corporation, their successors and assigns, and respondents' officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the issuance of credit cards, as "credit card" is defined in Regulation Z (12 CFR, pt. 226) of the Truth in Lending Act, as amended, (Public Law 90-321, 15 U.S.C. 1601, *et seq.*), shall forthwith cease and desist from:

Issuing any credit card, other than a credit card issued in renewal of or in substitution for an accepted credit card, as "accepted credit card" is defined in § 226.13(a) of Regulation Z, unless:

1. In response to the recipient's separate, signed, affirmative, and specific written request or written application therefor. Or

2. In response to the recipient's specific oral request obtained pursuant to oral solicitation, provided that the following procedures are employed:

A. The person making the oral solicitation must state the following, or words

of similar meaning and import, at the very outset of the conversation with the person being solicited:

The purpose of this telephone call [or conversation] is to find out if you would like to have a Korvettes [or NAC or other specific name, as applicable] credit card.

and

B. A detailed log of all oral solicitations is maintained for a period of at least 2 years, such log to include:

(1) The name of the individual who made the oral solicitation;

(2) The name of the person with whom the solicitor spoke;

(3) The time and date of the solicitation; and

(4) Whether or not a credit card was requested.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease-and-desist to all persons engaged in the issuance of respondents' credit cards, whether or not employed by respondents, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued April 18, 1973.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-12276 Filed 6-19-73;8:45 am]

[Docket No. C-2394]

PART 13—PROHIBITED TRADE PRACTICES

Crowell Collier and Macmillan, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.60, Earnings and profits; § 13.115, Jobs and employment service; § 13.135, Nature of product or service; § 13.260, Terms and conditions. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods. Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 Earnings and profits; § 13.1670 Jobs and employment; § 13.1760 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.18882 Prices; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1995 Job guarantee and employment. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 Earnings. Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 Shipping, for payment demand, goods in excess of or without order.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Crowell Collier and Macmillan, Inc., et al., New York, N.Y., Docket No. C-2394, May 1, 1973.]

In the Matter of Crowell Collier and Macmillan, Inc., a Corporation, and Crowell Collier Book Services, Inc., a Corporation, and P. F. Collier, Inc., a Corporation, and Merit Students Encyclopedia, Inc., a Corporation*

Consent order requiring a New York City publishing house and three of its wholly-owned subsidiaries, among other things to cease making various misrepresentations in selling its products; failing to make certain disclosures in connection with the advertising of its programs or products; and, in recruitment of door-to-door salesmen, misrepresenting offers of employment and remuneration.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That respondents Crowell Collier and MacMillan, Inc., a corporation, Professional & Technical Programs, Inc., a corporation (formerly Crowell Collier Book Services, Inc.), and their successors or assigns, and respondents' officers, employees, agents, or other representatives, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of books or other products or services by means of any program or method of sale or of distribution which provides or purports to provide for delivery of books or other products or services serially at intervals on an approval basis to purchasers or prospective purchasers other than libraries, schools, institutions, or business or professional establishments, subject to the purchaser's right to return such materials after examination (hereinafter "program"), and any billing and collection procedures in respect of such program in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that any person who responds to any advertisement or offer under, or who participates in, any such program:

(a) Has, or will be accorded the option to receive each book or other product or service separately and individually at prescribed intervals, and to accept or reject same, unless each such person is in fact accorded such option.

(b) Will not receive any further book or other product or service in connection with such program after he notifies respondents of his cancellation of any such program, unless such are the facts, or misrepresenting, by any means, the consequences resulting from any person's cancellation of his participation in any such program.

(c) Will not incur any risk or obligation by joining or participating in any such program; or misrepresenting, in any manner, any term, condition, right, duty, or obligation which may be imposed on said person.

2. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement in connection with any such program which fails to disclose in a clear and conspicuous manner:

(a) A description of the conditions and terms of any such program and the duties and obligations of any subscriber thereto.

(b) A description of each book or product or service, the billing charge to be made therefor, the anticipated total number of books or other products or services included in any such program, the number of books or other products or services included in each shipment, and the number of and the intervals between each such shipment.

(c) A description of the procedures to be followed by the subscriber, including any time limitations, (1) for refusing to accept delivery of any book or product or service, (2) for rejecting any book or product or service after examination, (3) for returning any book or product or service, and (4) for the application of allowances or credits against billing charges for any unwanted book or product or service that has been refused, rejected, or returned; and

(d) That in order for any communication, including any rejections or cancellations, to be processed by respondents prior to the next shipment of any book or other product or service, such communication must be received by respondents no later than a date stated on the invoice or, if there is no invoice, on another document accompanying the current shipment.

3. Failing to disclose, clearly and conspicuously, on any return coupon, order form or any other document to be used by the prospective purchasers to signify election to participate in any such program, the following information:

(a) The anticipated total number of books or other products or services in any such program;

(b) The number of books or other products or services included in each shipment of such items; and

(c) The number of and the intervals between each such shipment.

4. Failing to disclose, clearly and conspicuously, in immediate conjunction with any shipment to any subscriber in connection with any such program, the date on which respondents must receive a notice of rejection of a particular book

[1] Dissenting statement of Commissioner Jones filed as part of the original document.

or product or service or cancellation of the remaining books or other products or services in the program from the subscriber in order to cancel the next shipment, which date shall be at least 21 days after the shipping date of the current shipment.

5. Sending any book or other product or service in connection with any such program, except at the express written election of the recipient, for which the recipient may incur a monetary obligation, until at least 28 days have elapsed since the prior shipment was mailed; provided that the terms of such election have been stated clearly, conspicuously, and without misrepresentation, in writing.

6. Failing to credit, for the full invoiced amount thereof, the return of any book or other product or service sent to a subscriber to any such program and to guarantee to the postal service or the said subscriber postage adequate to return such book or other product or service to the respondents, when:

(a) The book or other product or service is sent to the said subscriber after the respondents have received a notice of rejection or cancellation prior to the date disclosed in conjunction with the immediately preceding shipment as required by paragraph 4, *supra;* or

(b) The notice of rejection or cancellation is received by the respondents after the date disclosed pursuant to paragraph 4, *supra,* but has been mailed by the said subscriber and postmarked at least 3 days prior to the date disclosed as aforesaid.

7. (a) Sending any book or other product or service to any subscriber in such program, or mailing any bill or invoice therefor, if the respondents have received notification of rejection for said book or product or service from said subscriber prior to or by the date which respondents have disclosed pursuant to paragraph 4, *supra.*

(b) Sending any book or other product or service to any subscriber in such program, or mailing any bill or invoice therefor, if respondents have received notification of cancellation from said subscriber prior to or by the date which respondents have disclosed pursuant to paragraph 4, *supra.*

8. Failing to do the following, after receipt of a claim for adjustment in connection with any bill or invoice or any defense to any payment raised by any subscriber to such program:

(a) Acknowledge the receipt of the claim or defense within 14 days of receipt by respondent and suspend all collection procedures with respect to such bill or invoice or such payment until 20 days after complying with the procedure set forth in (b) below.

(b) Make the requested adjustment and acknowledge the validity of the claim or defense raised within 60 days, or within said period, inform the subscriber in writing of respondents' version of the facts alleged in the claim or defense.

II. *It is further ordered,* That respondents Crowell Collier and Macmillan, Inc., a corporation, P. F. Collier, Inc., a corporation, and Merit Students Encyclopedia, Inc., a corporation, and their successors or assigns, and their officers, employees, agents, or other representatives, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale, or distribution, in commerce (as "commerce" is defined in the Federal Trade Commission Act) of any yearbook or other product or service which is furnished to purchasers under a contract or agreement to purchase at a stated price, do forthwith cease and desist from sending, or causing others to send, any bill or collection or dunning letter or other demand for payment which calls for payment of any amount which is in excess of that which is or which is expected to become due and owing under such contract or agreement.

III. *It is further ordered,* That respondents Crowell Collier and MacMillan, Inc., a corporation, P. F. Collier, Inc., a corporation, and Merit Students Encyclopedia, Inc., a corporation, and their successors or assigns, and their officers, employees, agents, or other representatives, directly or through any corporation, subsidiary, division or other device, in commerce (as "commerce" is defined in the Federal Trade Commission Act), do forthwith cease and desist from:

1. Recruiting, or attempting to recruit, persons to engage wholly or partly in soliciting orders for or selling encyclopedias or home reference books, or services related to such products, to purchasers or prospective purchasers other than libraries, schools, institutions, or business or professional establishments, by means of any advertisement or other statement:

(a) Which represents, directly or indirectly, that employment is offered or may be available in nonselling fields, such as marketing, administration, brand identification, public relations, or any other nonselling position; or which otherwise misrepresents the nature or duties of any position which respondents are seeking to fill; or

(b) Which represents, directly or indirectly, that remuneration for any such position is made on the basis of a salary, or other than by commission, where the remuneration is based, in whole or in part, upon sales commissions; or which otherwise misrepresents the basis for remuneration.

2. Recruiting or attempting to recruit persons to engage wholly or partly in soliciting orders for or selling encyclopedias or home reference books or services related to such products, to purchasers or prospective purchasers other than libraries, schools, institutions, or business or professional establishments, by means of any advertisement which fails to set forth, clearly and conspicuously:

(a) The basis of remuneration, where such is based in whole or in part upon sales commissions, if remuneration is mentioned directly or indirectly in the ad; and

(b) That respondents are recruiting persons to solicit or sell, the method or manner by which such soliciting or selling will be accomplished, and the products or services being sold, if the position to be filled is described directly or indirectly in the said ad.

Provided, however, That if the disclosures set forth in (a) or (b) above, are not made because the ad does not directly or indirectly mention remuneration, or because the ad does not directly or indirectly describe the position to be filled, then the disclosures set forth in (a) and (b) above shall be made clearly and conspicuously, either before a prospective applicant comes to respondents' offices by sending that person a written notice containing such disclosures in answer to his inquiry, or at the initial face-to-face interview by furnishing said person a written notice containing such disclosures and by making said disclosures orally at said interview.

IV. For the purposes of the following provisions of this order, the term "respondents" shall include each of the respondents named heretofore in this order.

1. *It is further ordered,* That: (a) Respondents herein deliver by registered mail or by hand, a copy of this order to each of their present and future agents, representatives, employees, solicitors, and every other person engaged by or for any respondent in:

(i) The promotion, sale, or distribution of any book or other product or service under any program as defined in part I of this order;

(ii) Recruiting or training solicitors or salesmen to engage wholly or partly in soliciting orders for or selling encyclopedias or home reference books or services related to such products, to purchasers or prospective purchasers, other than libraries, schools, institutions, or business or professional establishments;

(iii) The collection of delinquent or other accounts with respect to any yearbook or other product or service offered in connection with any encyclopedia or any other home reference material which is furnished to purchasers, other than libraries, schools, institutions, or business or professional establishments, under a contract or agreement to purchase at a stated price.

(b) Respondents obtain from each person covered by subparagraph (a) above a signed statement setting forth his intention to conform his business practices to the requirements of this order; retain said statement during the period said person is so engaged and for a period of 1 year thereafter; and make said statement available to the Commission's staff for inspection and copying upon request.

(c) Respondents inform each person covered by subparagraph (a) above, that respondents will not engage, or will terminate the engagement or services of any said person, unless each said person

agrees to and does file a notice with the respondents that he will be bound by the provisions contained in this order;

(d) If any person covered by subparagraph (a) above, does not agree to file such a notice with the respondents and be bound by the provisions of this order, the respondents shall not engage or utilize the services of such person in any of the activities or functions referred to in said subparagraph (a) above;

(e) Respondents advise each person covered by subparagraph (a) above, that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive or unfair acts or practices prohibited by this order;

(f) Respondents institute a program of continuing surveillance adequate to reveal whether the business practices of each of the persons covered by subparagraph (a) above, conform with the provisions and requirements of this order;

(g) Respondents discontinue their relationship with any person covered by subparagraph (a) above, in the event it should be revealed by the aforesaid program of surveillance that any such person has, after the date of this order, engaged on more than one occasion, in any act or practice prohibited by this order; and

(h) Respondents submit to the Commission a detailed report every 6 months for a period of 3 years from the effective date of this order demonstrating the effectiveness of the steps or actions taken by respondents with regard to the aforesaid surveillance program.

2. *It is further ordered*, That respondents shall notify the Commission at least 30 days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respective corporations which may affect compliance obligations arising out of this order.

V.—*It is further ordered*, That respondents herein shall, within 60 days after the service upon them of this order, file with the Commission, a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued May 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-12277 Filed 6-19-73;8:45 am]

[Docket No. C-2396]

PART 13—PROHIBITED TRADE PRACTICES

Discount Carpets, Inc., & Bobby Gene Chambers

Subpart—Advertising falsely or misleadingly: § 13.15, Business status, advantages or connections: 13.15-225, Personnel or staff; § 13.30, Composition of goods: 13.30-75, Textile Fiber Products Identification Act; § 13.155, Prices: 13.155-15, Comparative; 13.155-35, Discount savings; § 13.155-40, Exaggerated as regular and customary; 13.155-70, Percentage savings; 13.155-100, Usual as reduced, special, etc.; § 13.270, Trademark registration or use. Subpart—Failing to maintain records: § 1051, Failing to maintain records: 13.1051-20, Adequate. Subpart—Misbranding or mislabeling: § 13.1185, Composition: 13.1185-80, Textile Fiber Products Identification Act: § 13.1212, Formal regulatory and statutory requirements: 13.1212-80, Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520, Personnel or staff; Goods: § 13.1590, Composition: 13.1590-70, Textile Fiber Products Identification Act; Prices: § 13.1785, Comparative; § 13.1805, Exaggerated as regular and customary; § 13.1820, Retail as cost, etc., or discounted; § 13.1825, Usual as reduced or to be increased. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845, Composition: 13.1845-70, Textile Fiber Products Identification Act; § 13.1852, Formal regulatory or statutory requirements; 13.1852-70, Textile Fiber Products Identification Act; § 13.1882, Prices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Discount Carpets, Inc., et al., Rockville Md., docket No. C-2396, May 2, 1973.]

In the Matter of Discount Carpets, Inc., a Corporation, and Bobby Gene Chambers, Individually and as an Officer of Said Corporation

Consent order requiring a Rockville, Md., seller, distributor, and installer of carpeting and floor coverings, among other things to cease misrepresenting sale prices as being significantly less than the regular prices; misrepresenting comparative prices; misrepresenting percentage savings; failing to maintain adequate records; misrepresenting the training, certification, or qualifications of any of respondent's personnel; and falsely advertising and misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondents Discount Carpets, Inc., a corporation, its successors and assigns, and its officers and Bobby Gene Chambers, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Sale," or any other word or words of similar import of meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise or services in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise or services at the compared price or some higher price.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or services, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise or services of like grade and quality.

3. Advertising or otherwise representing a compared value price for carpet remnants or rugs (a) unless the carpet remnants or rugs being advertised are of the same grade and quality as the carpets with which such advertised prices are compared; and (b) without disclosing in immediate conjunction therewith that the carpet remnants or rugs are usually sold for less than wall-to-wall prices, and that the compared value is based on the wall-to-wall price of carpeting of the same grade and quality.

4. Representing, directly or by implication, orally or in writing, that purchasers of respondents' merchandise will save any stated dollar or percentage amount without fully and conspicuously disclosing in immediate conjunction therewith, the basis for such savings representations.

5. Failing to maintain and produce for inspection or copying for a period of 3 years, adequate records (a) which disclose the facts upon which any savings claims, sale claims, and other similar representations as set forth in paragraph

1, 2, and 4 of this order are based, and (b) from which the validity of any savings claims, sale claims, and similar representations can be determined.

6. Representing, directly or by implication, that any article of merchandise is offered for sale or sold at a discount price or at a price below the price charged by other retail establishments for the same or substantially similar merchandise unless respondent shall have conducted, within 12 months before making any such representation, a statistically significant survey of principal retail establishments in the same trade area, which survey establishes that a substantial number of such outlets sell the same or similar merchandise at prices substantially above the prices represented by respondent to be discount, and unless respondent shall retain all documents relating to the manner in which such survey was conducted and the results thereof for at least 24 months after making any such representation.

7. Representing, directly or by implication, orally or in writing, that respondents employ or have available for their prospective customers a trained, qualified interior decorator; or that respondents' installers have received certification by a recognized institution or government licensing agency; or misrepresenting in any manner, the training, certification, or qualifications of any of respondents' employees, agents, or representatives.

II. *It is further ordered*, That respondents Discount Carpets, Inc., a corporation, its successors and assigns, and its officers, and Bobby Gene Chambers, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation, or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings, or paddings, that such disclosure related only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents shall maintain for at least a 1-year period, following the effective date of this order, copies of all advertisements, including newspaper, radio, and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion, or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of 1 year from the effective date of this order, shall provide each advertising agency utilized by respondents, and each newspaper publishing company, television, or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's news release setting forth the terms of this order.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued May 2, 1973.

By the Commission,

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-12278 Filed 6-19-73;8:45 am]

[Docket No. C-2397]

PART 13—PROHIBITED TRADE PRACTICES

Rubins Discount Carpet Center of Virginia, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30, Composition of goods: 13.30-75, Textile Fiber Products Identification Act; § 13.155, Prices: 13.155-15 comparative; 13.155-35 discount savings; 13.155-40 exaggerated as regular and customary; 13.155-70 percentage savings; 13.155-100 usual as reduced, special, etc.; § 13.270, Trademark registration or use: Subpart—Failing to maintain records: § 13.1051, Failing to maintain records: 13.1051-20 Adequate. Subpart—Misbranding or mislabeling: § 13.1185, Composition: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212, Formal regulatory and statutory requirements: 13.1212-80, Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1395, Connections and arrangements with others: Goods: § 13.1590, Composition: 13.1590-70, Textile Fiber Products Identification Act; Prices: § 13.1785, Comparative: § 13.1805, Exaggerated as regular and customary; § 13.1820, Retail as cost, etc., or discounted; § 13.1825, Usual as reduced or to be increased. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845, Composition: 13.1845-70 Textile Fiber Products Identification Act; § 13.1852, Formal regulatory and statutory requirements: 13.1852-70, Textile Fiber Products Identification Act; § 13.1880 Old, used, or reclaimed as unused or new.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70). [Cease-and-desist order, Rubins Discount Carpet Center of Virginia, Inc., et al., Arlington, Va. Docket No. C-2397, May 2, 1973.]

In the Matter of Rubins Discount Carpet Center of Virginia, Inc., a Corporation, and Rubins Discount Carpet Center of Maryland, Inc., a Corporation, and Rubins Discount Carpet Center of Pennsylvania, Inc., a Corporation, and Rubins Discount Carpet Center of New Jersey, Inc., a Corporation, and Milton Rubin, Alvin Rubin, and Stanley Greenberg, Individually and as Officers of said Corporations

Consent order requiring an Arlington, Va., corporation and other corporations which sell, distribute, and install carpeting and floor coverings, among other things, to cease misrepresenting sale prices as being significantly less than regular selling prices; misrepresenting comparative prices; misrepresenting percentage savings; failing to maintain adequate records; and falsely advertising and misbranding its textile fiber products.

The order to cease-and-desist, including further order requiring report of compliance therewith, is as follows:

I.—*It is ordered*, That respondents Rubins Discount Carpet Center of Virginia, Inc., a corporation, and Rubins Discount Carpet Center of Maryland, Inc., a corporation, and Rubins Discount Carpet Center of Pennsylvania, Inc., a corporation, and Rubins Discount Carpet Center of New Jersey, Inc., a corporation, their successors and assigns, and their officers, and Milton Rubin, Alvin Rubin, and Stanley Greenburg, individually and as officers of said corporations and respondents' agents, representatives, and employees, directly or through any corporate, subsidiary, division of other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "sale" or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent regular course of their business.

2. (a) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

3. Advertising or otherwise representing a compared value price for carpet remnants or rugs (a) unless the carpet remnants or rugs being advertised are of the same grade and quality as the carpets with which such advertised prices are compared; and

(b) Without disclosing in immediate conjunction therewith that the carpet remnants or rugs are usually sold for less than wall-to-wall prices, and that the compared value is based on the wall-to-wall price of carpeting of the same grade and quality.

4. Representing, directly or by implication, orally or in writing, that purchasers of respondents' merchandise will save any stated dollar or percentage amount without fully and conspicuously disclosing in immediate conjunction therewith, the basis for such savings representations.

5. Failing to maintain and produce for inspection or copying for a period of 3 years, adequate records (a) which disclose the facts upon which any savings claims, sale claims, and other similar representations as set forth in paragraphs 1, 2, and 4 of this order are based, and (b) from which the validity of any savings claims, sale claims, and similar representations can be determined.

6. Representing, directly or by implication, orally or in writing, that carpet dealers or other floor covering establishments cannot purchase carpets, floor coverings, or any other merchandise at the same prices or from the same sources which are available to respondents.

II.—*It is further ordered*, That respondents, Rubins Discount Carpet Center of Virginia, Inc., a corporation, and Rubins Discount Carpet Center of Maryland, Inc., a corporation, and Rubins Discount Carpet Center of Pennsylvania, Inc., a corporation, and Rubins Discount Carpet Center of New Jersey, Inc., a corporation, their successors and assigns, and their officers, and Milton Rubin, Alvin Rubin, and Stanley Greenberg, individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings, or paddings, that such disclosure related only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents shall maintain for at least a 1-year period, following the effective date of this order, copies of all advertisements, including newspaper, radio, and television advertisements, direct-mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads

for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of 1 year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any product or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued May 2, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-12279 Filed 6-19-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-165]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Export of Pre-Columbian Art; Addition of Colombia to Restricted List

JUNE 11, 1973.

On May 2, 1973, an amendment to part 12 of the Customs Regulations was published in the FEDERAL REGISTER (38 FR 10807), which set forth regulations for the importation into the United States of pre-Columbian monumental and architectural sculpture or murals exported contrary to the laws of the country of origin. Section 12.105(a) limits the term "pre-Columbian monumental or architectural sculpture or mural" to certain products of Bolivia, British Honduras, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, or Venezuela. These countries restrict the exportation of such pre-Columbian art. Information has now been received that the laws of Colombia also restrict the exportation of pre-Columbian monumental and architectural sculpture or murals. Accordingly, § 12.105(a) is amended by inserting "Colombia" after "British Honduras."

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 204, 86 Stat. 1297; 5 U.S.C 301, 19 U.S.C. 66, 1624, 2094.)

The amendment to part 12 which sets forth the regulations affecting the importation of pre-Columbian monumental and architectural sculpture or murals became effective on June 1, 1973. Therefore, good cause exists for dispensing with notice and public procedure as contrary to the public interest, and good cause is found for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553.

Effective date.—This amendment shall be effective on June 20, 1973.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved June 11, 1973.

EDWARD L. MORGAN, *Assistant Secretary of the Treasury.*

[FR Doc.73-12313 Filed 6-19-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling Clarification

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6951) the Commissioner of Food and Drugs published a new § 1.17 *Food; nutrition labeling.*

It has come to the attention of the Commissioner that the phrase "and contains no additional nutrition information" appearing in paragraph (a)(1) of § 1.17 has been misconstrued by some persons as prohibiting a manufacturer or producer from including any information other than the mandatory information listed in § 1.17(c).

The Commissioner recognizes that some consumers may desire information about properties of a food (e.g., fiber content, moisture) not made mandatory by § 1.17 and it was not his intent that the furnishing of such information should subject the food to the requirements of nutrition labeling.

The Commissioner concludes that this phrase is not essential to the regulation and that, for the sake of clarity, it should be deleted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), subparagraph (a)(1) of § 1.17 is amended by deleting the phrase "and contains no additional nutrition information."

As this order merely clarifies an existing regulation, notice of public procedure and delayed effective date are not necessary prerequisites to this promulgation.

Effective date.—This order shall become effective on June 20, 1973.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a).)

Dated June 14, 1973.

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

[FR Doc.73-12305 Filed 6-19-73;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 750—HIGHWAY BEAUTIFICATION

The regulations of the Federal Highway Administration in chapter 1 of title 23 are hereby amended by redesignating parts numbered 20, 21, and 22 as subparts A, B, and C of new part 750 of said chapter, and republishing them together with new Subpart D, "Outdoor Advertising (Acquisition of advertising signs, displays, devices, and related property interests)."

Subpart D prescribes the policies and procedures of the Federal Highway Administration relating to Federal participation in the costs of acquiring the property interests necessary for the removal of nonconforming advertising signs, displays, and devices under 23 U.S.C. 131. It codifies policies and procedures contained in Federal Highway Administration Policy and Procedure Memorandum 80–5.2, issued December 12, 1972.

In consideration of the foregoing, effective on June 20, 1973, chapter 1 of title 23 of the Code of Federal Regulations is amended by adding this new part 750, subparts A, B, C, and D, as regulations of the Federal Highway Administration.

Subpart A—National Standards for Regulation by States of Outdoor Advertising Signs, Displays, and Devices Adjacent to the National System of Interstate Highways

Sec.

750.101 Purpose.
750.102 Definitions.
750.103 Measurements of distance.
750.104 Signs that may not be permitted in protected areas.
750.105 Signs that may be permitted in protected areas.
750.106 Class 3 and 4 signs within informational sites.

Sec.
750.107 Class 3 and 4 signs outside informational sites.
750.108 General provisions.
750.109 Exclusions.
750.110 State regulations.

Subpart B—National Standards for Directional and other official Signs

750.151 Purpose.
750.152 Application.
750.153 Definitions.
750.154 Standards for directional signs.
750.155 State standards.

Subpart C—National Standards and Criteria for Official Highway Signs Within Interstate Rights-of-way Giving Specific Information for the Traveling Public

750.201 Purpose.
750.202 Definitions.
750.203 Location.
750.204 Criteria to determine specific information permitted.
750.205 Composition.
750.206 Size.
750.207 Color, reflectorization, and illumination.
750.208 Structural design and transverse location of signs and sign supports.
750.209 Inclusiveness of use.
750.210 Procedures to be followed by States.

Subpart D—Outdoor Advertising (Acquisition of Advertising Signs, Displays, Devices, and Related Property Interests)

750.301 Purpose.
750.302 Applicability.
750.303 Definitions.
750.304 State policies and procedures requirements.
750.305 Control area and zoning.
710.306 Bonus states.
750.307 Acceptable conforming signs.
750.308 Federal participation.
750.309 Payments to sign and site owners.
750.310 Program and authorization.
750.311 Valuation methods.
750.312 Valuation of sites.
750.313 Valuation of signs.
750.314 Review of estimates.
750.315 Negotiations.
750.316 Documentation for Federal participation.
750.317 Reports.
750.318 Nominal value plan.
750.319 Sign cost and depreciation schedules.

Subpart A—National Standards for Regulation by States of Outdoor Advertising Signs, Displays, and Devices Adjacent to the National System of Interstate and Defense Highways

AUTHORITY: 23 U.S.C. 131; delegation of authority in 49 CFR 1.48(b).

§ 750.101 Purpose.

(a) In title 23, United States Code, section 131, hereinafter called the "act," the Congress has declared that:

(1) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, hereinafter called the "Interstate System," it is in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to such system by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system.

(2) It is a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within 660 feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary of Transportation.

(b) The standards in this part are hereby promulgated as provided in the act.

§ 750.102 Definitions.

The following terms when used in the standards in this part have the following meanings:

(a) Acquired for right-of-way means acquired for right-of-way for any public road by the Federal Government, a State, or a county, city, or other political subdivision of a State, by donation, dedication, purchase, condemnation, use, or otherwise. The date of acquisition shall be the date upon which title (whether fee title or a lesser interest) vested in the public for right-of-way purposes under applicable Federal or State law.

(b) Centerline of the highway means a line equidistant from the edges of the median separating the main-traveled ways of a divided Interstate Highway, or the centerline of the main-traveled way of a nondivided Interstate Highway.

(c) Controlled portion of the Interstate System means any portion which:

(1) Is constructed upon any part of right-of-way, the entire width of which is acquired for right-of-way subsequent to July 1, 1956 (a portion shall be deemed so constructed if, within such portion, no line normal or perpendicular to the centerline of the highway and extending to both edges of the right-of-way will intersect any right-of-way acquired for right-of-way on or before July 1, 1956);

(2) Lies within a State, the highway department of which has entered into an agreement with the Secretary of Transportation as provided in the act; and

(3) Is not excluded under the terms of the act which provide that agreements entered into between the Secretary of Transportation and the State highway department shall not apply to those segments of the Interstate System which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use as of September 21, 1959, was clearly established by State law as industrial or commercial.

(d) Entrance roadway means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an Interstate Highway from the general road system within a State, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(e) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(f) Exit roadway means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of an Interstate Highway to reach the general road system within a State, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(g) Informational site means an area or site established and maintained within or adjacent to the right-of-way of a highway on the Interstate System by or under the supervision or control of a State highway department, wherein panels for the display of advertising and informational signs may be erected and maintained.

(h) Legible means capable of being read without visual aid by a person of normal visual acuity.

(i) Maintain means to allow to exist.

(j) Main-traveled way means the traveled way of an Interstate Highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(k) Protected areas means all areas inside the boundaries of a State which are adjacent to and within 660 feet of the edge of the right-of-way of all controlled portions of the Interstate System within that State. Where a controlled portion of the Interstate System terminates at a State boundary which is not perpendicular or normal to the centerline of the highway, protected areas also means all areas inside the boundary of such State which are within 660 feet of the edge of the right-of-way of the Interstate Highway in the adjoining State.

(l) Scenic area means any public park or area of particular scenic beauty or historical significance designated by or pursuant to State law as a scenic area.

(m) Sign means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of a controlled portion of the Interstate System.

(n) State means the District of Columbia and any State of the United States within the boundaries of which a portion of the Interstate System is located.

(o) State law means a State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to State constitution or statute.

(p) Trade name shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(q) Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(r) Turning roadway means a connecting roadway for traffic turning between two intersection legs of an interchange.

(s) Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

§ 750.103 Measurements of distance.

(a) Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

(b) All distances under 20.7 (a)(2) and (b) shall be measured along the centerline of the highway between two vertical planes which are normal or perpendicular to and intersect the centerline of the highway, and which pass through the termini of the measured distance.

§ 750.104 Signs that may not be permitted in protected areas.

Erection or maintenance of the following signs may not be permitted in protected areas:

(a) Signs advertising activities that are illegal under State or Federal laws or regulations in effect at the location of such signs or at the location of such activities.

(b) Obsolete signs.

(c) Signs that are not clean and in good repair.

(d) Signs that are not securely affixed to a substantial structure, and

(e) Signs that are not consistent with the standards in this part.

§ 750.105 Signs that may be permitted in protected areas.

(a) Erection or maintenance of the following signs may be permitted in protected areas:

Class 1—Official signs. Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in State of Federal law, for the purpose of carrying out an official duty or responsibility.

Class 2—On-premise signs. Signs not prohibited by State law which are consistent with the applicable provisions of this section and § 750.108 and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located.

Not more than one such sign advertising the sale or lease of the same property may be permitted under this class in such manner as to be visible to traffic proceeding in any one direction on any one Interstate Highway.

Not more than one such sign, visible to traffic proceeding in any one direction on any one Interstate Highway and advertising activities being conducted upon the real property where the sign is located, may be permitted under this class more than 50 feet from the advertised activity.

Class 3—Signs within 12 miles of advertised activities. Signs not prohibited by State law which are consistent with the applicable provisions of this section and §§ 750.106, 750.107, and 750.108 and which advertise activities being conducted within 12 air miles of such signs.

Class 4—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by State law which are consistent with the applicable provisions of this section and §§ 750.106, 750.107, and 750.108 and which are designed to give information in the specific interest of the traveling public.

(b) A Class 2 or 3 sign, except a Class 2 sign not more than 50 feet from the advertised activity, that displays any trade name which refers to or identifies any service rendered or product sold, used, or otherwise handled more than 12 air miles from such sign may not be permitted unless the name of the advertised activity which is within 12 air miles of such sign is displayed as conspicuously as such trade name.

(c) Only information about public places operated by Federal, State, or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation and places for camping, lodging, eating, and vehicle service and repair is deemed to be in the specific interest of the traveling public. For the purposes of the standards in this part, a trade name is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils, or lubricants being offered for sale at such a place. Signs displaying any other trade name may not be permitted under Class 4.

(d) Notwithstanding the provisions of paragraph (b) of this section, Class 2 or Class 3 signs which also qualify as Class 4 signs may display trade names in accordance with the provisions of paragraph (c) of this section.

§ 750.106 Class 3 and 4 signs within informational sites.

(a) Informational sites for the erection and maintenance of Class 3 and 4 advertising and informational signs may be established in accordance with the Regulations for the Administration of Federal-Aid for Highways. The location and frequency of such sites shall be as determined by agreements between the Secretary of Transportation and the State highway departments.

(b) Class 3 and 4 signs may be permitted within such informational sites in protected areas in a manner consistent with the following provisions:

(1) No sign may be permitted which is not placed upon a panel.

(2) No panel may be permitted to exceed 13 feet in height or 25 feet in length, including border and trim, but excluding supports.

(3) No sign may be permitted to exceed 12 square feet in area, and nothing on such sign may be permitted to be legible from any place on the main-traveled way or a turning roadway.

(4) Not more than one sign concerning a single activity or place may be permitted within any one informational site.

(5) Signs concerning a single activity or place may be permitted within more than one informational site, but no Class 3 sign which does not also qualify as a Class 4 sign may be permitted within any informational site more than 12 air miles from the advertised activity.

(6) No sign may be permitted which moves or has any animated or moving parts.

(7) Illumination of panels by other than white lights may not be permitted, and no sign placed on any panel may be permitted to contain, include, or be illuminated by any other lights, or any flashing, intermittent, or moving lights.

(8) No lighting may be permitted to be used in any way in connection with any panel unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

[23 FR 8793, Nov. 13, 1970, as amended at 35 FR 18719, Dec. 10, 1970]

§ 750.107 Class 3 and 4 signs outside informational sites.

(a) The erection or maintenance of the following signs may be permitted within protected areas, outside informational sites:

(1) Class 3 signs which are visible only to Interstate highway traffic not served by an informational site within 12 air miles of the advertised activity;

(2) Class 4 signs which are more than 12 miles from the nearest panel within an informational site serving Interstate highway traffic to which such signs are visible.

(3) Signs that qualify both as Class 3 and 4 signs may be permitted in accordance with either subparagraph (1) or (2) of this paragraph.

(b) The erection or maintenance of signs permitted under paragraph (a) of this section may not be permitted in any manner inconsistent with the following:

(1) In protected areas in advance of an intersection of the main-traveled way of an Interstate highway and an exit roadway, such signs visible to Interstate highway traffic approaching such intersection may not be permitted to exceed the following number:

Distance from intersection:	*Number of signs*
0–2 miles	0.
2–5 miles	6.
More than 5 miles	Average of one sign per mile.

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the Interstate highway.

(2) Subject to the other provisions of this paragraph, not more than two such signs may be permitted within any mile distance measured from any point, and no such signs may be permitted to be less than 1,000 feet apart.

(3) Such signs may not be permitted in protected areas adjacent to any Interstate highway right-of-way upon any part of the width of which is constructed an entrance or exit roadway.

(4) Such signs visible to Interstate highway traffic which is approaching or has passed an entrance roadway may not be permitted in protected areas for 1,000 feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the Interstate highway.

(5) No such signs may be permitted in scenic areas.

(6) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Interstate highway.

(c) No Class 3 or 4 signs other than those permitted by this section may be permitted to be erected or maintained within protected areas, outside informational sites.

§ 750.108 General provisions.

No Class 3 or 4 signs may be permitted to be erected or maintained pursuant to § 750.107, and no Class 2 sign may be permitted to be erected or maintained, in any manner inconsistent with the following:

(a) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(b) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(c) No sign may be permitted which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights.

(d) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(e) No sign may be permitted which moves or has any animated or moving parts.

(f) No sign may be permitted to be erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(g) No sign may be permitted to exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim but excluding supports, except Class 2 signs not more than 50 feet from, and advertising activities being conducted upon, the real property where the sign is located.

§ 750.109 Exclusions.

The standards in this part shall not apply to markers, signs and plaques in appreciation of sites of historical significance for the erection of which provisions are made in an agreement between a State and the Secretary of Transportation, as provided in the Act, unless such agreement expressly makes all or any part of the standards applicable.

§ 750.110 State regulations.

A State may elect to prohibit signs permissible under the standards in this part without forfeiting its rights to any benefits provided for in the act.

Subpart B—National Standards for Directional and Other Official Signs

AUTHORITY: Issued under 23 U.S.C. 131, 315, 49 U.S.C. 1651; delegation of authority in 49 CFR 1.4(d).

§ 750.151 Purpose.

(a) In section 131 of title 23, United States Code, Congress has declared that:

(1) The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote safety and recreational value of public travel, and to preserve natural beauty.

(2) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, shall conform to national standards authorized to be promulgated by the Secretary, which standards shall contain provisions concerning the lighting, size, number and spacing of signs, and such other requirements as may be appropriate to implement the section.

(b) The standards in this part are issued as provided in section 131 of title 23, United States Code.

§ 750.152 Application.

The following standards apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right-of-way of the Interstate and Federal-aid primary system, and which are visable from the main traveled way of the system. These standards do not apply to directional and other official signs erected on the highway right-of-way.

§ 750.153 Definitions.

For the purpose of this part—

(a) Sign means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-aid primary highway.

(b) Main traveled way means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps.

(c) Interstate System means the National System of Interstate and Defense Highways described in section 103(d) of title 23, United States Code.

(d) Primary system means the Federal-aid highway system described in section 103(b) of title 23, United States Code.

(e) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(f) Maintain means to allow to exist.

(g) Scenic area means any area of particular scenic beauty or historical significance as determined by the Federal, State, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.

(h) Parkland means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(i) Federal or State law means a Federal or State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to a Federal or State constitution or statute.

(j) Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(k) Freeway means a divided arterial highway for through traffic with full control of access.

(l) Rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

(m) Directional and other official signs and notices includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.

(n) Official signs and notices means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.

(o) Public utility signs means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(p) Service club and religious notices means signs and notices, whose erection is authorized by law, relating to

meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

(q) Public service signs means signs located on school bus stop shelters, which signs—

(1) Identify the donor, sponsor, or contributor of said shelters;

(2) Contain public service messages, which shall occupy not less than 50 percent of the area of the sign;

(3) Contain no other message;

(4) Are located on schoolbus shelters which are authorized or approved by city, county, or State law, regulation, or or linance, and at places approved by the city, county, or State agency controlling the highway involved; and

(5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

(r) Directional signs means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(s) State means any one of the 50 States, the District of Columbia, or Puerto Rico.

§ 750.154 Standards for directional signs.

The following apply only to directional signs:

(a) *General.* The following signs are prohibited:

(1) Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the location of those signs or at the location of those activities.

(2) Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

(3) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(4) Obsolete signs.

(5) Signs which are structurally unsafe or in disrepair.

(6) Signs which move or have any animated or moving parts.

(7) Signs located in rest areas, parklands or scenic areas.

(b) *Size.* (1) No sign shall exceed the following limits:

(i) Maximum area—150 square feet.
(ii) Maximum height—20 feet.
(iii) Maximum length—20 feet.

(2) All dimensions include border and trim, but exclude supports.

(c) *Lighting.* Signs may be illuminated, subject to the following:

(1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

(2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) *Spacing.* (1) Each location of a directional sign must be approved by the State highway department.

(2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

(3) No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.

(4) (i) No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart;

(ii) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;

(iii) Signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and

(iv) Signs located adjacent to the primary system shall be within 50 air miles of the activity.

(e) *Message content.* The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

(f) *Selection methods and criteria.* (1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

(2) To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.

(3) Each State shall develop specific selection methods and criteria to be used in determining whether or not an activity qualifies for this type of signing. A statement as to selection methods and criteria shall be furnished to the Secretary of Transportation before the State permits the erection of any such signs under section 131(c) of title 23, United States Code, and this part.

§ 750.155 State standards.

This part does not prohibit a State from establishing and maintaining standards which are more restrictive with respect to directional and other official signs and notices along the Federal-aid highway systems than these national standards.

Subpart C—National Standards and Criteria for Official Highway Signs within Interstate Rights-of-Way Giving Specific Information for the Traveling Public

Sec.

750.201 Purpose.
750.202 Definitions.
750.203 Location.
750.204 Criteria to determine specific information permitted.
750.205 Composition.
750.206 Size.
750.207 Color, reflectorization and illumination.
750.208 Structural design and transverse location of signs and sign supports.
750.209 Inclusiveness of use.
750.210 Procedures to be followed by States.

AUTHORITY: 23 U.S.C. 131, 315, 49 U.S.C. 1651; delegation of authority to 49 CFR 1.4(d); delegation of authority in 49 CFR 148(b).

§ 750.201 Purpose.

The purpose of this part is to establish standards for the erection of signs and displays within the rights-of-way of the Interstate highway system to give the traveling public specific information as to gas, food, or lodging available on the crossroad at or near an interchange.

§ 750.202 Definitions.

As used in this part—

(a) Specific information panel means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of—

(1) The words Gas, Food, or Lodging and directional information; and

(2) One or more individual business signs mounted on the panel.

(b) Roadside area information panel or display means a panel or display, located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with specific services information.

(c) Business sign means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist services available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or device are prohibited.

(d) State means any one of the 50 States, the District of Columbia, or Puerto Rico.

§ 750.203 Location.

(a) The specific information panels are designed for application at rural interchanges where a number of motorist services normally are not available. Specific information panels may not be installed within suburban or urban areas, except on circumferential, bypass, or beltway-type routes where existing roadside development is not urban in character.

(b) A separate specific information panel shall be provided on the interchange approach for each qualified type of motorist service. Where a qualified type of motorist services is not available at an interchange, the specific information panel may not be erected.

(c) The specific information panels shall be erected between the previous interchange and in advance of the first advance guide sign for the approaching interchange. These panels shall be located in the same general manner as other official traffic signs in advance of the interchange, readable from the main traveled way. The panels shall be erected in advance of the first advance guide sign and no panel shall be closer than 1,500 feet to any major guide signs, with at least an 800-foot spacing between the information panels. In the direction of traffic, the successive panels shall be those for LODGING, FOOD, GAS, in that order.

(d) The specific information panel may not be erected at an interchange at which an exit from the Interstate highway is provided, but at which no entrance ramp exists at that interchange or at another reasonably convenient location that would permit a motorist to proceed in the desired direction of travel without undue indirection or use of poor connection roads.

(e) The motorist services information, shown on the specific information panels, shall be repeated on the signs located along the interchange ramp or at the ramp terminal where the service installations are not visible from the ramp terminal. In addition, appropriate trail blazer assemblies or direction information panels, described below, may also be provided along the crossroad, as required, to adequately direct motorists to the respective service facilities. The signs shall be the same in shape, color, and message as those shown on the specific information panels, together with an arrow showing the directions for the different services and, where needed, the mileage to the service installation. Normally, this signing will not be necessary at double-exit interchanges. These sign legends or symbols shall be smaller (minimum 4-inch letter height, except that any legend on a symbol shall be in proportion to the size of the symbol) than those shown on the specific information panels.

(f) As a confirmation to the specific information panels, a sign carrying the legend GAS - FOOD - LODGING and, where applicable, PHONE and HOSPITAL shall be erected below the ground mounted exit direction sign, or may be a separate sign with appropriate directional information erected a minimum of 800 feet following the last advance guide sign. This sign shall have reflectorized white letters and border on a blue background. The legend shall be 10-inch capital letters.

(g) Roadside area information panels and displays for subsequent interchanges shall be located within safety rest areas. Motorist services information may be displayed in one roadside area for all interchanges preceding the next roadside area.

§ 750.204 Criteria to determine specific information permitted.

The following are minimum criteria for permitting business signs to be erected on the specific information panel or the roadside area information panel:

(a) The individual business installation whose name, symbol, or trademark appears on a business sign, shall have given written assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin, and shall not be in continuing breach of that assurance.

(b) The maximum distance that the GAS, FOOD, or LODGING services can be located from the main traveled way to qualify for a business sign shall be in accordance with State standards, but may not exceed 3 miles in either direction, if within that 3-mile limit one or more of the service types considered is available, or, if not available, continue in 3-mile increments of consideration up to a 15-mile maximum if necessary to find an available service of the type being considered. Services beyond the 15-mile limit do not qualify for signing.

(c) GAS and associated services to qualify for erection on a panel shall include—

(1) Vehicle services such as fuel, oil, lubrication, tire repair, and water;

(2) Rest room facilities and drinking water;

(3) Continuous operation at least 16 hours per day, 7 days a week; and

(4) Telephone.

(d) FOOD to qualify for erection on a panel shall include—

(1) Where required, licensing or approval by State or political subdivision;

(2) Continuous operation to serve three meals a day, 7 days a week; and

(3) Telephone.

(e) LODGING to qualify for erection on a panel shall include—

(1) Where required, licensing or approval by State or political subdivision;

(2) Adequate sleeping accommodations; and

(3) Telephone.

§ 750.205 Composition.

(a) The GAS specific information panel shall be limited to six business signs; the FOOD and the LODGING specific information panels shall be limited to four business signs each. For a single exit interchange, the business signs shall be arranged on the panel, with a maximum of two horizontal rows. When the number of business signs is one-half or less of the maximum permitted, the arrangement shall be in one horizontal row. The maximum in one horizontal row shall be limited to one-half of the maximum permitted on the panel. The signs shall be mounted on the panel in the order of the travel distance measured from the point of the intersection of the main traveled way and the exit traveled way, the closest at the top left, the next closest at the bottom left, and continuing to the end.

(b) In the case of a double-exit interchange, the specific information panels shall consist of two sections where the same type of motorist services are to be signed for each exit. The arrangement of the business signs on each section of the panel shall be in accordance with the requirements for a single-exit specific information panel. For double exit interchanges, the travel distance shall be measured from the intersection of the main traveled way and the first exit traveled way.

(c) In the case of a double-exit interchange, the specific information panel shall display the appropriate business sign or signs and directional information for each exit. The top section of this panel shall display the supplemental signs for the first exit with the directional legend NEXT RIGHT. The lower section of the panel shall display the business signs for the second exit with the directional legend SECOND RIGHT. Exit numbering, where used, may be placed on the panels, such as EXIT 28 in place of the NEXT RIGHT or SECOND RIGHT message. The number of business signs on this panel (both sections) shall be limited to six for GAS, or four each for FOOD and LODGING.

§ 750.206 Size.

(a) The business signs displayed on the GAS information panel shall be contained within a 36-inch wide and a 24-inch high rectangular background area, including border. The business signs on the FOOD and LODGING information panels shall be contained within a 54-inch wide and a 24-inch high rectangular background area, including border.

(b) For the single-exit interchange, the maximum size of the specific information panel shall be 12 feet wide and 8 feet high, including border; the minimum size shall be 12 feet wide and 5 feet high, including border.

(c) For double-exit interchanges, where the same type of motorist services are to be signed for each exit, the specific information panel shall consist of two 12-foot wide and 5-foot high sections, one for each exit. Each section shall be capable of accommodating a maximum of either three gas business signs or two food or lodging business signs. For double-exit interchanges where a type of motorist service is to be signed for only one exit, only one 12-foot wide by 5-foot high specific information panel may be used.

(d) Latitude in design is permitted in provision of roadside area information

signs or displays. Design by the State should include considerations of the architectural treatment of the buildings and other structures in the roadside area. Additional considerations are recreational, historic, and other sightseeing attractions in the area. Flexibility in design is expected and desirable. Standard symbols and trademarks, where applicable, can be used for glance recognition.

§ 750.207 Color, reflectorization, and illumination.

(a) The background color of the specific information panel shall be blue with a white reflectorized border. The words GAS, FOOD, and LODGING and exit direction messages shall be white reflectorized 10-inch capital letters mounted on the blue panel.

(b) The business sign color shall be a white message on a blue background, except that colors consistent with customary use should be used with nationally, regionally, or locally known symbols or trademarks. The principal legend on the business sign shall be at least 8 inches in height, whether capitals or lower case. However, where the symbol or trademark is used alone for the business sign, any legend on the symbol or trademark shall be in proportion to the size thereof, consistent with customary use. The business signs, symbols, or trademarks shall have a white border.

(c) The specific information panel may be illuminated, but on any interchange approach all panels shall be consistent with the treatment for other guide signs for that approach.

§ 750.208 Structural design and transverse location of signs and sign supports.

Where signs along the roadside cannot be placed at a safe distance away from the line of traffic, or in an otherwise protected site, they shall be designed to minimize the impact forces in the event of being hit by out-of-control vehicles.

§ 750.209 Inclusiveness of use.

States electing to provide service signing as described in this Part may choose to install—

(a) Specific information panels only;

(b) Roadside area information panels or displays only; or

(c) Both specific information panels and roadside area information panels or displays.

§ 750.210 Procedures to be followed by States.

Procedures to be followed by the States in applying for and obtaining approval for the erection of service signing shall be as outlined by the Federal Highway Administrator.

Subpart D—Outdoor Advertising (Acquisition of Advertising Signs, Displays, Devices, and Related Property Interests)

AUTHORITY: 23 U.S.C. 131 and 23 U.S.C. 315; delegation of authority in 49 CFR 1.48 (b).

§ 750.301 Purpose.

(a) To prescribe the Federal Highway Administration (FHWA) policies and procedures relating to Federal participation in the costs of acquiring the property interests necessary for removal of nonconforming advertising signs, displays and devices under 23 U.S.C. 131. This subpart should not be construed to authorize any additional rights in eminent domain not already existing under State law or under 23 U.S.C. 131(g).

(b) To provide a framework of simplified requirements within which a State may develop its procedures to remove outdoor advertising signs in an efficient and expeditious manner.

§ 750.302 Applicability.

(a) The provisions of this subpart are applicable to all highway outdoor advertising projects on the Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof.

(b) The provisions of title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621–4638) do not apply to the Highway Beautification Act of 1965 (23 U.S.C. 131) as related to the sign removal program. Title III of said Act applies. However, where complete conformity would defeat the purpose of the Uniform Act and the sign removal program, the particular requirements of title III need not be followed. For example, in the acquisition of an interest of minimal value, the observance of elaborate procedures for preparing appraisals and for giving notice to sign and site owners of their right to accompany appraisers may be modified or dispensed with when their observance would impede the expeditious implementation of the program and increase administrative costs out of proportion to the cost of the minimal interest being acquired or extinguished.

(c) Funds provided by 23 U.S.C. 131 (m) may participate in the costs of acquisition of those property interests or rights necessary to permit removal of outdoor advertising signs under the Highway Beautification Act of 1965.

(d) When funds are provided by 23 U.S.C. 131(m) for the acquisition of signs the site owner shall also be compensated for the acquisition of his right to erect and maintain existing signs on qualifying sites. It is expected the site owner shall be compensated at the time or shortly after compensation is paid to the sign owner.

§ 750.303 Definitions.

The following terms are defined as to their meaning and use in the sign removal program:

(a) *Sign.* An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Primary Systems.

(b) *Lease* (also called a license, an agreement, contract or easement). An agreement, oral or in writing, by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.

(c) *Leasehold value.* The lessee value is the present worth of the rent saving when the contractual rent at the time of the appraisal is less than the current market rent for a comparable site. The lessor has leasehold value if the contractual rent is greater than the currently established market rent.

(d) *Illegal sign.* One which was erected and/or maintained in violation of the State law.

(e) *Nonconforming sign.* One which was lawfully erected, but which does not comply with the provisions of a State law passed at a later date or which later fails to comply with State law due to changed conditions.

(f) *1966 inventory.* The record of the survey of advertising signs and junkyards compiled by the State highway department as requested in FHWA Instructional Memorandum 50–1–66 dated January 7, 1966.

(g) *Abandoned sign.* One in which the owner no longer has an interest.

§ 750.304 State policies and procedures requirements.

(a) *Policy statement.* Each State shall develop for FHWA approval a policy statement regarding the procedures it proposes to follow to implement a sign removal program under a State law complying with 23 U.S.C. 131, no later than 60 days after issuance of this subpart. States now implementing the Act should not delay sign removal while developing a policy statement.

(b) *Operating procedures.* Operating procedures should reflect in detail the procedures and controls adopted by the State to accomplish the sign removal program.

§ 750.305 Control area and zoning.

(a) The applicable control distance, 660 feet for advertising signs, shall be measured horizontally from the edges of the right-of-way along lines perpendicular to the centerline of the highway.

(b) Any revision in right-of-way limits after initial control is obtained will require similar revisions in the control area. The additional expenditures are eligible for Federal participation in the same manner as the original expenditures for creation of the controlled area.

(c) Placing the label Zoned Commercial or Industrial along areas adjacent to the highway solely for the purpose of allowing outdoor advertising to be erected or maintained is not acceptable under 23 U.S.C. 131(d).

(d) Except as stated in (c) above, the zoning of an area will determine applicability of the standards for control of outdoor advertising signs. Similarly, actual industrial or commercial use at any given time will determine the classification of unzoned commercial or industrial areas.

(e) Where State standards are more stringent than Federal control requirements along interstate and primary systems, the Administrator may approve Federal participation in costs of applying the State standards to those systems on a statewide basis.

§ 750.306 Bonus States.

Any State which is carrying out an agreement to control outdoor advertising along the Interstate System under the 1958 bonus program may continue to receive bonus payments. Where such a State is also in compliance with the 1965 Act requirements, it must continue to carry out the bonus agreement except where the 1965 Act calls for more restrictive controls.

§ 750.307 Acceptable conforming signs.

Each State shall make provision for effective control of the erection and maintenance, along the Interstate System and the Federal-aid primary system, of outdoor advertising signs which are within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of the system. Under the provisions of the 1965 Act, the following signs are permitted:

(a) Directional and other official signs, including signs and notices pertaining to natural wonders and scenic and historical attractions. These signs shall conform to national standards set forth in subpart B of Part 750 of this chapter.

(b) Signs advertising only the sale or lease of property upon which they are located.

(c) Signs advertising only activities conducted on the property on which they are located.

(d) Signs erected and maintained in areas which are zoned industrial or commercial under State law, or in unzoned industrial or commercial areas, as determined and in accordance with the provisions of the agreement between the Secretary and the State. This subsection is not applicable to on-premise signs referred to in (b) and (c) above.

§ 750.308 Federal participation.

(a) Federal reimbursement will be made on the basis of 75 percent of the costs of removal paid by the State as just compensation for:

(1) Signs which were lawfully in existence on October 22, 1965;

(2) Signs lawfully on any highway made a part of the Interstate or primary system on or after October 22, 1965, and before January 1, 1968; and

(3) Signs lawfully erected after January 1, 1968, in accordance with the criteria in the Highway Beautification Act.

(b) In the event a sign was omitted in the original inventory, the State should submit adequate evidence to establish that that the sign was in existence prior to October 22, 1965. Based on the evidence submitted, the division engineer may determine whether the sign removal cost is eligible for Federal participation under the provisions of the Act.

(c) Federal funds may participate in the cost of removal of abandoned signs and those which are illegal under State law within the controlled areas regardless of when these signs were erected, provided such costs for removal are incurred in accordance with State law. Removal may be by State personnel on a force account basis or by contract. Federal funds may not participate in payments for rights in sites on which signs have been abandoned or illegally erected by the sign owner or in the costs of removal in cases where a new sign is erected or there has been a relocation of a sign after October 22, 1965, either as a result of a regular right-of-way taking or by the sign owner as a part of his operation and the sign in its new location is within the 660 feet controlled area.

(d) Signs lawfully erected for which just compensation is provided under paragraph 8a above, and which must be removed by requirement of the Act, are not required to be removed if Federal funds are not available.

(e) Federal funds may participate in payments made to a sign owner for his right, title and interest in a sign, and where applicable, his leasehold value in a sign site. Federal funds may participate in relocation of a sign only to the extent of the cost to acquire the sign, less salvage value if any. Each sign shall be treated as a separate entity without regard to the effect its removal will have on the business operation of the sign owner, except as provided in § 750.311(d).

(f) Reimbursement for the Federal pro-rata share of the just compensation paid for the removal of outdoor advertising signs shall not be made until the removal shall have been accomplished.

(g) Except where required by State law, Federal funds will not participate in the costs of a title certificate, title insurance, title opinion or similar evidence or proof of title in connection with the acquisition of a landowner's right to erect and maintain a sign or signs when the amount of such payment to the landowner for his interest is $2,500 or less. Federal funds, however, may participate in the costs of securing some lesser evidence or proof of title such as searches and investigations by State highway department personnel to the extent necessary to determine ownership, affidavit of ownership by the owner, bill of sale, etc.

(h) When a duplicate payment for a landowner's interest of $2,500 or less is necessary because of a bona fide error in ownership, Federal funds will also participate in the duplicate payment provided the State has followed its title procedures as set forth in its policy and procedure submission. The State shall take all reasonable steps to recover any wrongful payment made and appropriate credit shall be made to Federal funds from the proceeds of the recovery.

(i) Subject to §§ 750.311, 750.312, and 750.313, Federal funds will not participate in items generally not compensable under eminent domain.

§ 750.309 Payments to sign and site owners.

(a) Payments made to the landowner and the sign owner are to be supported by schedules, formulas, value estimates or appraisals.

(b) Signs, erected without permission of the property owner, should be removed without payment to the sign owner unless the sign owner can otherwise establish his legal right to erect and maintain the sign. Federal funds may participate in such costs.

(c) Where compensation to landowners and sign owners is established by a schedule, formula or other such method approved by the FHWA, the valuation and negotiation may both be done by the same member of the staff of the State highway department, provided that any negotiated agreement does not become effective until it has been reviewed (checked) and approved by another member of the staff. Where compensation to landowners and sign owners is established by value findings, abbreviated appraisal reports, or standard appraisal reports, all such estimates shall be reviewed and approved by a State reviewing appraiser.

§ 750.310 Program and authorization.

(a) *Type of project.* A sign removal project may consist of any group of proposed sign removals selected in a reasonable fashion. Generally speaking, a single project should not include signs along both Interstate and Primary highways unless the number of signs along one system is so small that it would be more logical to include these in the project than on the other system.

(1) A project for sign removal on other than a Federal-aid primary route basis should be identified as CAF-000B(—), continuing the numbering sequence which began with the sign inventory project in 1966.

(2) Sign removal projects set up by Interstate routes should be by route sections unless one section contains only a very limited number of signs.

(3) Projects for the removal of outdoor advertising signs shall be programed and authorized in accordance with normal procedures and in the same manner as set forth for right-of-way projects.

(b) *Division engineer approval.* Authorization to proceed with acquisitions on a sign removal project shall not be issued until such time as the State has submitted to the division engineer the following:

(1) A general statement or description of the project.

(2) A list of the signs to be removed, including the approximate location of each sign and its 1966 inventory number, if available.

(3) The total estimated cost of all sign removals within the project, including payments to sign owners, landowners and incidental costs.

(c) *Project priorities.* The selection and programing of sign removal projects will be the responsibility of the State.

§ 750.311 Valuation methods.

(a) *Schedules-formulas.* Schedules, formulas, or other methods to simplify valuation may be used. Appendix A provides guides for the development of such methods. These methods may be based on income, cost of reproduction less depreciation, or other factors. Such methods of simplified valuation do not purport to be a basis for the determination of just compensation under eminent domain principles, but are developed for the purpose

of minimizing administrative and legal expenses necessarily involved in determining just compensation by individual appraisals and litigation. Any such method shall be approved by FHWA prior to its use. Where a sign or site owner does not accept the amount computed under an approved schedule, formula, or other simplified method, an appraisal under principles of eminent domain will be required.

(b) *Value finding—Appraisals.* Where appropriate the State may use its approved value finding, abbreviated appraisal, or standard appraisal report forms.

(c) *Leaseholds.* When outdoor advertising signs and sign sites involve a leasehold value, such value should be determined in the same manner as any other real estate leasehold that has value to the lessor or lessee.

(d) *Special cases—severance damages.* Generally, Federal participation will not be allowed in the payment of damages to remaining signs, or other property of a sign company alleged to be due to the taking of some of the company's signs. Unity of use of the separate properties, as required by applicable principles of eminent domain law, must be shown to exist before participation in severance damages will be allowed. Moreover, the value of the remaining signs or other real property must be diminished by virtue of the taking of such signs. Payments for damages to economic plants or loss of business profits are not compensable. The State shall have the burden of justifying the recognition of severance damages pursuant to FHWA right-of-way procedures and the law of the State before Federal participation will be allowed.

§ 750.312 Valuation of sites.

(a) Normally sites will be valued by the use of schedules or formulas without requiring before and after appraisals. The additional income produced by the sign may be considered the primary indicator of value of the landowner's interest, subject to limitations of State law. Any formula or schedule developed should be based on accepted appraisal principles such as estimating the present worth of a future income stream. If the income approach is used, consideration should be given to:

(1) The terms of the lease or agreement.

(2) Annual rent received for the site.

(3) An interest rate which reflects the durability and quality of the income stream.

(4) Factors effecting the remaining life of the sign on the site.

(b) The State may establish a minimum payment for sites acquired not to exceed $100 per site interest. A landowner's right to erect and maintain signs on a contiguous ownership will be considered as one site interest, regardless of the number of signs. Federal funds will not participate in the acquisition of potential sign sites or sites where signs were built during a period of time which makes them ineligible for compensation under the law. The existing sign must be removed in order to compensate the landowner.

§ 750.313 Valuation of signs.

(a) The valuation of signs can be accomplished by developing formulas, cost schedules which reflect typical construction costs of signs or, by using other appropriate estimating methods. The State should obtain information from sign companies and others to support its formula or schedule methods.

(b) *Minimum payment.* The State may establish a minimum payment for signs acquired not to exceed $100 per interest. A sign owner's right to erect and maintain signs located on a contiguous ownership will be considered as one interest, regardless of the number of signs.

(c) *Sign removal.* Sign removal will be accomplished in accord with the State's procedural statement. The statement should include provision for:

(1) *Owner retention.* Owner may retain removed signs with no deduction from the estimated value where it has been determined the sign has only a nominal salvage value. Signs which have an apparent salvage value shall be removed in accord with the State's procedures.

(2) *State removal.* Where owners do not remove signs, the State shall remove the signs on a contract basis, or when appropriate by State force account.

§ 750.314 Review of estimates.

All estimates whether based on an approved schedule, formula, or other such method or, on a value finding, abbreviated appraisal, or standard appraisal, shall be reviewed and approved by a person other than one who prepared the estimate. Review and approval of estimates based on approved schedules shall occur before any negotiated agreement becomes effective. In the case of estimates based on value findings or appraisals, the review and approval must occur prior to the initiation of negotiations.

§ 750.315 Negotiations.

(a) Negotiations with sign owners and landowners will be conducted in accordance with the State's procedural statement. FHWA approval of fee negotiators on a project basis is required. No part of the acquisition cost of a sign or site will be eligible for Federal participation if the negotiator is paid on a percentage basis.

(b) Administrative settlements shall be in accordance with the State's procedural statement.

(c) Where condemnation action is necessary, the State's eminent domain procedures pertaining to condemnation of property for public purposes, or the procedures spelled out in State law on this subject, shall apply and be in accord with the State's procedural statement.

§ 750.316 Documentation for Federal participation.

The following information concerning each sign must be available in the State files prior to Federal participation in the cost of sign removals.

(a) *Payment to sign owner.* (1) Value documentation including proof of payment.

(2) A statement of facts showing the sign was nonconforming as of the date of taking. The statement will indicate the zoning of the land on which the sign was located and if unzoned that the sign was not located in an unzoned commercial or industrial area.

(3) A statement that the sign falls within one of the three categories shown in paragraph 8a of this memorandum.

(4) A photograph of the sign in place.

(5) Satisfactory indication of ownership of the sign and compensable interest (e. g. lease or other agreement, if any, with the property owner).

(6) Evidence that sign has been removed.

(b) *Payment to the landowner.* (1) Value documentation, including proof of payment.

(2) Satisfactory indication of ownership and compensable interest.

(3) Evidence that sign has been removed.

§ 750.317 Reports.

Division engineers will submit monthly reports on actual sign removals on a form to be prescribed.

§ 750.318 Nominal value plan.

(a) To supplement the above provisions, a State may elect to establish a nominal value plan which will permit negotiating reasonable payments:

(1) Of up to $100 for each sign;

(2) Of up to $100 for each sign site;

(3) For the cost of removal of each eligible nominal value sign, including illegal and/or abandoned signs where there is no sign or site interest involved.

(b) Negotiations for signs, sites, and removals under this plan may be accomplished simultaneously by any capable State employee without prior review and approval.

(c) Before a sign is removed, the State records must be documented with a copy of applicable sign and site owner agreements. The State representatives accomplishing the removal should complete the record according to Appendix B, Exhibit 1. All other documentation called for in § 750.316, except value documentation, must be available to the State's records or files, including proof of payment.

(d) Releases or agreements executed by the sign and/or site owner should include the identification of the sign, statement of ownership, price to be paid, interest acquired, and removal rights.

(e) It is not expected that salvage value will be a consideration in most acquisitions under this plan; however, the sign may be turned over to the sign owner, site owner, contractor, or individual as a part of the consideration for its removal.

(f) The use of the nominal value plan will require the submission of a simplified statement of procedures to be followed.

(g) Programing and authorizations will be in accord with § 750.310 except that a total estimated number of signs

for each program or project may be substituted for the detailed list and identification required in § 750.310(b)(2).

(h) Section 750.318 supplements §§ 750.304, 750.309, 750.310, 750.312, 750.313, 750.314, 750.315, and 750.316 and Attachment 1 of this subpart.

§ 750.319 Sign cost and depreciation schedules.

(a) *Sign cost schedules.* A State may adopt the following schedules, in lieu of its own, for use in valuing and acquiring nonconforming poster panel and painted bulletin signs. If adopted, the schedules and appropriate modifiers (see Appendix C) shall be applied statewide to all such signs. At its option, a State may elect to use one appropriate modifier, statewide, for all of a given owner's signs. Additions not identified in the schedules, for such items as mercury vapor lights, quartz floodlights, or molding on painted bulletins, may be made when appropriate and the costs are verified.

(1) *Poster panel cost schedule.* Typical industry-built, single-faced poster panel of average quality construction, approximately 300 square feet in area, with wood poles or posts and frame, wood or metal panels, molding, and/or platform or back-bracing. Basic cost: $6.45 per square foot of sign area.

Additions	Per square foot of sign area
(i) Steel posts and frame	$1.25
(ii) Fluorescent lights	1.00

(For double-faced poster panels multiply basic cost or sum of basic cost and either or both of the above additions, as appropriate, for a single-faced sign by 1.5.)

(2) *Painted bulletin cost schedule.* Typical industry built single-faced painted bulletin with average art and display, of average quality construction, approximately 200 square feet, or more, of display area, with wood poles or posts and frame, wood or metal panels, and/or skirting, platform or back-bracing. Basic cost including artwork: $7.85 per square foot of display area.

Additions	Per square foot of display area
(i) Steel posts and frame	$1.45
(ii) Fluorescent lights	1.00

(For double-faced painted bulletins multiply basic cost or sum of basic cost and either or both of the above additions, as appropriate, for a single-faced sign by 1.5.)

(iii) Reflective material: $1.35 per square foot of actual area covered.

(b) *Sign depreciation.* Depreciation is any loss caused by deterioration, obsolescence, or both.

(1) Deterioration is physical and is evidenced by wear and tear, decay, dry rot, cracks, structural defects, or anything that detracts from the physical makeup of the sign. Early evidences of deterioration include faded paint, cracked and deteriorated reflectorization, rust and rot of supporting structure, old material, and twisted structures.

(2) Obsolescence is economic or functional. Some examples are where a transition in the area threatens the sign in the present location and abandonment or removal is likely, where a view obstruction has reduced a sign's effectiveness or threatens to make it ineffective in the near future, or where a property is undergoing a change in use and the sign will no longer be a compatible use.

(c) *Depreciation schedules.* In determining the extent of depreciation for a particular sign or group of signs, full consideration should be given to observed physical deterioration and functional and/or economic obsolescence as discussed in paragraph (b). If the sign cost schedules described in paragraph (a) are adopted, the use of the following depreciation schedules in connection therewith is mandatory. The schedules may be applied to each of an owner's signs to be acquired under a specific project. At its option, a State may in the case of poster panels use one average rate from the poster panel schedule and in the case of painted bulletins use one average rate from the painted bulletin schedule, for all of a given owner's signs, provided the rates selected represent an appropriate average for the signs to which they are applied.

(1) *Poster panel depreciation schedule.* This schedule applies only to poster panel signs. Select the most characteristic category and apply the rate shown to the total cost of the sign.

(i) No deduction when:

(*a*) Structure is new or maintained in excellent condition; and

(*b*) There is no evidence of neighborhood or site development which would cause obsolescence.

(ii) Deduct 10 percent when:

(*a*) Structure is basically sound but needs minor maintenance; or

(*b*) There is neighborhood development which will later cause obsolescence.

(iii) Deduct 30 percent when:

(*a*) Structure is sound but deterioration is evident, i.e., paint may be weathered, wood slightly warped, some metal parts rusted or bent, or some stringers or panels need renailing; and

(*b*) Neighborhood property development will cause displacement of sign in about 7 to 9 years.

(iv) Deduct 50 percent when:

(*a*) Obsolescence is evident, i.e., neighborhood property development will cause sign displacement or view impairment in about 5 to 6 years or

(*b*) Sign structure is seriously deteriorated.

(v) Deduct 70 percent when:

(*a*) Obsolescence is apparent, i.e., neighborhood properties are definitely in transition to other uses, or site will be developed for another use or the sign will be displaced or obscured by development in the next 2 to 3 years; or

(*b*) Lack of maintenance is evident and deterioration is advanced.

(vi) Deduct 90 percent when:

(*a*) Sign is obsolete, i.e., view is substantially obscured by development of neighboring property, or site will be developed in the next several months and cause displacement of the sign; or

(*b*) Structure is not maintained and shows severe deterioration.

(*c*) Principal value of sign is in salvage.

(2) *Painted bulletin depreciation schedule.* This schedule applies only to painted bulletin signs. Select the most characteristic category and apply the rate shown to the total cost of the sign.

(i) No deduction when:

(*a*) Structure and display are new or maintained in excellent condition; and

(*b*) There is no evidence of neighborhood or site development which would cause obsolescence.

(ii) Deduct 10 percent when:

(*a*) Structure is basically sound but needs minor maintenance;

(*b*) There is neighborhood development which will later cause obsolescence; or

(*c*) The display is not new nor maintained in excellent condition nor has it been fully painted in the last 6 months.

(iii) Deduct 30 percent when:

(*a*) Structure is sound but deterioration is evident, i.e., paint is weathered, wood slightly warped, some metal parts rusted or bent, or some stringers or panels need renailing; or

(*b*) Neighborhood property development will cause displacement of sign in about 7 to 9 years; or

(*c*) The display is blank, painted out, or otherwise obsolete.

(iv) Deduct 50 percent when:

(*a*) Obsolescence is evident, i.e., neighborhood property development will cause sign displacement or view impairment in about 5 to 6 years; or

(*b*) Sign structure is deteriorated; and

(*c*) The display is blank, painted out, or otherwise obsolete.

(v) Deduct 70 percent when:

(*a*) Obsolescence is evident, i.e., neighborhood properties are definitely in transition to other uses, or site will be developed for another use or the sign will be displaced or obscured by development in the next 2 or 3 years; or

(*b*) Lack of maintenance is evident and deterioration is advanced;

(*c*) The display may or may not be obsolete.

(vi) Deduct 90 percent when:

(*a*) Sign is obsolete, i.e., view is substantially obstructed by development of neighboring property or site will be developed in the next several months and cause displacement of the sign; or

(*b*) Structure is not maintained and shows severe deterioration;

(*c*) The display may or may not be obsolete.

(*d*) Principal value of sign is in salvage.

(d) *Depreciation adjustments.* (1) To the extent practicable under State law, depreciation occurring after the adoption of a State outdoor advertising control law passed in response to the Highway Beautification Act and following the expiration of live copy shall be disregarded when the sign owner proves to the State that:

(i) He still owns the sign, i.e., he has not abandoned the sign;

(ii) Maintenance of the sign was beyond his reasonable control as a result of the likelihood that the sign would be taken pursuant to the State control law;

(iii) This inability to maintain the sign, resulting from the likelihood that the sign would be taken pursuant to the State control law, caused the full amount of the depreciation which the sign owner seeks to have disregarded;

(iv) The sign owner has been unable to sell new advertising copy as a result of the likelihood that the sign would be taken pursuant to the State control law.

(2) A loss of value due to changes in traffic patterns, normal loss of business or abandonment will not be considered as depreciation caused by a State outdoor advertising control law.

(3) In no event will the depreciation of a painted bulletin without live copy be less than 30 percent.

(4) When a sign owner has established that certain of his signs have incurred depreciation because maintenance was beyond his reasonable control, as a result of the likelihood that the sign would be taken pursuant to the State control law, such signs may be depreciated at an appropriate average rate most characteristic of signs maintained within the reasonable control of the owner as outlined in the depreciation schedule.

(5) The foregoing will only apply in those States wherein outdoor advertising signs are considered real property under State eminent domain law.

(6) Any agreement providing for reduced depreciation under this paragraph must be submitted to FHWA for prior approval.

(e) *Vandalized signs.* (1) Federal participation in signs which have been materially damaged by vandals is limited to the current fair market value of the sign immediately before the vandalism occurred minus the estimated cost of repairing and reerecting the sign.

(2) Hardship acquisitions of vandalized signs, otherwise eligible for compensation under State law, may be programed and authorized as a hardship situation in accordance with the provisions of § 750.310 of this subpart.

(3) The devision engineer, prior to authorizing the acquisition of vandalized signs as hardship cases, should assure himself that such acquisitions qualify as bona fide hardship situations.

NOTE: An abandoned or illegal sign is noncompensable.

APPENDIX A

SIGN AND SITE VALUATION FORMULA AND SCHEDULE GUIDE

Introduction

Standardized sign industry construction methods and the simple structural nature of nonstandardized signs support the development of easily administered payment schedules and other equitable valuation techniques. These are intended to facilitate sign and site valuations, speed acquisition and substantially increase program progress.

In brief, the Guide suggests procedures for the development of schedules and valuation techniques for the following:

I. Standard poster panels.
II. Painted bulletins.
III. Miscellaneous signs.
IV. Depreciation techniques.
V. Leasehold value.
VI. Gross rent multiplier.
VII. Site valuation.

The suggested methods are not mandatory. These methods were developed by State and Federal representatives with the assistance of the outdoor advertising industry. This Guide will be subject to modification as improved procedures develop and additional valuation information becomes available. Industry, State, and division information and suggestions should be submitted promptly for consideration and inclusion in any revision of this Guide.

Method of developing sign payment schedules

1. By contact with the industry and observation in the field, locate a suitable number of newly constructed signs.

2. Contact the companies that have built signs recently and obtain from them the direct and indirect costs of the specific sign construction. At the same time, request authority to audit the company's records to determine the validity of the data acquired. Obtain information on the normal useful life of each sign for the development of depreciation rates. This initial study and data is crucial to the development of the valuation techniques set forth herein.

3. Field check each sign to determine whether it was built according to the company's plans, to determine the specific type of construction, including such things as wood or metal construction, illumination, one face, two face, and the area of the advertising face or faces.

4. Correlate the data obtained from the field and the audited construction data.

5. When adequate sign cost data has been collected from a sufficient number of signs, analyze the data to determine the cost of variables such as height, lighting, addition of a second face, reflectorization, quality and type of construction, and the appropriate form for schedules.

6. The data acquired should then be broken down into various categories and averaged to determine the appropriate costs and depreciation rates which can be used as a basis for the schedules.

7. In lieu of the above steps, a State may adopt another State's FHWA approved schedules after test auditing local new sign construction costs and making any necessary adjustments.

8. Obtain and evaluate industry's position concerning the payment schedule concept and the resultant formula based on the analysis in 5 above.

PART I—SCHEDULE 1: STANDARD POSTER PANELS

Definition

An outdoor advertising device built on two or more posts imbedded into the ground or attached to the wall or roof of a building which is designed to support a flat surface of 300 square feet upon which printed advertising or other messages are affixed by pasting.

A. *Direct costs:*
1. *Material, labor, etc.:*
a. Construction material.
b. Material handling.
c. Construction labor.
d. Engineering.
e. Permits
f. Equipment costs.

B. *Indirect costs* (overhead or burden) attributable to construction. Items to be considered:
1. Shop overhead.
2. Insurance.
3. Salaries.
4. General office expense.
5. Utilities (not including sign illumination).
6. Taxes.
7. Business licenses.
8. Site procurement.
9. Management.

C. *Adjustments:*
1. Illumination, including power run-in.
2. Steel support.
3. Height.
4. Multiple face.
5. Other appropriate adjustments.

NOTE: Either a lump-sum or square-foot schedule may be developed with the above information.

PART II—SCHEDULE 2: PAINTED BULLETINS

Definition

An outdoor advertising device built on one or more posts imbedded into the ground or attached to the wall or roof of a building which is designed to support one or more flat surfaces upon which at least one advertisement or other message is painted in whole or substantial part.

	Cut out ($/S.F.)	Modular ($/S.F.)
A. Direct cost:		
1. Material, labor, etc.:		
a. Construction material		
b. Material handling		
c. Construction labor		
d. Engineering		
e. Permits		
f. Equipment costs		
2. Art and display		
B. Indirect costs (overhead or burden) attributable to construction. Items to be considered		
1. Shop overhead		
2. Insurance		
3. Salaries		
4. General office expense		
5. Utilities (not including sign illumination)		
6. Taxes		
7. Business licenses		
8. Site procurement (not including payment to landowner)		
9. Management		
C. Adjustments:		
1. Illumination, including power run-in		
2. Steel support		
3. Height		
4. Reflectorization		
5. Multiple face		
6. Other appropriate adjustments		
7. Special costs (costs involved in special use sign design and erection specifically for the sole use of one advertiser (not to exceed 10 percent of direct and indirect costs))		

NOTE: A lump-sum schedule may be developed where appropriate.

PART III—SCHEDULE 3: MISCELLANEOUS SIGNS

Definition

Factory-made signs produced for mass distribution, or small inexpensive signs characterized by "do-it-yourself" workmanship, and all other signs that do not fit into the standard 300-square foot poster panel or painted bulletin categories.

	($/S.F.)	($/S.F.)
A. Direct cost:		
1. Material, labor, etc.:		
a. Construction material		
b. Material handling		
c. Construction labor		
d. Engineering		
e. Permits		
f. Equipment costs		
2. Art and Display	A	
B. Indirect Costs (overhead or burden) attributable to construction: In those instances where these costs are applicable, use the appropriate costs under Painted Bulletins		
C. Adjustments		
1. Illumination		
2. Steel support		
3. Height		
4. Reflectorization		
5. Double face		
6. Other appropriate adjustments		
D. Quantity survey method		

As an alternative to the above, miscellaneous signs may also be estimated through use of a simplified quantity survey. Such methods should be supported with a table of realistic material costs developed through study of suppliers' prices. A standard form should be used to list the basic components as line items and show their quantities, costs, and extended amounts. The list of basic components could include suppliers' prices for typically used sizes of dimensioned lumber, dur-a-ply or its equal, plywood, pipe, angle iron, I-beams, sheet metal, pressure treated poles and posts, fasteners, and other appropriate items.

Labor and overhead should be added to the material cost. These figures may be obtained from sign contractors or through audit of sign companies' costs.

A list of adjustments should also be provided, such as in C above. They may be computed on an individual basis and include both direct and indirect costs. In addition to the adjustments in C above, this list could include adjustments for transportation, excavation and erection, and light or heavy copy.

NOTE: A lump-sum schedule may be developed when appropriate.

PART IV—DEPRECIATION TECHNIQUES

Average depreciation rate schedules should be established to reflect the depreciation of signs of similar type, size and physical condition. These schedules should include high, intermediate and low rates of depreciation to reflect the condition of the signs, their maintenance, and other appropriate factors.

Generally, the age-life method of estimating depreciation should be used. The estimator should be aware of the typical economic life of the sign. Consideration should be given to past maintenance, quality of construction, type of materials, etc. A remaining economic life should be estimated and applied to each sign.

Depreciation should also reflect functional, economic, legal and other matters, such as zoning, setback easements, deed restrictions, visibility, compatibility with future use, and traffic conditions. It should not, however, reflect any decrease in value attributable to the fact that the Highway Beautification Act prevents relocation of the sign.

PART V—LEASEHOLD VALUE

If it is established that economic site rent exceeds contract site rent, the bonus value may be computed in accordance with applicable State law and accepted appraisal technique. This amount may be added to the sign owner's compensation.

PART VI—GROSS RENT MULTIPLIER

A carefully developed gross rent multiplier may be useful in valuing some signs. Development and acceptance of this technique depends upon the availability of reliable and sufficient current sales of rented signs. Sales of signs or groups of signs are preferred to sales of entire companies, but both types may be considered. The usual conditions of a fair market sale should be present, and all nonsign values (items not normally considered in eminent domain) should be deducted from the sales prices. The signs should have similar expense and revenue producing characteristics. Reasonable details on conditions of the signs and sites will show whether the gross incomes have about the same quality and duration. If sufficient sales become available and this technique proves feasible, multipliers may be prepared for consideration. Any proposed Gross Rent Multipliers should be submitted to FHWA for approval prior to use.

PART VII—SITE VALUATION

The valuation process outlined in § 750.312(a), would lend itself to the adoption of a formula permitting annual income to be multiplied by a present worth factor to determine the amount of payment to the site owner. Selection of the appropriate multiplier would depend upon the judgment of the appraiser and reflect the following considerations:

1. The maximum duration of the income stream may not exceed the remaining economic life of the sign on the site.
2. Existing or proposed local ordinances.
3. Neighborhood quality and trends.
4. The effect of the existing sign(s) on the dominant use of the property.
5. Any potential change in use of the property.
6. Potential development of adjacent property which might block the view of existing sign(s).
7. Present and future traffic flow.
8. Existing zoning and potential rezoning.
9. Deed restrictions.
10. The effect of cancellation clauses and/or renewal options in the lease.
11. The ability of the tenant to pay.

In developing a payment schedule or formula, it should be recognized that the risk rate may increase on those sites having a relatively long remaining economic life.

A schedule will not apply to sites exceeding a 10-year remaining economic life without prior FHWA approval. Sites producing substantial income and having long remaining economic lives should be valued using accepted appraisal procedure.

In applying developed schedule multiples to site income, the average rental for the preceding 2 years shall be utilized.

APPENDIX B

EXHIBIT 1

SUGGESTED FORMAT OF RECORD FOR ILLEGAL, ABANDONED, AND NOMINAL VALUE SIGNS

Federal project No._____ State project No._____
Description of sign_____
_____
Location and sign No._____
_____
Name of sign owner_____
Name of site owner_____

Before photograph only

Negotiated value of sign $_____ Site $_____ Removal $_____
Who removed sign?_____
_____
Negotiator

I certify that as of _____ the Date above sign had been removed.

_____
Inspector

APPENDIX D

EXHIBIT

SUGGESTED FORMAT FOR POLICY AND PROCEDURES STATEMENT

This is a policy and procedural statement to cover the acquisition and/or removal of illegal, abandoned, and nonconforming nominal value signs. No payment will be made for the interest in illegal signs erected or maintained in violation of State law.

The State will negotiate a reasonable payment of up to $100 for each eligible sign structure, of up to $100 for each eligible site value, and a reasonable payment for the removal of each sign including illegal and/or abandoned.

Each sign value, site value, and removal cost may be negotiated by the same individual without prior approval or other valuation support. The sign removal may be accomplished by negotiation with individuals (including the sign or site owners), contract, or by State forces. Payment will not be made to the site owner until the sign is removed. Appropriate releases or agreements will be executed by the sign owner and site owner conveying their interests and removal rights to the State. All payments disbursed will be in accordance with the State's approved operating procedures.

APPENDIX C

NATIONAL MODIFIERS—The appropriate modifier should be applied to the base cost as adjusted for additions.

As of September 1, 1972

State-Zip Code	Modifier	State-Zip Code	Modifier
Alabama:		Colorado:	
350-352	0.88	800-806	.91
354	.86	807-810	.90
355-359	.88	811-816	.91
360-361	.86	Connecticut:	
362	.88	060-067	1.01
363-364	.86	068-069	1.04
365-366	.92	Delaware:	
267-369	.86	197	.96
Alaska:		198	.95
995-996	1.19	199	.96
997	1.20	District of Columbia:	
998-999	1.24	200-205	.97
Arizona:		Florida:	
850-855	1.04	320-322	.91
856-857	1.00	323-324	.86
859	1.04	325	.88
860-864	1.00	326-328	.91
865	1.04	329	.97
Arkansas:		330-333	1.02
716-719	.85	334	.97
720-726	.87	335-339	.91
727-729	.85	Georgia:	
California:		300-303	.92
900-918	1.05	304	.81
920-921	1.04	305-309	.92
922-925	1.02	310-319	.81
926-931	1.05	Hawaii:	
932-933	1.03	967-968	1.01
934	1.05	Idaho:	
935	1.03	832-834	.89
936-939	1.04	835	.96
940-951	1.07	836-837	.89
952-953	1.05	838	.96
954	1.07		
955-961	1.06		

State-Zip Code	Modifier
Illinois:	
600–606	1.01
609	.93
610–611	.94
612	.95
613–617	.93
618–619	.92
620–622	.99
623	.86
624	.92
625–627	.97
628–629	.92
Indiana:	
460–462	.96
463–464	.99
465–466	.97
467–468	.94
469	.96
470–477	.94
478–479	.96
Iowa:	
500–503	.94
504–507	.92
508–520	.91
521–524	.92
525–526	.94
527–528	.95
Kansas:	
660–669	.96
670–672	.95
673–674	.96
675–679	.95
Kentucky:	
400–402	1.00
403–405	.94
406	.97
407–409	.94
410	1.00
411–418	.94
420–422	.88
423–424	.93
425–427	.94
Louisiana:	
700–701	.93
703–705	.92
706	.90
707–708	.92
710–714	.88
Maine:	
040–049	.87
Maryland:	
206	.97
207–212	.98
214	.97
215	.92
216	.97
217	.92
218–219	.97
Massachusetts:	
010–014	.95
015–016	.93
017–026	.98
Michigan:	
480–482	1.04
484–485	1.02
486–487	1.01
488–489	1.02
490–492	.97
493–499	.96
Minnesota:	
550–551	.99
553–554	.98
556–558	.97
559–567	.89
Mississippi:	
386–389	.88
390–394	.82
395	.88
396–397	.82
Missouri:	
630–631	.99
633–639	.86
640–648	.99
650–657	.86
658	.93

State-Zip Code	Modifier
Montana:	
590–593	.90
594–595	.93
596	.88
597	.90
598–599	.93
Nebraska:	
680–681	.91
683–693	.89
Nevada:	
890–894	1.04
895–898	1.03
New Hampshire:	
030–037	.90
038	.88
New Jersey:	
070–073	1.07
074–089	1.01
New Mexico:	
870–874	.90
875–877	.89
878	.90
879–884	.89
New York:	
100–104	1.14
105–107	.95
108–109	1.07
110–114	1.14
115–119	1.11
120–126	.99
127	.97
128	.96
129	.97
130–132	1.00
133–136	.96
137–139	.97
140–146	1.05
147–148	.97
149	.95
North Carolina:	
270–289	.84
North Dakota:	
580–588	.91
Ohio:	
430–433	.99
434–436	1.03
437–439	1.01
440–441	1.10
442–443	1.07
444–445	1.01
446–449	1.07
450–452	1.03
453–454	1.01
455	.99
456–457	1.01
458	.99
Oklahoma:	
730–731	.91
734–739	.89
Oregon:	
970–972	.94
973–979	.93
Pennsylvania:	
150–163	1.04
164–165	.97
166–169	1.04
170–189	.90
190–191	1.01
192–194	.90
195–196	.93
Rhode Island:	
027–029	.98
South Carolina:	
290–299	.80
South Dakota:	
570–577	.90
Tennessee:	
370–372	.87
373–376	.89
377–379	.87
380–384	.90
385	.89

State-Zip Code	Modifier
Texas:	
750–761	.91
762–769	.89
770	.93
773–779	.89
780–782	.88
783–785	.85
786–787	.89
788	.85
789–796	.89
797–798	.82
799	.86
Utah:	
840–847	.93
Vermont:	
050–053	.86
054	.88
056–059	.86
Virginia:	
220–223	.83
224–232	.82
233–237	.83
238–246	.85

State-Zip Code	Modifier
Washington:	
980–982	.99
983–984	.96
985	.99
986	.97
988–989	.98
990–994	.99
West Virginia:	
247–249	.87
250–268	1.00
Wisconsin:	
530	1.00
531	.95
532	1.00
534	.95
535	.96
537	.99
538	.90
539	.99
540	.94
541–543	.95
544–545	.93
546	.90
547–549	.94
Wyoming:	
820–831	.89

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-12312 Filed 6-19-73;8:45 am]

PART 795—ACTION PLAN—PROCESS GUIDELINES

This amendment adds part 795 to the regulations of the Federal Highway Administration.

Part 795 implements 23 U.S.C. 109(h) by providing guidelines for the development of Action Plans by State highway departments to assure that adequate consideration is given to possible adverse social, economic, and environmental effects of proposed Federal-aid highway projects. It codifies policies and procedures contained in Federal Highway Administration Policy and Procedure Memorandum 90-4.

In consideration of the foregoing, effective on June 20, 1973, chapter 1 of title 23, Code of Federal Regulations is amended by adding a new "Part 795—Action Plan—Process Guidelines."

Sec.

795.1 Purpose.
795.2 Definitions.
795.3 Policy.
795.4 Application.
795.5 Procedures.
795.6 Implementation and revision.
795.7 Contents of the action plan.
795.8 Identification of social, Economic, and environmental effects.
795.9 Consideration of alternative courses of action.
795.10 Involvement of other agencies and the public.
795.11 Systematic interdisciplinary approach.
795.12 Decisionmaking process.
795.13 Interrelation of system and project decisions.
795.14 Levels of action by project category.
795.15 Responsibility for implementation.
795.16 Fiscal and other resources.
795.17 Consistency with existing laws and directives.

AUTHORITY: 23 U.S.C. 109(h), 23 U.S.C. 315, and 49 CFR 1.48(b).

§ 795.1 Purpose.

To provide to highway agencies and Federal Highway Administration (FHWA) field offices guidelines for the development of Action Plans to assure that adequate consideration is given to possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a highway agency as they relate to social, economic, and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

§ 795.2 Definitions.

(a) Highway agency: The State highway department or State department of transportation with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.

(b) Human environment: The aggregate of all external conditions and influences (esthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the lives of humans.

(c) Environmental effects: The totality of the effects of a highway project on the human and natural environment.

(d) A-95 clearinghouse: Those agencies and offices in States, metropolitan areas, and multi-State regions which perform the coordination functions called for in Office of Management and Budget (OMB) Circular A-95.

(e) The following definitions are provided solely to clarify the terms "system planning," "location," and "design" as they are used in these guidelines. A highway agency may choose to use different definitions in responding to these guidelines. If not stated otherwise, the following definitions will be assumed to be applicable:

(1) *System planning.* Regional analysis of transportation needs and the identification of transportation corridors.

(2) *Location.* From the end of system planning through location approval.

(3) *Design.* From location approval through the approval of plans, specifications, and estimates.

§ 795.3 Policy.

(a) It is the FHWA's policy that full consideration shall be given to social, economic, and environmental effects throughout the planning of highway projects including system planning, location, and design; that provisions for ensuring such consideration shall be incorporated in the decisionmaking process; and that decisions shall be made in the best overall public interest, taking into consideration the need for fast safe, and efficient transportation, public services, and the costs of eliminating or minimizing possible adverse social, economic, and environmental effects.

(b) The process by which decisions are reached should be such as to merit public confidence in the highway agency. To achieve this objective, it is the FHWA's policy that:

(1) Social, economic,* and environmental effects be identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated.

(2) Other agencies and the public be involved in project development early enough to influence technical studies and final decisions.

(3) Appropriate consideration be given to reasonable alternatives, including the alternative of not building the project and alternative modes.

§ 795.4 Application.

(a) These guidelines apply to State highway agencies that propose projects for which plans, specifications, and estimates are approved by the FHWA.

(b) These guidelines apply to all processes that will be used for all Federal-aid projects, including secondary road plan projects.

(c) These guidelines apply to system planning decisions, including those made in the urban transportation planning process established by section 134, title 23, United States Code, and to project decisions made during the location and design stages.

(d) These guidelines and the Action Plan shall only be applied to the future development of on-going projects and to future projects. They are not retroactive, and shall not apply to any step or steps taken in the development of a project prior to the time of the implementation of the parts of the Action Plan applicable thereto.

§ 795.5 Procedures.

(a) To meet the requirements of these guidelines, each highway agency shall develop an Action Plan which describes the organization to be utilized and the processes to be followed in the development of Federal-aid highway projects from initial system planning through design.

(b) The Action Plan should be consistent with the requirements of Parts 790, 770, 771, 772, and 773 of this chapter, and of other applicable directives.

(c) Involvement of the public and local, State, and Federal officials and agencies, including A–95 clearinghouses and the section 134 Metropolitan transportation planning process agencies, should be sought throughout the development of the Action Plan. Comments should be solicited during the draft and final stage of development of the Action Plan.

(d) The Action Plan submitted to the Governor of the State and to the FHWA should be accompanied by a description of the procedures followed in developing the Action Plan; the steps taken to involve the public and other agencies during development of the Plan; and a summary of comments received on the Plan (including the sources of such comments) and the State's disposition of these comments.

(e) The FHWA, through its division and regional offices, will consult with the State in the development of the Action Plan and, within the limits of its resources, will be prepared to assist or advise.

(f) The Action Plan shall be submitted to the Governor of the State for review and approval as a means of obtaining a high degree of interagency and intergovernmental coordination. Approval by the Governor may occur prior to submittal of the Action Plan to the FHWA, or, if desired by the State, may occur concurrently with FHWA approval.

(g) The Action Plan should be submitted to the FHWA not later than June 15, 1973, for approval. The FHWA will not give location approval on projects after November 1, 1973, unless the Action Plan has been approved.

(h) Review and approval of the Action Plan and revisions thereto will be the responsibility of the Regional Federal Highway Administrator.

§ 795.6 Implementation and revision.

(a) The FHWA shall review the States' implementation of their Action Plans at appropriate intervals. The FHWA may withhold location approvals, or such other project approvals as it deems appropriate, if the Action Plan is not being followed.

(b) The Action Plan shall be implemented as quickly as feasible. A program of staged implementation for the period up to November 1, 1974, shall be developed and described in the Action Plan. It is expected that all aspects of the Action Plan will be implemented by this date. If the highway agency believes that any provision in its Action Plan cannot be implemented prior to November 1, 1974, it shall present a schedule for the implementation of such provisions to the FHWA, which will consider the proposed schedule on a case-by-case basis.

(c) If the schedule for implementation set forth in an approved Action Plan is not met, the FHWA may withhold location approvals or such other project approvals as it deems appropriate.

(d) An approved Action Plan may be revised to meet changed circumstances or to permit adoption of improved procedures or assignments of responsibilities.

(1) The Action Plan should identify the assignment of responsibility for developing Action Plan revisions.

(2) Section 795.5, paragraph (f) of this section (Governor's approval) shall apply to revision of the Action Plan; except that the highway agency, with the Governor's approval, may include a provision in the Action Plan to allow all or some types of revisions in the approved Action Plan without review and approval by the Governor. In such instances, the Action Plan should include a description of the types of such revisions.

(3) The Highway Agency in consultation with the FHWA shall determine the extent to which involvement of the public and other agencies is necessary in the development of proposed Action Plan revisions.

§ 795.7 Contents of the Action Plan.

(a) The Action Plan shall indicate the procedures to be followed in developing highway projects, including organizational structure and assignments of responsibility by the chief administrative officer of the highway agency to positions or units within the agency. Where participation of other agencies or consultants will be utilized, this should be so indicated. The topics to be covered by the Action Plan are outlined in §§ 795.8 through 795.17.

(b) The Action Plan should describe the procedures followed in developing the Action Plan and the steps taken to involve other agencies and the public during development of the plan.

§ 795.8 Identification of social, economic, and environmental effects.

(a) Identification of potential social, economic, and environmental effects, both beneficial and adverse, of alternative courses of action should be made as early in the study process as feasible, in accordance with parts 770 and 790 of this chapter. Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, financial and otherwise, of eliminating or minimizing possible adverse social, economic, and environmental effects should be determined.

(b) The Action Plan should identify:

(1) The assignment of responsibility for:

(i) Providing information on social, economic, and environmental effects of alternative courses of action during system planning, location, and design stages.

(ii) Controlling the technical quality of social, economic, and environmental studies.

(iii) Monitoring current social, economic, and environmental research; monitoring environmental effects of completed projects, where appropriate; and disseminating "state-of-the-art" information within the agency.

(2) Procedures to be followed to ensure that timely information on social, economic, and environmental effects:

(i) Is developed in parallel with alternatives and related engineering data, so that the development and selection of alternatives and other elements of technical studies can be influenced appropriately.

(ii) Indicates the manner and extent to which specific groups and interests are beneficially and/or adversely affected by alternative proposed highway improvements.

(iii) Is made available to other agencies and to the public early in studies.

(iv) Is developed with participation of staffs of local agencies and interested citizens.

(v) Is developed sufficiently to allow for the estimation of costs, financial or otherwise, of eliminating or minimizing identified adverse effects.

§ 795.9 Consideration of alternative courses of action.

(a) Alternatives considered should include, where appropriate, alternative types and scales of highway improvements and other transportation modes. The option of no highway improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly in terms of impacts upon specific groups and in relationship to 42 U.S.C. 2000d–2000d–4 (Title VI of the Civil Rights Act of 1964) and 42 U.S.C. 3601–3619 (Title VIII of the Civil Rights Act of 1968). The key trade-offs among the alternatives should be presented.

(b) The Action Plan should identify the assignment of responsibility and the procedures to be followed to ensure that:

(1) The consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives.

(2) A range of alternatives appropriate to the stage is considered at each stage from system studies through final design.

(3) The development of new transportation modes or the improvement of other modes are adequately considered, where appropriate.

(4) Nontransportation components, such as replacement housing, joint development, multiple use of rights-of-way, etc., are in coordination with transportation components.

(5) Suggestions from outside the agency are given careful consideration.

§ 795.10 Involvement of other agencies and the public.

(a) The President has directed Federal agencies to "develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514, 35 FR 4247). Part 790 of this chapter contains similar provisions. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies should be made available to the public throughout those studies. The required public hearings (Part 790 of this chapter) should be only one component of the agency's program to obtain public involvement.

(b) The Action Plan should identify the assignment of responsibility and procedures to be followed:

(1) To ensure that information is made available to other agencies and the public throughout the duration of project studies, and that such information is as clear and comprehensible as practicable concerning:

(i) The alternatives being considered.

(ii) The effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups are affected.

(iii) Right-of-way and relocation assistance programs and relocation plans.

(iv) The proposed time schedule of project development, including major points of public interest.

(2) To clearly indicate the organizational unit or units within the Highway Agency to which the public can go for information outlined in paragraph (b)(1) of this section, and for assistance to clarify or interpret the information.

(3) To ensure that interested parties, including local governments and metropolitan, regional, State and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the stages of project development.

(4) To select and coordinate procedures, in addition to formal public hearings, to be used to inform and involve the public.

(5) To utilize appropriate agencies with area-wide responsibilities to assist in the coordination of viewpoints during project development.

(6) To involve appropriately the organization which is officially established in urbanized areas of over 50,000 population to conduct continuing, comprehensive, cooperative transportation planning (consistent with Part 520, Subpart E of this chapter).

§ 795.11 Systematic interdisciplinary approach.

(a) United States Code, Title 42, section 4332 (National Environmental Policy Act, 1969) requires that agencies use "a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

(b) The Action Plan should indicate procedural arrangements and assignments of responsibilities which will be necessary to meet this requirement, including:

(1) The organization and staffing of interdisciplinary project groups which are systematic and interdisciplinary in approach, including the possible use of consultants and representatives of other State or local agencies.

(2) Recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns, including management opportunities.

(3) Additional training for present personnel to enhance their capabilities to work effectively in an interdisciplinary environment.

§ 795.12 Decisionmaking process.

(a) The process of reaching various decisions on highway improvement projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental, and transportation factors as required by these guidelines.

(b) The Action Plan should identify:

(1) The processes through which other State and local agencies, government officials, and private groups may contribute to reaching decisions, and the authority, if any, which other agencies or government officials can exercise over decisions.

(2) Different decision processes, if any, for various categories of projects (e.g., Interstate, Primary, Secondary, TOPICS (Part 460, subpart D of this chapter)), and for various geographic regions of the State (e.g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions.

(3) The processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

§ 795.13 Interrelation of system and project decisions.

(a) Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location and design studies. Conversely many significant environmental effects of a proposed project are set at the system's planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

(b) The Action Plan should identify:

(1) Procedures to be followed to:

(i) Ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of location and design.

(ii) Provide for reconsideration of earlier decisions which may be occasioned by results of further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

§ 795.14 Levels of action by project category.

(a) A highway agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway section to be developed. Different procedures may also be adopted for various categories of projects, such as TOPICS (Part 460, subpart D of this chapter), new route locations, or secondary roads, and for various regions of the State, such as urban areas or zones of particular environmental significance.

(b) The Action Plan should identify:

(1) The categories which the highway agency will use to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects.

(2) Assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing highway project.

(3) Procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

§ 795.15 Responsibility for implementation.

Assignment of responsibility for implementation of the Action Plan should be identified.

§ 795.16 Fiscal and other resources.

(a) An important component of the Action Plan is identification of resources of the highway agency and of other agencies required to perform the identified procedures and execute the assigned responsibilities.

(b) The Action Plan should identify:

(1) The resources of the Highway agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the Action Plan.

(2) Resources that are available in other agencies to provide necessary information on social, economic, and environmental effects.

(3) Programs for the addition of trained personnel or fiscal or other resources to either the highway agency itself or other agencies.

§ 795.17 Consistency with existing laws and directives.

The highway agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws and administrative directives prevent or hamper full compliance with these guidelines. Where appropriate, recommendations and proposed actions to overcome such difficulties should be described.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-12311 Filed 6-19-73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

PART 1623—CLASSIFICATION PROCEDURE

Miscellaneous Amendments

Whereas, on May 14, 1973, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations (38 FR 12620, May 14, 1973) and

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

The amendments to §§ 1611.2 and 1611.5 would permit all persons who have been separated from the Armed Forces after having served on active duty to register with the Selective Service System. The revision of § 1623.1(b) would restrict the present requirement that the System furnish to the registrant a copy of specified material in his file prior to classification. Only registrants being classified into classes available for military or alternative service would be furnished a copy of such material.

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

Section 1611.2(d) is amended to read as follows:

§ 1611.2 Persons not required to be registered.

* * * * *

(d) Any person who is separated from the Armed Forces after having served on active duty, other than active duty for training, or who has served as a commissioned officer in the National Oceanic and Atmospheric Administration or the Public Health Service for not less than 24 months.

Section 1611.5 *Voluntary registration,* is amended to read as follows:

§ 1611.5 Voluntary registration.

Any male person who entered the Armed Forces before being required to be registered in accord with the provisions of § 1611.1 and is separated therefrom after having served on active duty, other than active duty for training, may present himself for and submit to registration before a local board.

Section 1623.1(b) is amended to read as follows:

§ 1623.1 Commencement of classification.

* * * * *

(b) The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements by the registrant at his personal appearance before the local board, appeal board, or National Selective Service Appeal Board, and oral statements by the registrant's witnesses at his personal appearance before the local board. No information in any written summary of the oral information presented at a registrant's personal appearance that was prepared by an official or employee of the Selective Service System will be considered or placed in the registrant's file unless a copy of it has been furnished to the registrant by the Selective Service System. No information in any other document in the registrant's file shall be considered in classifying the registrant into a class available for military or alternate service unless that document was supplied by the registrant or a copy of it or a fair resume of its contents has been furnished to him by the Selective Service System.

BYRON V. PEPITONE,
Director.

JUNE 14, 1973.

[FR Doc.73-12336 Filed 6-19-73;8:45 am]

PART 1612—REGISTRATION DUTIES

Miscellaneous Amendments

Whereas, on May 15, 1973, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations (38 FR 12759, May 15, 1973) and

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

The amendments would revoke regulations prescribing the internal organizational duties in connection with registration.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 app. U.S.C. secs. 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations, constituting a portion of chapter XVI of title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. e.d.s.t. on June 30, 1973, as follows:

§§ 1612.11, 1612.21–1612.24 [Revoked]

Section 1612.11, Responsibility of State director of Selective Service, is revoked.

Section 1612.21, Duties of chairman of local board, is revoked.

Section 1612.22, Establishing and making ready places of registration, is revoked.

Section 1612.23, Registrars, is revoked.

Section 1612.24, Interpreters, is revoked.

BYRON V. PEPITONE,
Director.

JUNE 15, 1973.

[FR Doc.73-12335 Filed 6-19-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

TRAINING GRANTS AND FELLOWSHIPS

On January 29, 1973, notice of proposed regulations governing Environmental Protection Agency training grants and fellowships was published in the FEDERAL REGISTER (38 FR 2705). After consideration of all comments submitted by interested persons, the regulations promulgated hereby are adopted. The requirements set forth in the proposed rules remain basically the same except

that the $10,000 limit for stipends within a budget period was increased to $20,000. The basic thrust of the proposed program was not changed. The Agency will phase out graduate training grants and fellowships by June 30, 1976.

Effective date.—These regulations shall be effective on July 20, 1973.

ROBERT W. FRI,
Acting Administrator.

JUNE 15, 1973.

PART 45—TRAINING GRANTS AND MANPOWER FORECASTING

Subpart A—Training Grants

Sec.
45.100 Purpose of regulation.
45.101 Applicability and scope.
45.102 Authority.
45.103 Objectives.
45.105 Definitions.
45.105–1 Professional training.
45.105–2 Scholarship.
45.105–3 Stipend.
45.105–4 Technician training.
45.115 Eligibility.
45.125 Application requirements.
45.130 Evaluation of applications.
45.135 Supplemental grant conditions.
45.140 Project period.
45.145 Allocation and allowability of costs.
45.150 Reports.
45.150–1 Interim progress report.
45.150–2 Final progress report.
45.150–3 Report of expenditures.
45.150–4 Equipment report.
45.155 Continuation grant.

Subpart B—Manpower Forecasting [Reserved]

AUTHORITY.—Promulgated pursuant to the authorities cited in § 45.102.

Subpart A—Training Grants

§ 45.100 Purpose of regulation.

This part establishes and codifies policies and procedures governing the award of training grants by the Environmental Protection Agency.

§ 45.101 Applicability and scope.

This part establishes mandatory policies and procedures for all EPA training grants. The provisions of this part supplement the EPA general grant regulations and procedures (pt. 30 of this chapter). Accordingly, all EPA training grants are awarded subject to the EPA general grant regulations and procedures (pt. 30 of this chapter) and to the applicable provisions of this part 45.

§ 45.102 Authority.

The Environmental Protection Agency is authorized to award training grants under the following statutes:

(a) Section 103 of the Clean Air Act, as amended (42 U.S.C. 1857b).

(b) Sections 104, 109, 110, and 111 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1254, 1259, 1260, 1261).

(c) Sections 301 and 314 of the Public Health Service Act, as amended (42 U.S.C. 241 and 246).

(d) Sections 204 and 210 of the Solid Waste Disposal Act, as amended (42 U.S.C. 3253 and 3254d).

(e) Section 23 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92–516 (7 U.S.C. 136u).

§ 45.103 Objectives.

Grants awarded under this part are intended for occupational and professional training and to develop career-oriented personnel qualified to work in pollution abatement and control.

Training grants will be awarded:

(a) To assist in planning, implementing, and improving environmental training programs;

(b) To increase the number of adequately trained pollution control and abatement personnel;

(c) To upgrade the level of training among State and local environmental control personnel; and

(d) To bring new people into the environmental control field.

§ 45.105 Definitions.

As used throughout this subpart A, the words and terms defined in this section shall have the meanings set forth below.

§ 45.105–1 Professional training.

Training of individuals, at the post baccalaureate level, in subjects which pertain to pollution abatement and control.

§ 45.105–2 Scholarship.

Financial assistance to students enrolled in a training program, limited to tuition and fees only.

§ 45.105–3 Stipend.

Supplemental financial assistance to students who are recipients of scholarships.

§ 45.105–4 Technician training.

Training of individuals, at the post high school, junior college, and baccalaureate levels, in the practical technical details and special techniques of occupations in the environmental areas.

§ 45.115 Eligibility.

Training grants may be awarded to any responsible applicant as follows:

(a) *Clean Air Act.—Section 103(b)(3).*—Air pollution control agencies, public and nonprofit private agencies, institutions, organizations, and to individuals. No grant may be made under this act to any private profitmaking organization.

(b) *Federal Water Pollution Control Act.*—(1) *Section 104(b)(3).*—State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and to individuals.

(2) *Section 104(g)(3)(A).*—Public or private agencies and institutions, and to individuals.

(3) *Section 104(g)(1) and 104(g)(3)(C).*—State and interstate agencies, municipalities, educational institutions, and other organizations and to individuals.

(4) *Section 109, 110, and 111.*—Institutions of higher education or combinations of such institutions.

(c) *Solid Waste Disposal Act.*—(1) *Section 204(b)(3).*—Public or private agencies and institutions and individuals.

(2) *Section 210(a).*—State or interstate agencies, municipalities, educational institutions, and other organizations.

(d) *Public Health Service Act.*—Grants will be made only to a university, hospital, laboratory, other public and private institutions, and to individuals. No grant may be made under this Act to any profit-making organization.

(e) *Federal Insecticide, Fungicide, and Rodenticide Act.*—(1) *Section 23(a).*—States.

§ 45.125 Application requirements.

Applications shall be submitted in accordance with part 30, subpart B of this chapter.

§ 45.130 Evaluation of applications.

Periodically, training grant applications will be evaluated for program relevance, and will compete for available funds according to priorities established by EPA. Evaluations shall be conducted by EPA staff with advisory assistance as appropriate. Consideration will be given to the following criteria:

(a) Relevance of proposal to agency objectives, priorities, achievement of national goals and technical merit;

(b) Competency of the proposed staff in relation to the type of project involved;

(c) Feasibility of the proposal;

(d) Adequacy of applicant's resources available for the project;

(e) Amount of grant funds necessary for the completion of the project;

(f) In addition, grants awarded under section 104(g)(1) of the Federal Water Pollution Control Act, shall be subject to the following criteria:

(1) Assessment of need for training in a State or municipality based on such problems as violation of discharge permit conditions, and faulty or improper operation and/or maintenance of existing plants.

(2) Wastewater treatment works construction grant activities in the State.

§ 45.135 Supplemental grant conditions.

In addition to the EPA general grant conditions (appendix A to subchapter B of this title), each training grant shall be subject to the following conditions:

(a) The grantee shall not require the performance of personal services by individuals receiving training as a condition for assistance.

(b) Recipients of assistance under training grants shall be entitled to the normal student holidays observed by an academic institution, or the holiday and vacation schedule applicable to all trainees at a nonacademic institution.

(c) Recipients of assistance under training grants must be citizens of the United States, its territories, or possessions, or lawfully admitted to the United States for permanent residence.

(d) Generally training grants will provide for student support only through scholarships. Stipends are permitted when, in the judgment of the grantee, they are needed to attract qualified students provided that not more than $20,000 of amounts awarded for a budget period may be used for such stipends: *And further provided*, That no annual stipend may be less than $1,000 or more than $3,000 with payment prorated monthly.

(e) Training grants awarded under section 111 of the Federal Water Pollution Control Act will be subject to the following condition: Grantees must obtain the following agreement in writing from persons awarded scholarships under section 111 for undergraduate study of the operation and maintenance of treatment works:

I agree to enter and remain in an occupation involving the design, operation, or maintenance of waste treatment works for a period of 2 years after the satisfactory completion of my studies under this program. I understand that if I fail to perform this obligation I may be required to repay the amount of my scholarship.

The grantee agrees to take such action as may reasonably be required to enforce the foregoing agreement. Any sums received by the grantee shall be credited or paid to the United States in accordance with § 30.603 of this chapter.

§ 45.140 Project period.

The project period for a training grant may not exceed 3 years.

§ 45.145 Allocation and allowability of costs.

(a) Allocation and allowability of costs will be determined in accordance with § 30.701 of this chapter.

(b) Costs incurred for the purchase of land or the construction of buildings are not allowable.

§ 45.150 Reports.

§ 45.150–1 Interim progress report.

An application for continued support shall include a brief (less than five pages) progress report. This progress report must show the progress achieved and explain special problems or delays.

§ 45.150–2 Final progress report.

A final progress report is required 90 days prior to conclusion of the project period. The report shall briefly document project activities during the entire project period and shall set forth the extent to which the project objectives have been achieved.

§ 45.150–3 Report of expenditures.

No later than 90 days following the end of each budget period the grantee must submit a report of project expenditures. Final report of expenditures must reflect cumulative project expenditures.

§ 45.150–4 Equipment report.

No later than 90 days following the end of the project period the grantee must submit a listing of all items of equipment acquired with grant funds with an acquisition cost of $300 or more and having a useful life of more than 1 year.

§ 45.155 Continuation grant.

To be eligible for a continuation grant within the approved project period, the grantee must:

(a) Have demonstrated satisfactory performance during all previous budget periods.

(b) Submit a continuation application including an interim progress report and an estimated report of expenditures.

Subpart B—Manpower Forecasting [Reserved]

PART 46—FELLOWSHIPS

Sec.

46.100 Purpose of regulation.
46.101 Applicability and scope.
46.102 Authority.
46.103 Objectives.
46.104 Type of fellowships.
46.105 Definitions.
46.105–1 Full-time fellow.
46.105–2 Part-time fellow.
46.105–3 Stipend.
46.110 Benefits.
46.115 Eligibility.
46.120 Application requirements.
46.122 Evaluation of application.
46.135 Award and duration of fellowship.
46.136 Initiation of studies.
46.140 Fellowship agreement.
46.141 Fellowship agreement amendment.
46.145 Payment.
46.150 Publications and thesis.
46.155 Deviations.
46.165 Termination.

AUTHORITY.—Promulgated pursuant to the authorities cited in § 46.102.

§ 46.100 Purpose of regulation.

This part establishes and codifies policies and procedures governing the award of fellowships by the Environmental Protection Agency.

§ 46.101 Applicability and scope.

This part establishes mandatory policies and procedures for all EPA fellowships.

§ 46.102 Authority.

The Environmental Protection Agency is authorized to grant fellowship awards under the following statutes:

(a) Section 103(b)(6) of the Clean Air Act as amended (42 U.S.C. 1857b(b)(6)).

(b) Sections 104(b)(5) and 104(g)(3)(B) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1254(b)(5) and 1254(g)(3)(B)).

§ 46.103 Objectives.

Fellowships awarded under this part are intended to encourage and promote the specialized training of individuals as practitioners in pollution abatement and control.

§ 46.104 Type of fellowships.

(a) Agency fellowships are awarded to present or prospective employees of a regional, State, or local environmental pollution control or regulatory agency to provide training for and upgrading of personnel in the areas of pollution abatement and control.

(b) Special fellowships are awarded to individuals for education and training in pollution control science, engineering, and technology and in specialty areas supportive of pollution abatement and control efforts.

§ 46.105 Definitions.

§ 46.105–1 Full-time fellow.

An individual duly enrolled in an educational program directly relating to pollution abatement and control, and taking a minimum of 12 semester or quarter hours for credit or an academic workload otherwise defined by the institution as a full-time curriculum. The fellow need not be pursuing an advanced degree.

§ 46.105–2 Part-time fellow.

An individual duly enrolled in an educational program directly relating to pollution abatement and control, and taking not less than 3 credit hours per academic term. The fellow need not be pursuing an advanced degree.

§ 46.105–3 Stipend.

Supplemental financial assistance to recipients of fellowships.

§ 46.110 Benefits.

(a) Recipients of assistance under this part shall be entitled to tuition and fees, an allowance for books and supplies up to a maximum of $250, and the normal student holidays observed by an academic institution.

(b) Agency fellows attending full-time may, on the basis of need, set forth in the application, receive an annual stipend up to $6,500 from EPA funds.

(c) Agency fellows attending part-time may receive a small stipend when justified by needs related to the purpose of the fellowship.

(d) Special fellows may receive not more than $3,600 total annual amount from EPA for full-time attendance payable on a pro-rata monthly basis.

§ 46.115 Eligibility.

All applicants for fellowships under this part must be (a) citizens of the United States, its territories, or possessions, or lawfully admitted to the United States for permanent residence, and (b) accepted by an accredited educational institution for full or part-time enrollment for academic credit in an educational program which directly relates to pollution abatement and control. Applicants for agency fellowships must be present or prospective employees of a regional, State, or local environmental pollution control or regulatory agency. Present employees must be recommended for a fellowship by their employing agency. Priority in award of fellowships to prospective agency employees will be given to those applicants who provide evidence that they have explored, in direct agency contact, opportunities for agency employment. Such applicants are encouraged to obtain

written appraisal of their employment potential and probability of actual employment assuming successful completion of the training.

§ 46.120 Application requirements.

All applications for EPA fellowships shall be submitted to the Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460, upon such forms as the Administrator shall prescribe and shall include copies of transcripts of undergraduate and graduate courses, as appropriate. The applicant must arrange for the submission of supporting documents which substantiate his eligibility under § 46.115. In addition, the applicant shall submit such further information as may be required. Instructions for filing are contained in the application kit.

§ 46.122 Evaluation of application.

Periodically, fellowship applications will be evaluated for program relevance, and will compete for available funds according to priorities established by EPA. Evaluations shall be conducted by EPA staff, with advisory assistance as appropriate. Consideration will be given to the following criteria:

(a) Appropriateness of the fellow's proposed course of study to the objectives and mission of the Agency.

(b) Evaluation of the applicant in terms of his potential for study, as evidenced by his academic record, letters of reference, training plans, and other available information.

§ 46.135 Award and duration of fellowship.

Notification of approval of a fellowship application shall be by transmittal of the fellowship agreement for execution by the applicant pursuant to § 46.140. Notification of disapproval shall be prompt and in writing. Disapproval of an application shall not preclude reapplication. Fellowships will not exceed 1 year.

§ 46.136 Initiation of studies.

Study must be initiated pursuant to an approved fellowship within 6 months following the date of the award notice or the fellowship will be terminated.

§ 46.140 Fellowship agreement.

The fellowship agreement is the written agreement, and amendments thereto, between EPA and a fellowship applicant in which the terms and conditions governing the fellowship are stated and agreed to by both parties.

Upon approval of a fellowship for award, the fellowship agreement will be transmitted by certified mail (return receipt requested) to the applicant for execution. The fellowship agreement must be executed by the applicant and returned to the Grants Officer within 3 weeks after receipt, or within any extension of such time that may be permitted by the Grants Officer. The fellowship shall constitute an obligation of Federal funds in the amount and for the purposes stated in the fellowship instrument only upon execution of the fellowship agreement by the parties thereto. No costs may be incurred prior to the execution of the fellowship agreement by the parties thereto.

§ 46.141 Fellowship agreement amendment.

Approved changes to a fellowship which do not substantially alter the objective or scope of the fellowship may give rise to fellowship amendments to increase or decrease the dollar amount, the term, or other provisions of a fellowship. A fellowship amendment shall be effected only by a written amendment to the fellowship agreement, executed by the Grants Officer on behalf of the Government and by the fellow on his own behalf, entered into after the effective date of the fellowship.

§ 46.145 Payment.

(a) Stipend allowance will be paid directly to the fellow on a monthly basis commencing with initiation of studies;

(b) Book allowance will be paid directly to the fellow upon initiation of studies.

(c) Tuition and fees will be paid directly to the sponsoring institution.

§ 46.150 Publications and thesis.

A copy of any publication (including any thesis) developed as a result of support under the EPA fellowship shall be submitted to the Grants Officer upon submission for publication. No prior approval by EPA is required for publication. Any written publications shall acknowledge as follows:

> This publication has been financed in part with Federal funds from the Environmental Protection Agency under fellowship number ---------- The contents do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

§ 46.155 Deviations.

Procedures of § 30.1001 of the EPA general grant regulations of this chapter be applicable to fellowships.

§ 46.165 Termination.

(a) *Termination of studies by the fellow.*—A fellow must notify EPA in writing when he terminates or changes his status under the fellowship agreement. Studies supported by an EPA fellowship may be terminated only for good cause. If the Grants Officer finds that a fellow has terminated his studies without good cause, then he shall annul fellowship and all EPA fellowship funds previously paid to the fellow shall be payable to the United States as final settlement. If the Grants Officer finds that there is good cause for the termination of studies, he shall enter into a termination agreement effective with the date of termination of studies by the fellow.

(b) *Termination by EPA.*—The Grants Officer may terminate the fellowship provided that a termination action may not be taken unless the fellow has received written notice of the basis for the proposed action and has been afforded an opportunity to confer with appropriate EPA officials concerning the proposed action. Any termination action may be appealed in accordance with the Disputes Article of the EPA General Grant Conditions (appendix A to subchapter B of this title).

PART 48—[RESERVED]

[FR Doc.73-12350 Filed 6-19-73;8:45 am]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Modifications to 1975 Model Year Light-Duty Vehicle Certification Test Procedures

On April 11, 1973, the Administrator suspended the effective date of the 1975 model year emission standards for hydrocarbons and carbon monoxide for those manufacturers who requested such suspension and announced that interim standards would apply to the light-duty vehicles of such manufacturers for the 1975 model year. That determination was published in the FEDERAL REGISTER on April 26, 1973 (38 FR 10317).

In his decision of April 11, the Administrator granted a waiver to the State of California for the 1975 model year to enforce a more stringent hydrocarbon standard than that to be met by manufacturers who had been granted a suspension from the 1975 statutory Federal standards. The Administrator extended California's existing waiver for its oxides of nitrogen standard and announced that he was establishing a Federal standard of 9 grams per-mile for exhaust carbon monoxide for vehicles to be sold in California which have been granted a suspension from the 1975 statutory Federal standards.

As a result of the Administrator's decision, manufacturers will be applying for certification of compliance with one or more sets of applicable 1975 model year emission standards: statutory Federal standards, interim Federal standards, and a special Federal exhaust carbon monoxide standard applicable in California in combination with California standards for which waiver has been granted. The regulations are revised as set forth below to provide for certification to more than one set of applicable standards.

Also as a result of the Administrator's decision, some manufacturers intend to test for compliance with the interim Federal standards similar vehicles, equipped with and without catalytic converters. Since catalytic converters had been expected to be equipped on all vehicles in order to meet the 1975 statutory Federal standards, no provision had been made in the regulations to divide engine families on the basis of catalyst-equipped and noncatalyst-equipped vehicles. Since vehicles with and without catalysts can be expected to have significantly different deterioration and emission characteristics, these vehicles should logically be in separate engine

families. The regulations are revised as set forth below to separate vehicles with different catalytic converter and thermal reactor characteristics into different engine families.

These regulations are being promulgated without prior opportunity for comment, because: (1) The regulations are required as a result of the Administrator's decision regarding interim standards for most 1975 model year vehicles and a waiver for the State of California, and (2) leadtime considerations for 1975 model year testing make prompt promulgation of these regulations necessary. Accordingly, the Agency finds that publication of these regulations as a proposal is unnecessary and impractical.

Comments will be accepted on these regulations for 30 days from the date of the publication. If, on the basis of a review of these comments, the Administrator determines that these regulations should be revised, he will publish such notification in the FEDERAL REGISTER on or before August 20, 1973. If no such notice is made, these regulations will take effect on August 20, 1973. Comments may be submitted in quadruplicate to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control program, Office of Air Programs, Washington, D.C. 20460. Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(Sec. 206, Clean Air Act, as amended (42 U.S.C. 1857f–5).)

Dated June 15, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 85 of chapter 1, title 40 of the Code of Federal Regulations, as applicable to 1975 model year light duty vehicles, is amended as follows:

1. In § 85.075–2, paragraph (a) is revised as follows:

§ 85.075–2 Application for certification.

(a) An application for a certificate of conformity shall be made for each set of standards applicable to new motor vehicles. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

2. In § 85.075–5, paragraph (a) is amended as follows:

§ 85.075–5 Test vehicles.

(a) (1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

* * * * *

(ix) Thermal reactor characteristics.
istics.
(ix) Thermal reactor characteristics.

* * * * *

3. In § 85.075–28, paragraph (a) is amended as follows:

§ 85.075–28 Compliance with emission standards.

(a) The applicable exhaust and fuel evaporative emission standards in § 85.075–1 apply to the emissions of vehicles for their useful life.

* * * * *

4. In § 85.075–30, paragraph (a) (3) is added and paragraph (b) (2) is revised as follows:

§ 85.075–30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(b) * * *

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

* * * * *

5. In § 85.075–35, paragraph (a) (4) (v) is revised as follows:

§ 85.075–35 Labeling.

(a) * * *

(4) * * *

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

* * * * *

[FR Doc.73–12361 Filed 6–19–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

STANDARD FORM 365, ANNUAL REPORT—DISPOSAL OF FOREIGN EXCESS PROPERTY

This amendment adds a new paragraph to §§ 101–43.319, 101–44.801, and 101–45.308 to provide for an annual report to the Congress on the utilization, donation, and sale or other disposition of foreign excess property. It illustrates in § 101–43.4910 a Standard Form 365, Annual Report—Disposal of Foreign Excess Property, and provides instructions for its preparation.

[FPMR Amendment H–82]

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

The table of contents for part 101–43 is amended as follows:

Sec.
101–43.4910 Standard Form 365, Annual Report—Disposal of Foreign Excess Property.

Subpart 101–43.3—Utilization of Excess

Section 101–43.319 is revised to read as follows:

§ 101–43.319 Performance reports.

(a) A quarterly performance report of the utilization of excess property shall be submitted to GSA on Standard Form 121, Quarterly Report—Utilization and Disposal of Excess and Surplus Personal Property (§ 101–43.4907).

(b) An annual report of the utilization of foreign excess property shall be submitted in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives within 90 days after the close of each fiscal year using Standard Form 365, Annual Report—Disposal of Foreign Excess Property. Section 101–43.4910 illustrates SF 365 and provides instructions for its use. The first annual report shall be for fiscal year 1974.

Subpart 101–43.49—Illustrations

Section 101–43.4910 is added to illustrate Standard Form 365, Annual Report—Disposal of Foreign Excess Property.

§ 101–43.4910 Standard Form 365, Annual Report—Disposal of Foreign Excess Property.

NOTE.—The form and instructions for § 101–43.4910 are filed as part of the original document.

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.8—Reports

Section 101–44.801 is revised to read as follows:

§ 101–44.801 Performance report of donations.

(a) A quarterly performance report of the donation of surplus personal property shall be submitted to GSA on Standard Form 121, Quarterly Report—Utilization and Disposal of Excess and Surplus Personal Property, pursuant to § 101–43.4907.

(b) An annual report of the donation of foreign excess property shall be submitted in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives within 90 days after the close of each fiscal year using Standard Form 365, Annual Report—Disposal of Foreign Excess Property. Section 101–43.4910 illustrates SF 365 and provides instructions for its use. The first annual report shall be for fiscal year 1974.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.3—Sale of Personal Property

Section 101–45.308 is revised to read as follows:

§ 101–45.308 Performance reports.

(a) A quarterly performance report of the disposition of surplus personal property shall be submitted to GSA on Standard Form 121, Quarterly Report—Utilization and Disposal of Excess and Surplus Personal Property. (See § 101–43.4907.)

(b) An annual report of the sale or other disposition of foreign excess property shall be submitted in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives within 90 days after the close of each fiscal year using Standard Form 365, Annual Report—Disposal of Foreign Excess Property. Section 101–43.4910 illustrates SF 365 and provides instructions for its use. The first annual report shall be for fiscal year 1974.

NOTE.—The form illustrated at § 101–43.4910 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date.—This amendment is effective on June 20, 1973.

Dated June 13, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73–12263 Filed 6–19–73;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–60—PERSONAL PROPERTY MANAGEMENT

Subpart 114–60.5—Classification of Property

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new subpart 114–60.5 is added to part 114–60, chapter 114, title 41 of the Code of Federal Regulations as set forth below.

This regulation updates and codifies existing Departmental policies related to the classification of personal property. It is, therefore, determined that the public rulemaking procedure is unnecessary and this new subpart shall become effective on June 20, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 12, 1973.

Subpart 114–60.5—Classification of Property

Sec.
114–60.500 Responsibility.
114–60.501 Classification criteria.

AUTHORITY.—5 U.S.C. 301, sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114–60.5—Classification of Property

§ 114–60.500 Responsibility.

Each bureau and office shall be responsible for classifying all items of personal property under its jurisdiction as expendable or nonexpendable within the meaning of these terms as defined in subpart 114–60.1 of this part.

(a) Nonexpendable property shall be further classified to indicate whether it is to be capitalized, noncapitalized, or treated as materials and supplies for physical and financial control purposes.

(b) The organizational element of the headquarters office of the bureau or office which is responsible for directing the property management program shall classify personal property in accordance with the provisions of this subpart to insure uniformity at all organizational levels of the bureau or office. This requirement contemplates that:

(1) A listing of the nonexpendable property items commonly used by the bureau or office will be developed indicating the classification placed on each item or each group of items,

(2) The listing will be updated from time to time as new items not previously classified are acquired, and

(3) The classification listing will be promulgated for the use and guidance of all accountable officers in the bureau or office and their property management staffs.

§ 114–60.501 Classification criteria.

In determining the proper classification of the various items of nonexpendable property, consideration shall be given to such factors as acquisition cost, expected useful service life, susceptibility to personal uses, nature of use, cost of maintaining accountability and/or responsibility records compared with cost of possible increased losses if such records are not maintained, and any other factors which may have a bearing on the classification. It will be necessary to use good judgment in applying these factors to individual items since the classification placed on an item will dictate the type of inventory control and accounting records required to be maintained therefor.

(a) As a general rule, any single item of property costing more than $100 should be capitalized. Classification of any given item should be consistent, however, in cases where a portion of the inventory of the item is acquired at a cost of $100 or less and a portion at a cost of over $100, i.e., the entire stock of a given item should be accounted for as either capitalized or noncapitalized property as the case may be.

(b) Examples of nonexpendable property items which fall under the capitalized classification are motor vehicles, office machines, cameras, binoculars, surveying instruments, and similar items of property which have a long expected service life and generally represent a major investment in personal property.

(c) Examples of nonexpendable property items which will generally fall under the noncapitalized classification are hand tools, and similar relatively low cost minor items of property which are frequently worn out after a comparatively short period of service.

(d) Due to a high rate of breakage in service, a normally short service life, or an insignificant value, certain items of property, nonexpendable by definition, may, at the discretion of heads of bureaus and offices, administratively be classified as expendable and treated as such in all respects. Examples of items which may be considered as expendable are: glassware, tinware, brushes, drill bits, file baskets, pencil sharpeners, and like items which, in the opinion of each Bureau or Office, do not warrent the same measure of control and attention as do those comprising the capitalized and noncapitalized classifications.

[FR Doc.73–12192 Filed 6–19–73;8:45 am]

PART 114–60—PERSONAL PROPERTY MANAGEMENT

Subpart 114–60.6—Stores Records

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new subpart 114–60.6 is added to part 114–60, chapter 114, title 41, of the Code of Federal Regulations as set forth below.

As this regulation updates and codifies internal Departmental policies related to the maintenance of stores accounting records of personal property, it is determined that the public rulemaking procedure is unnecessary and this new subpart shall become effective on June 20, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 12, 1973.

Subpart 114–60.6—Stores Records

Sec.
114–60.600 General ledger control account.
114–60.601 Storehouse records.
114–60.602 Periodic reconciliation.
114–60.603 Designation of employees authorized to withdraw property from storehouse.
114–60.604 Documentation of issues.

AUTHORITY.—5 U.S.C. 301, sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114–60.6—Stores Records

§ 114–60.600 General ledger control account.

The value of stores property acquired and disposed of shall be recorded in a general ledger control account for stores where the quantity or value of items stocked, volume of work, or other factors necessitate the establishment of a stores account. In the discretion of the head of each bureau or office, acquisitions of stores property in the following categories need not be recorded in a general ledger control amount, but may be charged directly to the program or project benefited.

(a) Materials and supplies purchased for immediate application on a specific project or job.

(b) Materials and supplies purchased for single purposes, such as those procured against a bill of materials for a specific construction project, even though such materials may be stored for future use, consumption, or installation. In such cases, however, card records showing quantity and descriptive information of the items involved shall be maintained as necessary to insure proper management and control of such inventories.

§ 114–60.601 Storehouse records.

The general ledger control account for stores shall be supported by detailed card records to adequately identify the units of property, the costs of which are charged to the stores account; provide a permanent record of the acquisition and disposition of all stores items; and provide information needed for inventory control and management purposes.These records shall be subject to both internal and external audit and all entries made therein must be adequately supported by valid acquisition and disposal documents. Form DI–101 may be used for this purpose (see § 114–60.109).

§ 114–60.602 Periodic reconciliation.

The total value of stores property recorded in the storehouse card records shall be compared with the balance shown in the general ledger control account for stores at least once each year. Any differences disclosed as a result of this comparison shall be reconciled and adjusted in accordance with sound accounting practices and as necessary to bring the subsidiary records and control account monetary balances into complete agreement.

§ 114–60.603 Designation of employees authorized to withdraw property from storehouse.

To insure that property will not be issued indiscriminately, the official having accountability for the property (accountable officer) should designate, in writing, an essential number of employees to whom materials and supplies may be issued, and/or to whom responsibility for nonexpendable property may be assigned.

§ 114–60.604 Documentation of issues.

All issues of stores property shall be adequately documented and a receipt obtained at the time the property is removed from the storehouse or other storage area. Form DI–104 may be used for this purpose (see § 114–60.109). Issues of nonexpendable property will be documented as prescribed in subpart 114–60.7.

[FR Doc.73–12191 Filed 6–19–73;8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5347]

[New Mexico 18163 (Okla.)]

OKLAHOMA

Restoration of Land to Ownership of Wichita and Affiliated Bands of Indians (Caddo Tribe and the Absentee Band of Delaware Indians of Caddo County)

By virtue of the authority contained in section 3 of the act of June 18, 1934, 25 U.S.C. section 463 (1970), and pursuant to recommendations of the tribal council, and the Assistant Secretary, Management and Budget, acting on behalf of and as the Commissioner of the Bureau of Indian Affairs, and a finding of the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described land, ceded by the Wichita and affiliated bands of Indians (Caddo Tribe and the absentee band of Delaware Indians of Caddo County, Okla.), to the United States pursuant to an agreement of June 4, 1891, ratified by the act of March 2, 1895, 28 Stat. 876, 894–898, having been reserved for use by the Bureau of Indian Affairs for school purposes for the Riverside Indian School and being now not needed for such uses, is hereby restored to tribal ownership for use and benefit of the Wichita and affiliated bands of Indians (Caddo Tribe and the absentee band of Delaware Indians of Caddo County, Okla.), subject to valid existing rights:

INDIAN MERIDIAN

T. 7 N., R. 10 W., sec. 10, a tract of land in the W½ described as follows: Beginning at the quarter corner between secs. 9 and 10; thence north on section line (N. 0°) 1,320 feet; thence N. 89°57' E., 1,209 feet to the west right-of-way line of highway 281; thence southeasterly along west right-of-way on a curve to right 1,617.4 feet; thence S. 88°-27'40'' W., 1,558.6 feet to west line of section 10; thence N. 0° along sec. line 301.3 feet to quarter corner, the point of beginning.

The area described aggregates 50.93 acres in Caddo County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 13, 1973.

[FR Doc.73–12202 Filed 6–19–73;8:45 am]

Title 45—Public Welfare

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

PART 180—DESEGREGATION OF PUBLIC EDUCATION

Notice of proposed rulemaking was published on May 11, 1973 (38 FR 12407), regarding amendments to the requirements and procedures governing administration of desegregation assistance programs under title IV of the Civil Rights Act of 1964 (78 Stat. 241; 42 U.S.C. 2000c). Interested persons were given 20 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

The only substantive comments received (1) questioned the requirement that applicants under subparts B and C of the amended regulation obtain and submit written requests for the proposed technical assistance, and (2) suggested creation of a nationwide service area for applicants under subpart C.

It was determined that the requirement of written technical assistance requests was necessary to establish the need for such assistance, and that projects designed to serve the entire Nation would be too diffuse and general to give promise of achieving the purposes of the act.

After consideration of the above described comments, the regulation is hereby amended as proposed and is set forth in full below.

Effective date.—This regulation shall be effective on June 20, 1973.

(Catalog of Federal Domestic Assistance program No. 13.405, Civil Rights Technical Assistance and Training.)

Dated June 6, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

Approved June 15, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart A—General Provisions

Sec.
180.01 Purpose.
180.02 Definitions.
180.03 Retention of records.
180.04 Audits.
180.05 Limitations on costs.
180.06 Final accounting.
180.07 Use of experts.
180.08–180.10 [Reserved]

Subpart B—Technical Assistance Grants to State Educational Agencies

180.11 Eligibility for awards.
180.12 Authorized activities.
180.13 Proposals.
180.14 Criteria for awards.
180.15–180.20 [Reserved]

Subpart C—General Assistance Centers

180.21 Eligibility for awards.
180.22 Authorized activities.
180.23 Proposals.
180.24 Criteria for awards.
180.25–180.30 [Reserved]

Subpart D—Training Institutes

180.31 Eligibility for assistance.
180.32 Authorized activities.
180.33 Applications.
180.34 Criteria for assistance.
180.35–180.40 [Reserved]

Subpart E—Grants to School Boards

180.41 Eligibility for assistance.
180.42 Authorized activities.
180.43 Applications.
180.44 Criteria for assistance.

AUTHORITY.—Except as specifically noted below, the provisions of this part 180 are issued under title IV of the Civil Rights Act of 1964, 78 Stat. 241 (20 U.S.C. 2000c–2000c–9).

Subpart A—General Provisions

§ 180.01 Purpose.

The purpose of this part is to provide for awards as authorized by sections 403, 404, and 405 of title IV of the Civil Rights Act of 1964 (78 Stat. 241) for technical assistance, training institutes, and grants to school boards in connection wtih desegregation of public elementary and secondary schools.

(42 U.S.C. 2000c.)

§ 180.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

(a) "Commissioner" means the Commissioner of Education.

(42 U.S.C. 2000c(a).)

(b) (1) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. For purposes of this paragraph, overcoming racial imbalance means the assignment of students to correct conditions of segregation or separation (on the basis of race, color, religion, or national origin) not resulting from State or local law or official action.

(2) For purposes of this part, a school board shall be deemed to be "desegregating" if it is implementing or developing a plan for desegregation (as defined in subparagraph (1) of this paragraph) (i) which has been or will be undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official authorized by State law to issue such an order, or (ii) which has been required and approved by the Secretary of Health, Education, and Welfare as adequate under title VI of the Civil Rights Act of 1964.

(3) For purposes of this part, a school board shall be deemed to be "desegregated" if (i) it is not under a current legal obligation (as described in paragraph (b) (2) of this section) to desegregate, and (ii) it enrolls in its schools significant proportions of both minority and nonminority group students.

(42 U.S.C. 2000c(b); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 878–879 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

(c) "Public school" means any elementary or secondary educational institution, provided that such public school is operated by a State, subdivision of a State, or government agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(42 U.S.C. 2000c(c).)

(d) "School board" means any agency or agencies which administer a system of one or more public schools, and any other agency which is responsible for the assignment of students to or within such system.

(42 U.S.C. 2000c(d).)

(e) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(42 U.S.C. 2000c—2000c-9.)

(f) The term "institution of higher education" means an educational institution in any State which: (1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; (2) is legally authorized within such State to provide a program of education beyond high school; (3) provides an educational program for which it awards a bachelor's degree; or provides not less than a 2-year program which is acceptable for full credit toward such a degree; or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; (4) is a public or other nonprofit institution; and (5) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(42 U.S.C. 2000c—2000c-9.)

(g) The term "minority group" refers to persons (1) who are Negro, American Indian, Spanish-surnamed American, or Oriental, or (2) who have been specifically determined by the Commissioner to have been segregated or separated on the basis of race, color, religion, or national origin as a result of State or local law or official action.

(42 U.S.C. 2000c—2000c-9.)

(h) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(42 U.S.C. 2000c—2000c-9.)

(i) The term "State" means one of the 50 States or the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(42 U.S.C. 2000c-1.)

(j) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law for such purpose.

(42 U.S.C. 2000c—2000c-9.)

(k) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(42 U.S.C. 2000c—2000c-9.)

§ 180.03 Retention of records.

(a) *Records.*—Each recipient of funds under this part shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b) (2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are reviewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(Office of Management and Budget Circular No. A-73; Office of Management and Budget Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 180.04 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(d) Each recipient shall use a single auditor for all of its expenditures under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

(20 U.S.C. 1232c(b)(2); Office of Management and Budget Circular No. A-102, attachement G,2, attachment C,1.)

§ 180.05 Limitations on costs.

The amount of the award shall be set forth in the grant award or contract document. The total cost to the Federal Government shall not exceed the amount set forth in the grant award or contract document or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal

Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award or contract document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant or contract.

(31 U.S.C. 200.)

§ 180.06 Final accounting.

(a) In addition to such other accounting as the Commissioner may require, the recipient shall render, with respect to the program, project, or activity assisted under this part, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b) (3); 31 U.S.C. 628.)

§ 180.07 Use of experts.

In evaluating the educational and programmatic merits of applications for assistance under this part, the Commissioner is authorized to purchase or utilize the services, recommendations, or advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(42 U.S.C. 2000c—2000c-9.)

§§ 180.08—180.10 [Reserved]

Subpart B—Technical Assistance Arrangements With State Educational Agencies

§ 180.11 Eligibility for awards.

(a) Any State educational agency may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance to any school board, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans or programs for the desegregation of public schools. Such technical assistance shall be rendered only upon the request of a school board, municipality, school district, or other governmental unit (1) which is desegregating its schools or (2) which is desegregated and is seeking to maintain or enhance its desegregated status.

(42 U.S.C. 2000c-2; 20 U.S.C. 1231(b).)

(b) Technical assistance proposed to be rendered pursuant to this subpart shall consist of or include the provision of information regarding effective methods of coping with special educational problems occasioned by desegregation. For purposes of this paragraph, the term "special educational problems occasioned by desegregation" means those problems (other than problems uniquely related to the assignment of students to public schools in order to overcome racial imbalance) arising from the assignment of students to and within public schools without regard to race, color, religion, or national origin.

(42 U.S.C. 2000c(b), 2000c-2)

§ 180.12 Authorized activities.

Funds made available pursuant to this subpart shall be used for the activities described in paragraph (a) of this section and for one or more of the activities described in paragraphs (b) through (i) of this section, when such activities are requested in accordance with § 180.11(a).

(a) Planning and other activities designed to insure that administrators, teachers, and other educational personnel who are members of minority groups are not demoted or dismissed in the process of, or as a result of, desegregation;

(42 U.S.C. 2000c-2.)

(b) Assessment of desegregation-related educational needs in one or more public schools;

(42 U.S.C. 2000c-2.)

(c) Development of administrative methods and techniques to cope with special educational problems occasioned by desegregation;

(42 U.S.C. 2000c-2.)

(d) Development of educational programs, materials, and methods for use in desegregated classroom situations;

(42 U.S.C. 2000c-2.)

(e) Training of administrators, teachers, or other public school personnel in the implementation or use of methods, techniques, programs, and materials designed to cope with special educational problems occasioned by desegregation;

(42 U.S.C. 2000c-2.)

(f) Development of techniques for communications or interaction between public schools or school systems and the minority and nonminority group communities affected by the desegregation of such schools or school systems;

(42 U.S.C. 2000c-2.)

(g) Technical assistance to public school administrative staffs in determining the availability and appropriate utilization of funds under other Federal and State programs which would assist in coping with special educational problems occasioned by desegregation;

(42 U.S.C. 2000c-2.)

(h) Training of administrative staffs (in desegregating school districts or districts under a current legal obligation to desegregate) in efficient and educationally sound methods of assigning students to and within public schools;

(42 U.S.C. 2000c-2.)

(i) Any other activity which the Commissioner determines will make substantial progress toward achieving the purposes of this subpart.

(42 U.S.C. 2000c-2.)

§ 180.13 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposals shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.12. Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.

(42 U.S.C. 2000c-2.)

(b) Proposals submitted pursuant to this subpart shall contain a listing of the school boards, municipalities, school districts, or other governmental units to which the applicant proposes to render technical assistance, the nature of such assistance expected to be rendered, and a statement as to whether the proposed recipients of such assistance are desegregated or are desegregating their schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan required and approved by the Secretary. Such proposals shall also include copies of requests for such assistance from such school boards, municipalities, school districts, or other governmental units, and a copy of the form to be prescribed or employed for additional requests for such assistance. Such requests, at a minimum, shall indicate the status of the requesting school board, municipality, school district, or other governmental unit with respect to desegregation and the nature of the special educational problems with respect to which technical assistance is requested, and shall be signed by the chief executive officer or other authorized representative of the requesting agency.

(42 U.S.C. 2000c-2.)

(c) Proposals shall be submitted pursuant to this subpart in such form and at such times as the Commissioner may require.

(42 U.S.C. 2000c-2.)

§ 180.14 Criteria for awards.

In approving proposals under this subpart, the Commissioner shall apply the following criteria:

(a) *Concentration of minority group students (18 points).*—The number of minority group students enrolled in the public schools of the desegregating or desegregated school boards, municipalities, school districts, or other governmental units which have requested technical assistance from the applicant, for the fiscal year preceding the fiscal year for which assistance is sought.

(42 U.S.C. 2000c-2.)

(b) *Needs assessment (6 points).*—(1) The magnitude of desegregation-related educational needs assessed by the applicant with respect to desegregating or desegregated school boards, municipalities, school districts, or other governmental units within the applicant's State, and (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs.

(42 U.S.C. 2000c–2.)

(c) *Statement of objectives (8 points).*—The degree (1) to which the applicant sets forth specific, measureable objectives for its program, project, or activity, in relation to specifically identified educational needs, and (2) to which such objectives are realistically attainable within the limits of the project period and the available resources.

(42 U.S.C. 2000c–2.)

(d) *Activities (23 points).*—(1) *Project design (13 points).*—The extent to which (i) the proposal provides for a continuing exchange of information between the applicant and the school boards, municipalities, school districts, or other governmental units proposed to be served; (ii) the proposed program, project, or activity promises to involve a substantial proportion of the desegregating or desegregated school boards, municipalities, school districts, or other governmental units within the applicant's State; (iii) the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation; and (iv) the proposed services are concentrated upon classes or categories of beneficiaries which are sufficiently limited and specific to give promise of significant results;

(2) *Staffing (6 points).*—The extent to which the proposal (i) contains evidence of background, training, and experience on the part of the professional staff employed or to be employed by the applicant in coping with special educational problems occasioned by desegregation; (ii) the professional and other staff employed or to be employed by the applicant reflects the racial or ethnic composition of the population to be served; and

(3) *Coordination (4 points).*—The extent to which the applicant proposes to make use of other State resources and capabilities in meeting the needs of desegregating or desegregated school boards, municipalities, school districts, and other governmental units.

(42 U.S.C. 2000c–2.)

(e) *Resource Management (4 points).*—The extent to which the applicant demonstrates that project costs are reasonable in relation to the expected benefits.

(42 U.S.C. 2000c–2.)

(f) *Evaluation (5 points).*—The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation, and (ii) a method of reviewing the proposed program, project, or activity in the light of such data.

(42 U.S.C. 2000d–2.)

(g) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 25 percent of the funds made available for assistance pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c–2.)

§§ 180.15—180.20 [Reserved]

Subpart C—General Assistance Centers

§ 180.21 Eligibility for awards.

Any public or private agency (other than a State educational agency), including any institution of higher education, may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance (as described in § 180.11(b)), to any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans or programs for the desegregation of public schools. Such technical assistance shall be rendered through general assistance centers serving designated service areas as described in § 180.22(b), only upon the request of a school board, State, municipality, school district, or other governmental unit (1) which is desegregating its schools or (2) which is desegregated and is seeking to maintain or enhance its desegregated status.

(42 U.S.C. 2000c–2; 20 U.S.C. 1231(b).)

§ 180.22 Authorized activities.

(a) Funds made available pursuant to this subpart shall be used for one or more of the activities described in §§ 180.12(a) through (i), which such activities are requested in accordance with § 180.21.

(42 U.S.C. 2000c–2.)

(b) *Service areas.*—(1) Activities authorized under paragraph (a) of this section shall be carried out in one of the following designated service areas, to be specified by the applicant in its proposal:

Area:	*States*
1	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
2	New York, New Jersey, Puerto Rico, Virgin Islands.
3	Pennsylvania, Delaware, Maryland.
4	Virginia, West Virginia, District of Columbia.
5	North Carolina.
6	South Carolina.
7	Georgia.
8	Florida.
9	Alabama.
10	Mississippi.
11	Kentucky, Tennessee.
12	Ohio.
13	Indiana.
14	Illinois.
15	Michigan.
16	Wisconsin, Minnesota.
17	Texas.
18	Louisiana.
19	Oklahoma, Arkansas.
20	New Mexico.
21	Iowa, Nebraska, Kansas, Missouri.
22	North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.
23	California, Nevada, Arizona.
24	Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands.
25	Oregon, Washington, Idaho.
26	Alaska.

(2) A public or private agency entering into an arrangement pursuant to this subpart shall provide technical assistance, to the extent that financial and other resources permit, upon the request of any desegregating or desegregated school board, State, municipality, school district or other governmental unit located within such agency's designated service area.

(3) No more than one award shall be made pursuant to this subpart for technical assistance activities in a single designated service area, unless the Commissioner determines that the proposals pending before him for additional awards for such activities in such an area are of exceptional merit or promise. Where the Commissioner determines that insufficient need exists in one or more designated service areas for a general assistance center, he may require applicants to expand their proposed activities to include more than one such area. Where the Commissioner determines that needs existing in one or more designated service areas will not be met by a general assistance center or a State educational agency, he may require applicants under this subpart to expand their proposed activities to include such areas.

(42 U.S.C. 2000c–2.)

§ 180.23 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposal shall set forth a program, project, or activity under which, and such policies and procedures as well assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.22. Such proposals shall contain the information and materials described in § 180.13(b). Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.

(42 U.S.C. 2000c–2.)

(b) Proposals shall be submitted pursuant to this subpart in such form and

at such times as the Commissioner may require.

(42 U.S.C. 2000c-2.)

§ 180.24 Criteria for awards.

(a) In approving proposals under this subpart, the Commissioner shall apply the criteria set forth in § 180.14, except that (1) the term "desegregating or desegregated school boards, municipalities, school districts, and other governmental units" in such section shall be understood to include States legally responsible for operating a public school or schools; (2) the term "within the applicant's State" in such section shall be understood to refer to the applicant's designated service area where such area includes more than one State; and (3) with respect to § 180.14(d), 15 points shall be awarded for the criteria set forth in § 180.14(d)(1), eight points shall be awarded for the criteria set forth in § 180.14(d)(2), and no points shall be awarded for the criteria set forth in § 180.14(d)(3).

(42 U.S.C. 2000c-2.)

(b) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 50 percent of the funds made available for assistance pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-2.)

§§ 180.25—180.30 [Reserved]

Subpart D—Training Institutes

§ 180.31 Eligibility for assistance.

Any institution of higher education may apply for a grant pursuant to this subpart for the operation of short term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel (including school board members or trustees) to deal effectively with special educational problems occasioned by desegregation (as such problems are defined in § 180.11(b)).

(42 U.S.C. 2000c-3.)

§ 180.32 Authorized activities.

(a) Funds made available pursuant to this subpart shall be used for institutes for special training in one or more of the problem areas described in § 180.12 (except § 180.12 (b) and (g)). Such institutes may be held on the campus of the applicant institutions or at other locations, and shall consist of (1) summer sessions not to exceed 6 weeks in duration, or (2) sessions conducted during the regular academic year.

(42 U.S.C. 2000c-3.)

(b) Training shall be provided pursuant to this subpart only upon the request of a school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools (1) which is desegregating its schools or (2) which is desegregated and is seeking to maintain or enhance its desegregated status.

(42 U.S.C. 2000c-3.)

(c) *Stipends.*—An individual who attends an institute on a full-time basis shall be paid a stipend of $15 for each institute day of attendance up to $75 per week. In the event that participation in an institute is interrupted or is terminated prior to completion of the institute program, stipend payment shall be made to the individual for such period as he was in attendance on a full-time basis. For purposes of this paragraph, "attendance on a full-time basis" means attendance during a period for which the individual is receiving no other compensation for such attendance or for work performed during such period, and an "institute day" means each day of a program of an institute on which at least 5 hours of training is scheduled to be provided.

(42 U.S.C. 2000c-3.)

(d) *Travel allowances.*—(1) An individual who attends an institute on a full-time basis (as defined in paragraph (c) of this section) may be provided travel, or an allowance for his actual cost of travel, from place of residence or employment to place of the institute, and from place of the institute to his place of residence or employment, as set forth in the institution's arrangement with the Commissioner, but not to exceed 11 cents per mile. The allowance for travel in the case of travel by private automobile shall be at the rate of 11 cents per mile. In the case of joint travel by private automobile by a group of participants, travel allowances shall be payable only to one of such participants, but without reduction on account of contribution to him by the other participants.

(2) In addition to the limitations of subparagraph (1) of this paragraph, when air, rail, or steampship transportation is used, first-class accommodations or an allowance therefor may be provided only where first-class accommodations are the only class of service for the most direct travel route, or where less than first-class accommodations result or would result in greater cost than first-class accommodations.

(3) In the event that an individual's participation in an institute is terminated prior to his completion of the institute program, travel, or an allowance therefor, from place of the institute to his place of residence or employment may be provided only if such termination is occasioned by extraordinary circumstances not reasonably within the control of the individual.

(42 U.S.C. 2000c-3.)

§ 180.33 Applications.

(a) An applicant desiring to receive assistance pursuant to this subpart for any fiscal year shall submit to the Commissioner an application for such fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use funds awarded on the basis of such application only for the activities described in § 180.32. Such applications, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.

(42 U.S.C. 2000c-3.)

(b) Applications for assistance submitted pursuant to this subpart shall contain a listing of the school boards, States, municipalities, school districts, or other governmental units to whose teachers, supervisors, counselors, and other elementary or secondary school personnel the applicant proposes to provide special training, the nature of such training expected to be provided, and a statement as to whether such school boards, States, municipalities, school districts, or other governmental units are desegregated or are desegregating their schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan required and approved by the Secretary. Such applications shall also include copies of requests for such training from such school boards, States, municipalities, school districts, or other governmental units, and a copy of the form to be prescribed or employed for additional requests for such training. Such requests, at a minimum, shall indicate the status of the requesting school board, State, municipality, school district, or other governmental unit with respect to desegregation, the number and percentage of minority group students enrolled, the nature of the special educational problems with respect to which training is requested, and the approximate number and type of personnel to be trained, and shall be signed by the chief executive officer or other authorized representative of the requesting agency.

(42 U.S.C. 2000c-3.)

(c) Applications for assistance pursuant to this subpart shall be submitted in such form and at such time as the Commissioner may require.

(42 U.S.C. 2000c-3.)

§ 180.34 Criteria for assistance.

(a) In approving applications under this subpart, the Commissioner shall apply the criteria set forth at §§ 180.14 (b), (c), (d)(2), (e), and (f), except that (1) needs shall be assessed pursuant to § 180.14(b) with respect to all desegregating or desegregated school boards, States, municipalities, school districts, or other governmental units which have requested training assistance, and (2) 8 points shall be awarded for the criteria

set forth in § 180.14(d)(2). The Commissioner shall also apply the criteria set forth in paragraph (b) of this section.

(42 U.S.C. 2000c-3.)

(b) *Project design (15 points).*—The extent to which (1) the participants in the proposed institute or institutes will include persons with authority to effect substantive changes in public school policies and procedures, including school board members or trustees, superintendents, assistant superintendents, and school principals; (2) the applicant proposes to work with institute participants on a regular basis in classroom and other field situations after completion of formal training sessions; (3) the applicant sets forth specific methods or techniques for preparing institute participants to train other teachers, supervisors, counselors, and other elementary or secondary school personnel in dealing effectively with desegregation-related problems; and (4) the proposed program, project, or activity is designed to develop specific educational strategies for dealing effectively with such problems.

(42 U.S.C. 2000c-3.)

(c) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 15 percent of the funds made available for assistance pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-3.)

§§ 180.35—180.40 [Reserved]

Subpart E—Grants to School Boards

§ 180.41 Eligibility for assistance.

Any school board (a) which is desegregating its schools or (b) which is desegregated and is seeking to maintain or enhance its desegregated status may make application pursuant to this subpart for a grant to pay, in whole or in part, the cost of employing a specialist to advise in problems incident to desegregation, and of giving to teachers and other public school personnel inservice training in dealing with problems incident to desegregation. For purposes of this section, the term "problems incident to desegregation" means those problems (other than problems uniquely related to the assignment of students in order to overcome racial imbalance) arising from the assignment of students to and within public schools without regard to race, color, religion, or national origin.

(42 U.S.C. 2000c(b), 2000c-4.)

§ 180.42 Authorized activities.

Funds made available pursuant to this subpart shall be used to employ specialists as described in § 180.41 and to provide inservice training as described in § 180.41, for the purpose of advice or training in one or more of the problem areas described in § 180.12, when such advice or training is not available from other sources.

(42 U.S.C. 2000c-4.)

§ 180.43 Applications.

(a) An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Commissioner an application for such fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use funds awarded on the basis of such application only for the activities described in § 180.42. Such applications, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.

(42 U.S.C. 2000c-4.)

(b) Applications for assistance pursuant to this subpart shall indicate whether the applicant is desegregated or is desegregating its schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan required and approved by the Secretary, and shall describe the problems incident to desegregation to be addressed by the proposed program, project, or activity. If an application for assistance pursuant to this subpart includes a request for funds for inservice training as described in § 180.41, such application shall indicate the reasons that such training is not available from other sources.

(42 U.S.C. 2000c-4.)

(c) Applications for assistance pursuant to this subpart shall be submitted in such form and at such times as the Commissioner may require.

(42 U.S.C. 2000c-4.)

§ 180.44 Criteria for assistance.

(a) In approving applications for assistance under this subpart, the Commissioner shall apply the criteria set forth in §§ 180.14 (c), (e), and (f). The Commissioner shall also apply the criteria set forth in paragraphs (b), (c), and (d) of this section.

(42 U.S.C. 2000c-4.)

(b) *Concentration of minority group students (30 points).*—The number and percentage of minority group students enrolled in the schools of the applicant school board for the fiscal year preceding the fiscal year for which assistance is sought.

(42 U.S.C. 2000c-4.)

(c) *Needs assessment (6 points).*—(1) The magnitude of desegregation-related educational needs assessed by the applicant; (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs; and (3) the extent to which the applicant lacks the financial and other resources necessary to meet such needs.

(42 U.S.C. 2000c-4.)

(d) *Activities (23 points).*—(1) *Qualifications of specialist (8 points).*—The extent to which the application (i) contains evidence of desegregation-related background, training, and experience on the part of the person to be employed as an advisory specialist, and (ii) sets forth procedures for direct, formal consultation, on a regular basis, by such specialist with school board members and trustees and the superintendent of the affected school district concerning problems incident to desegregation;

(2) *Community involvement (7 points).*—The extent to which the application (i) reflects the participation of representatives of the minority and nonminority group communities affected by desegregation in the development of the proposed program, project, or activity, and (ii) contains evidence that such representatives will participate in the implementation of the proposed program, project, or activity; and

(3) *Comprehensiveness (8 points).*—The extent to which (i) the application contains evidence that the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation, and (ii) the applicant proposes to conduct activities addressing a broad range of problem areas.

(42 U.S.C. 2000c-4.)

(e) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 10 percent of the funds made available pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-4.)

[FR Doc.73-12307 Filed 6-19-73;8:45 am]

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Staff Organization

Chapter VII of Title 45 of the Code of Federal Regulations is amended by revising 701.12(b)(1); 701.12(b)(2); 701.12(b)(3); 701.12(b)(4); 701.12(b)(6) and adding 701.12(b)(7), 701.12(b)(8) as set forth below. These amendments reflect a revision of the staff organization of the Commission.

§ 701.12 Staff organization.

* * * * *

(b) * * *

(1) *Office of the staff director.*—Under the general direction of the Commission,

the office of the staff director plans the agency work programs; directs, supervises, and coordinates the work of offices; reports plans, work programs, and activities of the agency to the Commission; represents the agency in relationships with the Executive Office of the President, the Congress, other Federal agencies, the press, national civil rights organizations, other private and local groups, and the general public; and manages the administrative affairs of the agency.

(i) *Women's rights program unit.*—The women's rights program unit recommends and assists in the development of overall agency programs with regard to women's rights; handles the identification and evaluation of women's rights issues; oversees the design and implementation of specific women's rights projects; maintains liaison with national private organizations and with research institutions dealing with women's rights.

(ii) *The congressional liaison unit.*—The congressional liaison unit responds to congressional requests; observes the Commission's interests with respect to its statute, authorization and appropriations; provides commentaries and prepares testimony on civil and women's rights legislation; and identifies legislative means of implementing the Commission's recommendations.

(2) *Office of General Counsel.*—The Office of General Counsel plans and conducts hearings to investigate and obtain information about the denial of civil and women's rights; conducts legal studies in areas within the jurisdiction of the Commission; prepares reports of legal studies and hearings held within the jurisdiction of the Commission; drafts or reviews proposals for legislative and executive action in civil and women's rights; reviews all agency publications and congressional testimony for legal sufficiency; serves as legal counsel to the Commission and to the agency; and drafts and negotiates all agency contracts.

(3) *Office of program and policy review.*—The office of civil rights program and policy review conducts appraisals of Federal policies, administration, and programs; provides technical research assistance to other Commission units and to public and private groups and individuals; plans and conducts or stimulates studies to advance basic knowledge about the extent, causes, and socioeconomic consequences of civil and women's rights denials, including, but not limited to the areas of housing, education, economic security and welfare; and prepares reports and clearinghouse materials in areas within the jurisdiction of the Commission.

(4) *Office of information and publications.*—The office of information and publications prepares and disseminates information about the Commission and its studies and publications through various techniques of communication; assists in the preparation of clearinghouse publications; prepares for printing all Commission publications, including hearing transcripts and reports; maintains liaison with the news media; writes speeches and coordinates speaking engagements of Commission staff; and maintains information liaison with public and private groups and individuals interested in civil and women's rights.

* * * * *

(6) *Office of field operations.* The office of field operations plans and directs field offices and field programs of the Commission; develops, organizes, and supervises field activities including investigations, meetings, conferences, and the preparation of reports of State advisory committees to the Commission which are located in each State and the District of Columbia; assists other Commission units in carrying out hearings, meetings, studies, and clearinghouse functions in the field; maintains liaison with public and private organizations and individuals interested in civil and women's rights at the regional, State, and local levels; and provides information services to field offices, State advisory committees, and other public and private groups whose goals and activities are consistent with those of the Commission.

(7) *Office of Federal civil rights evaluation.*—The office of Federal civil rights evaluation conducts appraisals of Federal agencies' implementation of their civil rights responsibility; receives complaints alleging denial of civil rights, refers them to Federal agencies having jurisdiction and follows up on action taken; and maintains liaison within Federal agencies on civil and women's rights policies.

(8) *Office of research.*—The office of research conducts social science research into the problems of minorities and women; tests applicable theories of social science as they relate to the Commission's jurisdiction; provides advice, and counsel to other offices on projects involving social science research; and houses a national documentation center which functions as a clearinghouse for collected specialized information on civil and women's rights.

Effective date.—This amendment shall become effective on June 30, 1973.

STEPHEN HORN,
Vice Chairman.

[FR Doc.73-12214 Filed 6-19-73;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice 73-17]

PART 391—QUALIFICATIONS OF DRIVERS

PART 395—HOURS OF SERVICE OF DRIVERS

Drivers Transporting Mobile Homes for Disaster Relief; Waiver of Minimum-Age Requirement

The purpose of this notice is to announce that the Director of the Bureau of Motor Carrier Safety is granting temporary relief from the provisions of § 391.11(b)(1) of the Motor Carrier Safety Regulations, 49 CFR 391.11(b)(1), to permit drivers who are under 21 years of age and at least 18 years old to operate commercial motor vehicles engaged in the transportation of mobile homes for the purpose of providing emergency shelter for persons displaced from their homes by the floods along the Mississippi River and its tributaries and by numerous tornadoes in the same area during the spring of 1973.

The Director is also announcing that, in the view of the Bureau of Motor Carrier Safety, motor carriers engaged in this type of service are engaged in performing emergency relief operations within the meaning of § 395.12 of the regulations, 49 CFR 395.12, which provides that the rules in part 395 of the regulations relating to hours of service of drivers do not apply to the transportation of property "to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster."

The Department of Housing and Urban Development has sought the assistance of the Bureau in expediting the movement of mobile homes now owned by the United States to the disaster-stricken areas where they will be used to house homeless victims of the floods and tornadoes. The movements will terminate at staging areas located near the sites of the disasters. Two of the staging areas are located in Granite City, Ill., and Greenville, Miss. The Department of Housing and Urban Development indicates that it is experiencing difficulties in obtaining sufficient service from authorized motor carriers of mobile homes, and that the difficulties are caused, in part, by an insufficient supply of qualified drivers and by carrier uncertainty as to whether the provisions of § 395.12 of the Motor Carrier Safety Regulations apply to the movements from the locations of the mobile homes to the staging areas. It has requested the Bureau's assistance in granting a limited waiver of the minimum-age requirement and issuing a ruling concerning the application of § 395.12.

Accordingly, the Director of the Bureau of Motor Carrier Safety hereby issues a temporary waiver of the minimum-age provisions in § 391.11(b)(1) of the Motor Carrier Safety Regulations under the following terms, conditions, and limitations: Notwithstanding the provisions of § 391.11(b)(1) of the Motor Carrier Safety Regulations (49 CFR 391.11(b)(1)), a person who is at least 18 years old may drive a motor vehicle engaged in the transportation of mobile homes in interstate commerce or in the return of that vehicle to its point of origin and a motor carrier may employ that person to drive that motor vehicle if—

(a) There is on file with the Director of the Bureau of Motor Carrier Safety a certificate from the Department of Housing and Urban Development that—

(1) The motor carrier is engaged in transporting under arrangements with the Department of Housing and Urban Development housing to provide emergency relief for victims of floods or tornadoes; and

(2) The motor carrier must use drivers who are less than 21 years of age solely in order to fulfill the requirements of the Department of Housing and Urban Development for expeditious movement of that housing;

(b) The driver is otherwise qualified under the rules in part 391 of the Motor Carrier Safety Regulations (49 CFR, pt. 391); and

(c) The motor vehicle operated by the driver is marked or placarded to indicate that its operations are part of an emergency movement sanctioned by the Department of Housing and Urban Development.

This temporary waiver expires on September 15, 1973, unless the Director, by public notice, extends it.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 389.4.

Issued on June 14, 1973.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.73-12303 Filed 6-19-73;8:45 am]

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-12; Notice No. 73-15]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Delay in Effective Date of Safe Loading Rules

The Director of the Bureau of Motor Carrier Safety is changing the effective date of the revised rules relating to safe loading of commercial motor vehicles from July 1, 1973, to October 1, 1973.

Section 393.85 of the Motor Carrier Safety Regulations, entitled "Protection against shifting or falling cargo," has been scheduled to go into effect in its revised form on July 1, 1973. However, the Director has received two petitions for amendment of § 393.85, which appear to have merit and which raise issues that should be resolved before the new rules become effective. The Director has this day published a notice, announcing that he is considering the substance of the petitions and inviting interested persons to submit comments on them (see p. 16080 of this issue). That notice of proposed rulemaking also invites comments on major editorial changes in the organization of the safe loading rules, designed to make them easier to understand.

The Director has concluded that the effective date of § 393.85 should be delayed for enough time to permit disposition of the pending petitions for modification of that section and the conclusion of proceedings upon the notice of proposed rulemaking. It would not be in the public interest to permit the present set of complex rules to go into effect and then, after a short period of time, to make major substantive revisions to them. The goal of maximizing voluntary compliance and universal understanding of those rules can best be achieved by perfecting them, so far as possible, before their effective date.

In consideration of the foregoing, the effective date of § 393.85 in subchapter B of chapter III of title 49, CFR is extended from July 1, 1973, to October 1, 1973, except for provisions of paragraph (e) of § 393.85 which have an effective date, as specified in subparagraph (7) thereof, later than October 1, 1973.

Since these amendments relieve a restriction and do not impose an additional burden on any person, notice and public procedure thereon are unnecessary, and they are effective on June 20, 1973.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on June 13, 1973.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

[FR Doc.73-12163 Filed 6-19-73;8:45 am]

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

[Docket No. 69-7; Notice 27]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seatbelt Interlock Requirements

The purpose of this notice is to amend the seatbelt interlock requirements of Motor Vehicle Safety Standard No. 208 (49 CFR 571.208). The amendments relate to the performance requirements applicable to the belts, the positions at which the interlock is to be provided, and the convenience features allowed in certain driving situations.

The amendments adopted hereby were initially proposed in a notice published April 20, 1973 (docket 69-7, notice 26; 38 FR 9830). Some of the amendments proposed in notice 26 have been adopted in revised form as a result of the comments. One proposal, concerning an alternative interlock system, is not adopted by this notice and awaits further rulemaking action as discussed below.

I. *Amendments.*—In notice 26, it was proposed to amend section S4.1.2.3, the section establishing the seatbelt interlock option, by deleting the requirement that the belts in the front outboard positions meet the injury criteria of S5.1 and by deleting the requirement that the belt at the center front position meet a breakage test in a barrier crash. It was also proposed to delete the requirement for an interlock at the center front position.

Subject to continuing reservations about the interlock system itself, the comments were generally favorable to the proposed amendments. The mandatory requirements for meeting the injury criteria at the outboard positions and the breakage test at the center front position are hereby deleted, as proposed.

There were objections to certain details of the proposal. Under the injury criteria version of S4.1.2.3, manufacturers were allowed to install either type 2 seatbelts (lap and shoulder belt combinations) or type 1 seat belts (lapbelt). Without the injury criteria as a control on the performance of the lapbelt, it was proposed in notice 26 to delete the type 1 belt option under S4.1.2.3.1(a). Ford Motor Co. stated that if type 1 belts were not permitted, evaluation of systems employing lapbelts in conjunction with passive upper torso restraint would be inhibited. Although belts may be used with passive restraints under the second restraint option in 1973 (S4.1.2.2), second option systems must be capable of providing fully passive protection in a frontal crash. To permit evaluation of systems that may not have full passive capability, it has been decided to continue to permit type 1 belts under the third option (S4.1.2.3(a)) on the condition that they are capable of meeting the injury criteria of S5.1 in a frontal perpendicular crash.

As amended, therefore, S4.1.2.3.1(a) provides that at the front outboard positions a manufacturer may install either a type 2 seatbelt assembly that conforms to standard No. 209, or a type 1 seatbelt assembly that meets the injury criteria of S5.1. Insofar as the injury criteria themselves are contingent upon the establishment of an adequate method of measurement through the adoption of a new test dummy, a manufacturer who intends to produce vehicles with type 1 belts at the front outboard positions will have to await the adoption of the new dummy regulation and its incorporation into the options under S.4.1.2.

The proposed deletion of the interlock requirement for the center front position (S4.1.2.3.1(b)) was favorably received, and the requirement is hereby deleted. It was stated by Ford, Chrysler, and American Motors that the warning system at that position should also be deleted. The merits of the warning system at the center position, in the form of increased belt usage, are considered by NHTSA to outweigh its drawbacks. Although it is fair to say that the warning system will be somewhat more likely to fail with three sensors in the system than with two sensors, the agency does not consider the increment to be sufficient to justify deleting the warning system. The temporary difficulties that Chrysler and American Motors will experience in the severance of the interlock from the warning system are also not

considered sufficient grounds for deletion of the warning system. Section S4.1.2.3.1 (b) is therefore adopted as proposed in notice 26. The remaining provisions of S4.1.2.3 were not objected to, and are also adopted as proposed.

A request to clarify section S7.4.1, by amending the second sentence of the section to refer to "each occupied front outboard seating position," has been favorably considered and is adopted hereby.

An amendment to S7.4.3 was proposed to allow an additional "free-start" mode, whereby the manufacturer could install a timer that would be actuated by the seat switch and that would allow the vehicle to be started without belt operation within a period of up to 3 minutes after the driver leaves his seat. Reaction to the proposal was favorable. In particular the National Parking Association indicated that such a provision would alleviate most problems in the parking of cars in garages. The amendment is being adopted as proposed.

The proposed addition of section S7.4.5 proved unexpectedly controversial, due to an apparent divergence of opinion on the question of whether, without S7.4.5, a seat bounce switch would be permitted for the interlock system. It has been the opinion of NHTSA that the interlock requirements do not permit the starter to operate in the event that a person who has operated the belt in the correct sequence gets off the seat and returns to it before attempting to start the car. The majority of manufacturers construed the interlock requirements as permitting operation in the situation just described, and had therefore designed their systems with seat bounce switches. Rather than appearing permissive, as intended, the 10-second bounce switch proposed by S7.4.5 was therefore seen by most manufacturers as unduly restrictive.

Upon consideration of the comments, the agency has concluded that the predominant varieties of bounce switch described by the comments can be accommodated by a modest revision of the section. Two main types of switches were described, one involving a timer set for intervals of from 10 seconds to a minute and a half or more, and the other involving the door switches in the circuit, so that after being correctly sequenced the system would allow the car to be started despite "bounces" of any duration, so long as the doors have not been opened. As adopted, the section permits a manufacturer to choose either system. If he chooses a timed system, he may allow any time up to 3 minutes. Each of the varying time periods described in the comments would therefore be allowed.

The proposed alternative interlock system, S7.5, was treated favorably or neutrally in the comments, although none indicated plans to adopt such a system. The agency continues to regard the alternative system favorably, but on review of the comments has concluded that there is merit to the suggestion that the convenience features established for the primary interlock system should also be applied to the alternative system. In addition, it appears desirable to incorporate a requirement for warning system operation similar to that of S7.3.5.4 to tell a driver who has not operated his belt why the car cannot be moved. Final action on the proposed S7.5 is therefore being delayed in order to obtain comments on additional features of the system that are to be proposed in an upcoming notice.

II. *Other related matters.*—After the publication of notice 26, several comments and petitions were received on the subject of seatbelts and the seatbelt options. In its comment to notice 26, Toyota restated its earlier request for amendment of standard 209 to permit narrower webbing for portions of the belt that do not touch the occupant. Favorable action on this request is proposed in a notice published in today's edition of the FEDERAL REGISTER (38 FR 12414).

In a petition for rulemaking submitted May 15, 1973, Nissan Motor Co. requested an amendment of the seatbelt option that is in effect until August 15, 1973 (S4.1.1.3). The option presently requires all front outboard seatbelts to meet a breakage test in a 30 mi/h barrier crash (S4.1.1.3(c)). Nissan stated that the finding in notice 26 that the breakage test does not contribute significantly to the strength of the belt should be extended to belts in vehicles manufactured before August 15, 1973, as well as to belts in vehicles manufactured after that date, and that S4.1.1.3(c) should be deleted accordingly. The agency agrees with Nissan that finding in notice 26 is equally applicable to pre-August vehicles, but it does not consider an amendment of the standard necessary to afford the relief Nissan requests. Although the opinions in *Chrysler* v. *DOT*, 472 F. 2d 659 (6th Circuit, 1972 and *Ford* v. *NHTSA*, 473 F. 2d 1241 (6th Circuit, 1973), did not deal directly with the nonpassive options in effect before August 15, 1973, a side effect of the court's invalidation of the test dummy specifications of S8.1.8 is to leave the belt breakage test of S4.1.1.3(c) without a means of measurement.

The agency has concluded that the belt breakage test of S4.1.1.3(c) is without effect in the absence of a test dummy. It will therefore not seek to enforce the requirement. In view of the short time remaining before S4.1.1.3 and other current options lapse in favor of the August 15, 1973 options, this interpretation will have a marginal effect on currently produced vehicles, all of which have been certified as complying with the breakage test. It may, however, be of benefit to manufacturers who plan to introduce their 1974 models prior to August 15, 1973.

Several comments stated that the passive restraint requirements for August 15, 1975, and August 15, 1977, should be deleted from the text of the standard as a result of *Chrysler* v. *DOT*, *supra*, and reinstated only after issuance of the dummy regulation. A petition filed by the Center for Auto Safety, in contrast, seeks to have the August 15, 1975, date established as promptly as possible. The NHTSA position is that the decision in *Chrysler* v. *DOT* suspends the mandatory passive restraint requirements, regardless of whether they remain in the text of the rule, and that their deletion at this time would have no effect other than to require additional work at a later date.

Rulemaking, in addition to that now in progress with respect to the optional passive requirements, will be necessary in order to reestablish the date when passive restraints will be required. Before such rulemaking can be initiated, NHTSA is obliged to consider the comments it receives on the proposed test dummy regulation.

There has been some residual uncertainty as to the effect of the denial in notice 26 of the petitions requesting restraint options in place of, or in addition to, the interlock system. The agency denied the petitions "to the extent that the petitions seek removal of the interlock requirement from the front outboard seats * * *". It intended thereby to deny those petitions that would have added a fourth restraint option in addition to the interlock as well as to deny those that sought deletion of the interlock, and the language of denial in notice 26 should be so construed.

The alternative interlock system proposed by Mr. Jesse R. Hollins, which was not discussed in detail in notice 26, had been reviewed at the time of notice 26 and was intended to be denied. The agency has again reviewed Mr. Hollins' petition and has again concluded that the benefits of his proposed system do not warrant the creation of such an alternative interlock system. His petition is accordingly denied.

In consideration of the foregoing, motor vehicle safety standard No. 208, 49 CFR 571.208, is amended in pertinent part as set forth below. Because this amendment imposes no additional burdens, an effective date earlier than 180 days after issuance of this notice is found to be in the public interest.

Effective date.—August 15, 1973.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegations of authority, 38 FR 12147.)

Issued on June 15, 1973.

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

1. S4.1.2.3 is amended to read as follows:

S4.1.2.3 *Third option—lap and shoulder belt protection system with ignition interlock and belt warning.*—S4.1.2.3.1 Except for convertibles and open-body vehicles, the vehicle shall—

(a) At each front outboard designated seating position have a seatbelt assembly that conforms to S7.1 and S7.2 of this standard, a seatbelt warning system that conforms to S7.3, and a belt interlock system that conforms to S7.4. The belt assembly shall be either a type 2 seatbelt assembly with a nondetachable shoulder belt that conforms to standard No. 209 (§ 571.209), or a type 1 seatbelt

assembly such that with a test device restrained by the assembly the vehicle meets the frontal crash protection requirements of S5.1 in a perpendicular impact.

(b) At any center front designated seating position, have a type 1 or type 2 seatbelt assembly that conforms to standard No. 209 (§ 571.209) and to S7.1 and S7.2 of this standard, and a seatbelt warning system that conforms to S7.3; and

(c) At each other designated seating position, have a type 1 or type 2 seatbelt assembly that conforms to standard No. 209 (§ 571.209) and S7.1 and S7.2 of this standard.

S4.1.2.3.2 Convertibles and open-body type vehicles shall at each designated seating position have a type 1 or type 2 seatbelt assembly that conforms to standard No. 209 (§ 571.209) and to S7.1 and S7.2 of this standard, at each front designated seating position have a seatbelt warning system that conforms to S7.3, and at each front outboard designated seating position have a belt interlock system that conforms to S7.4.

2. S7.4.1 would be amended to read as follows:

S7.4.1 Except as otherwise provided in S7.4.3 and S7.4.4, the engine-starting system of a passenger car manufactured in accordance with S4.1.2.3 shall not be operable when either condition (a) or (b) exists, unless the belt system at each occupied front outboard position is operated after the occupant is seated. At each occupied front outboard seating position, the operation that allows the starting of the engine shall be, at the manufacturer's option, either the extension of the belt assembly at least 4 inches from its stowed position, or the fastening of the belt latch mechanism.

(a) A person of at least the weight of a 5th-percentile adult female is seated at the driver's seating position.

(b) A person of at least the weight of a 50th-percentile adult male is seated at the driver's seating position and a person of at least the weight of a 50th-percentile 6-year-old child is seated at the right front seating position.

3. S7.4.3 would be amended to read as follows:

S7.4.3 Notwithstanding the provisions of S7.4.1, an engine-starting system may operate without interference from a belt interlock system after the engine has stopped —

(a) If the ignition has not been turned off;

(b) Within a period of not more than 3 minutes after the ignition has been turned off;

(c) If the driver has not left his seated position; or

(d) Within a period of not more than 3 minutes after the driver has left his seated position.

4. S7.4.5 is added to read as follows:

S7.4.5 Notwithstanding the provisions of S7.4.1, if a belt system has been operated after the occupant is seated, the engine-starting system may remain operable if —

(a) The occupant has left his seated position for a period of not more than 3 minutes without unbuckling or retracting the belt, or

(b) The occupant has left his seated position without opening either front door and without unbuckling or retracting the belt.

[FR Doc.73-12415 Filed 6-18-73;12:25 pm]

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR, Part 5]

TEQUILA DISTILLED SPIRITS

Hearing Regarding Labeling and Advertising

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to begin at 10 a.m., e.d.s.t., on Tuesday, July 24, 1973, in room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, concerning the following proposed regulatory change in 27 CFR, pt. 5:

TEQUILA AS A DISTINCTIVE PRODUCT OF MEXICO

PARAGRAPH 1. It is proposed to amend 27 CFR 5.22(g) to recognize tequila as a distinctive product of Mexico. As amended, § 5.22(g) will read:

§ 5.22 The standards of identity.

* * * * *

(g) *Class 7; tequila.*—"Tequila" is an alcoholic distillate from a fermented mash derived principally from the Agave Tequilana Weber ("blue" variety), with or without additional fermentable substances, distilled in such a manner that the distillate possesses the taste, aroma, and characteristics generally attributed to tequila. Tequila is a distinctive product of Mexico, manufactured in Mexico in compliance with the laws of Mexico regulating the manufacture of tequila for consumption in that country, and bottled at not less than 80° proof.

* * * * *

PAR. 2. It is proposed to amend 27 CFR 5.52(c) to require a certificate of authenticity for all tequila imported in bottles. As amended, § 5.52(c) will read:

§ 5.52 Certificates of age and origin.

* * * * *

(c) *Tequila.*—(1) Tequila, imported in bottles, shall not be released from customs custody for consumption unless a certificate of a duly authorized official of the Mexican Government that the product is entitled to be designated as tequila under the applicable laws and regulations of the Mexican Government is filed with the application for release.

(2) If the label of any tequila, imported in bottles, contains any statement of age, the tequila shall not be released from customs custody for consumption unless a certificate of a duly authorized official of the Mexican Government as to the age of the youngest tequila in the bottle is filed with the application for release. The age certified shall be the period during which the tequila has been stored in oak containers after distillation and before bottling.

* * * * *

Requests to present oral testimony.—All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, not later than Wednesday, July 18, 1973. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, and (3) the approximate length of time desired for the presentation of testimony.

Submission of written material.—Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and nine copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than Wednesday, July 18, 1973. Any person submitting written material shall specifically designate that portion (if any) of his comments which, in his opinion, contains material which is exempt from disclosure under law and shall state in writing the reasons for such exemption. Any portion of a comment which is designated as exempt from disclosure and the reasons for such exemption shall be set forth on pages separate from the balance of the comment. Any comments or any portion thereof not specifically designated as exempt from disclosure will be made available pursuant to 27 CFR pt. 71. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) is not exempt from disclosure.

At the conclusion of the hearing, a reasonable time will be afforded interested parties for examination of the record and submission of written arguments and briefs.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-12357 Filed 6-19-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Limitation of Handling

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, that would limit the handling of sweet cherries by establishing a regulation as recommended by the Washington Cherry Marketing Committee. The committee functions pursuant to the marketing agreement and order No. 923 (7 CFR, pt. 923), which regulate the handling of sweet cherries grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This notice invites written comments relative to the proposed seasonal regulation on the grade, size, and containers used in the handling of such cherries. The proposal reflects the committee's appraisal of the 1973 crop and current and prospective market conditions. Shipments of Washington sweet cherries are currently regulated by Cherry Regulation 11 (37 FR 11171), through June 30, 1973. The proposed regulation contains the same requirements and would be effective from July 1, 1973, through June 30, 1974.

The proposed grade and size requirements are designed to prevent the handling of cherries grading lower than the grade specified and smaller than the size specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. The proposed requirements for containers and packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. Individual shipments not exceeding 100 pounds of cherries sold for home use and not for resale, subject to the prescribed safeguards, are excepted from these requirements because the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impractical to regulate the handling of such shipments due to the proximity of their source and destination.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 25, 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)).

The proposal is as follows:

§ 923.312 Cherry regulation 12.

(a) *Order.* During the period July 1, 1973, through June 30, 1974, no handler shall, except as provided in paragraph (b) of this section, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) *Minimum grade.* U.S. No. 1: *Provided,* That the following tolerances, by count of the cherries in the lot, shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries: A total of 10 percent for defects; including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than 1 percent by count of the cherries in the lot, for cherries affected by decay: *Provided further,* That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) *Minimum size.* At least 95 percent, by count, of the cherries in the lot shall measure not less than $^{48}/_{64}$ inch in diameter.

(3) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, of the cherries in the lot shall measure not less than $^{54}/_{64}$ inch in diameter.

(4) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 in shall be not less than 20 lb; and no container of cherries shall contain less than 12 lb, net weight, of cherries.

(b) *Exceptions.* Notwithstanding any other provision of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 923.41 and 923.55:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 lb, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the U.S. Standards for Grades of Sweet Cherries (§§ 51.2646–51.2660 of this title); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated June 15, 1973.

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

[FR Doc.73-12321 Filed 6-19-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR, Part 316]

OFFICIAL INSPECTION MARKS

Designation of Responsible Employee

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et. seq.), the Animal and Plant Health Inspection Service proposes to amend § 316.4 of the meat inspection regulations (9 CFR 316.4) to allow the Administrator to designate an establishment employee to be responsible for marking devices bearing official inspection marks.

Statement of considerations.—The purpose of the proposal is to provide a uniform security system and a workable arrangement for the control of marking devices used in the branding of federally inspected meat products. Branding is only one of the ways that product can be identified as inspected, and control of this means of identification should not be different from that of any other. This proposed change would establish greater uniformity between control of brands and that of labels and other means of identification, such as metail tags. In addition, some processing plants, because of low volume, remote location, and type of operations, are inspected less frequently than others, and the proposed method of securing marking devices would allow the establishment to continue to function while maintaining control over use of such devices. The establishment employees so designated would be responsible for accounting for the proper number and kind of marking devices whenever requested. The meat and poultry inspection program would monitor the establishment control program, thereby realizing improved manpower utilization.

Section 316.4(b) of the meat inspection regulations would be amended to read as follows:

§ 316.4 Marking devices; to be furnished by official establishments; control of.

* * * * *

(b) All official devices for marking products with the official inspection legend or other official inspection marks, including self-locking seals, shall be used only under supervision of a program employee, and when not in use for marking shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a program employee, or the locker or compartment shall be sealed with an official seal of the Department as prescribed in part 312 of this subchapter. However, the Administrator may designate establishment employees who shall be responsible for accounting for the proper number and kind of marking devices and for their proper use, whenever he determines that such designation would facilitate administration of the act; and he may summarily revoke such designation at any time that he determines such action is necessary to avoid impairing the effective administration of the act. Unauthorized use of such devices is subject to criminal penalty under the act (21 U.S.C. 611).

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

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

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

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

Done at Washington, D.C., on June 13, 1973.

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

[FR Doc.73-12323 Filed 6-19-73;8:45 am]

Farmers Home Administration

[FHA Instruction 444.5]

[7 CFR, Part 1822]

RURAL HOUSING LOANS AND GRANTS

Proposed Policies, Procedures, and Authorizations

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to subpart D, § 1822.89(b) of part 1822, title 7, Code of Federal Regulations (37 FR 18704). The purpose of this proposed amendment is to authorize rural rental housing loans to be made to partnerships with personal liability required of its members or stockholders, unless waiver of the personal liability requirement is necessary in order to obtain needed rental housing in the community.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, room 5007, South Building, Washington, D.C. 20250, on or before July 20, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, § 1822.89(b) will read as follows:

§ 1822.89 Security.

* * * * *

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership, unless the State director determines that this personal liability must be waived in order to obtain needed rental housing in the community. For such cases, the State director will obtain the advice of the regional attorney as to any modifications needed in the promissory note and mortgage.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 7 CFR 2.70.)

Dated June 13, 1973.

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

[FR Doc.73-12243 Filed 6-19-73;8:45 am]

Office of the Secretary

[7 CFR, Part 22]

RURAL DEVELOPMENT COORDINATION

Proposed Policies and Guidelines

Notice is hereby given that the Department of Agriculture has under consideration the amending of subtitle A, Office of the Secretary of Agriculture, title 7, Agriculture, Code of Federal Regulations, by adding a new part 22, Rural Development Policies and Guidelines. This new part will provide for the coordination of rural development activities under section 603 of the Rural Development Act of 1972 (Public Law 92–419), and further provide for the coordination of authorization embracing grants, loans and administrative provisions specifying the roles of Federal departments and agencies, the executive branch and the Federal Government, of States and local governments and Federal regional councils and rural development committees.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Assistant Secretary for Rural Development, William W. Erwin, U.S. Department of Agriculture, room 219 A., Administration Building, Washington, D.C. 20250, within 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Assistant Secretary for Rural Development during regular business hours. (8:30 a.m.–5 p.m.)

The proposed amendment will read as follows:

PART 22—RURAL DEVELOPMENT COORDINATION

Subpart A—General

Sec.
22.101 The Rural Development Act of 1972 (Public Law 92–419).
22.102 Responsibilities.
22.103 Purpose.
22.104 General policy.

Subpart B—Roles and Responsibilities of Federal Government

22.201 Coordination.
22.202 Federal unit responsibilities.
22.203 Major responsibilities under title VI, section 603.
22.204 Rural development committees.
22.205 Allocation of funds.

Subpart C—Roles and Responsibilities of State Governments

22.301 Selection and designation.
22.302 Area eligibility.
22.303 Cooperation with Federal regional councils.
22.304 Multiyear planning and programing.
22.305 Conformance with OMB circular No. A–95.
22.306 Financing rural development planning.
22.307 Annual evaluation.
22.308 Project approval.
22.309 Seeking Federal review.

AUTHORITY: Section 301, 80 Stat. 379, 5 U.S.C. 301.

Subpart A—General

§ 22.101 The Rural Development Act of 1972 (Public Law 92–419).

The Rural Development Act of 1972 (Public Law 92–419), herein called the act consists of six titles designed to facilitate the development of rural communities through a series of authorizations including grants, loans, and administrative provisions.

§ 22.102 Responsibilities.

The purpose of this section is to give notice that certain authorities have been delegated by the Secretary to USDA agencies for implementation. New secretarial delegations covering the Rural Development Act were effective May 31, 1973, and were published in the FEDERAL REGISTER June 7, 1973 (38 FR 14944). These are as follows:

(a) Title I (7 CFR 2.23). Responsibility delegated to the Assistant Secretary for Rural Development. The responsibility for administering loan and grant authorities is subdelegated to the Farmers Home Administration, except the responsibility for administering loan authorities with respect to rural electrification and telephone facilities and service which has been subdelegated to the Rural Electrification Administration.

(b) Title II (7 CFR 2.19), III (7 CFR 2.19), V (7 CFR 2.19), and VI, section 605 (7 CFR 2.19). Responsibility delegated to the Assistant Secretary for Conservation, Research, and Education and subdelegated as follows:

(1) Title II (7 CFR 2.62) and III (7 CFR 2.62) and title VI, section 605 (7 CFR 2.62), to Administrator, Soil Conservation Service.

(2) Title V (7 CFR 2.58 and 7 CFR 2.59) to the Administrators, Cooperative State Research Service and the Extension Service respectively.

(c) Title IV (7 CFR 2.19). Responsibility delegated to the Assistant Secretary for Conservation, Research and Education and subdelegated (7 CFR 2.60) to the Chief of the Forest Service.

(d) Title VI, section 601 (7 CFR 2.25). Responsibility delegated to the Assistant Secretary for Administration.

(e) Title VI, section 603 (7 CFR 2.23). Responsibility delegated to Assistant Secretary for Rural Development and subdelegated (7 CFR 2.71) to the Administrator, Rural Development Service. The Rural Development Act recognizes that many Federal departments and agencies of the executive branch of Government administer programs and provide services which are applicable to the needs of rural communities. This section, which is the subject of these guidelines, charges the Secretary of Agriculture with the responsibility for coordinating a nationwide rural development program utilizing the services of executive branch departments and agencies and requires that he establish goals and report to the Congress on progress in complying with specified purposes of the act. The Federal Regional Council will play a major role in coordination at the field level. An organic act of the Department (7 U.S.C. 2201) has been amended to require the Secretary to add rural development to those purposes for which he is authorized to acquire and diffuse useful information.

§ 22.103 Purpose.

The purpose of these guidelines is to establish the policies, procedures, and responsibilities required by section 603 of the act.

§ 22.104 General policy.

Federal implementation of the act will be consistent with the President's policy of decentralized decisionmaking and administrative responsibility to State and local elected officials to the maximum extent practicable. Unless specified otherwise by the State government, Federal agencies will look to the State Governors to speak for the State government in all matters pertaining to the administration of the act.

Subpart B—Roles and Responsibilities of Federal Government

§ 22.201 Coordination.

The following identifies types and levels of coordination:

(a) Washington level interdepartmental and interagency coordination for purposes of the act.

(b) Coordination for purposes of the act among agencies within the U.S. Department of Agriculture.

(c) Coordination among and between the field operations of Federal agencies for purposes of the act.

(d) Coordination for purposes of the act between levels of field operations of the Federal Government and State governments.

§ 22.202 Federal unit responsibilities.

The following Federal units have major responsibilities in implementing the act.

(a) Rural development policy questions requiring resolution by the Domestic Council may be so referred by the Secretary of Agriculture.

(b) The Under Secretary of Agriculture will represent the Secretary in matters pertaining to rural development policy when such matters are of mutual concern to the Under Secretaries' Group for Regional Operations (Executive Order 11647) and the Federal regional councils, or at such other times that he or the Secretary may deem appropriate.

(c) The Assistant Secretary of Agriculture for Rural Development will chair an Assistant Secretaries' Working Group consisting of interdepartmental and interagency members from Agriculture, Health, Education, and Welfare, Housing and Urban Development, Defense, Labor, Commerce, Transportation, Environmental Protection Agency, Small Business Administration, and others as appropriate. The purpose of this working group is:

(1) To develop and recommend rural development policy applicable to more than one executive department or agency.

(2) To develop cooperative procedures between and among executive departments and agencies in matters pertaining to rural development.

(3) To devise effective rural development strategies and to bring Federal resources and services to bear toward their realization.

(d) The Administrator, Rural Development Service, under the policy direction of the Assistant Secretary for Rural Development is responsible for Rural Development coordination under section 603 of the act. In the fulfillment of such responsibilities, he is authorized to communicate directly with other Federal department and agency officials of corresponding levels of authority and with State and Federal regional council officials.

(e) The chairman of the Rural Development Committee of each Federal regional council will be the U.S. Department of Agriculture member, who, operating within policy determined at the Federal level and promulgated by the Under Secretary of Agriculture or the Assistant Secretary for Rural Development, is responsible for performing an oversight function to assess how well the machinery is working in carrying out the Rural Development Act authorities. The Federal regional councils will seek to assure complementarity between existing Federal programs and Rural Development Act programs. They have primary responsibility for interagency program coordination at the field level and for providing assistance to and liaison with States in promoting rural development. Federal attention to this type of cooperation and coordination will be emphasized.

(1) Procedures for the coordination of rural development activities will be consistent with the policies expressed herein and with any specific Federal guideline based on these regulations or on Executive Order 11647.

(2) Councils shall be diligent in exercising authority under Executive Order 11647 and followup memoranda to promote in rural areas integrated grant administration and similar joint budgeting programing projects involving several Federal funding sources.

§ 22.203 Major responsibilities under title VI, sec. 603.

(a) *Title VI, section 603(b).*—(1) The Administrator, Rural Development Service, shall carry out these responsibilities under the general policy guidance of the Assistant Secretary for Rural Development.

(2) At the regional level, the Federal regional councils shall develop and implement procedures designed to identify and facilitate access to Federal resources appropriate for rural development purposes within States. Such procedures will be consistent with policies expressed by the Under Secretary's Group, or the Assistant Secretary for Rural Development as appropriate.

(b) *Title VI, section 603(b).*—Prior to September 1 of each year, the Secretary will report to the Congress goals for rural development in terms of employment, income, population, housing, and quality of community services and on progress attained in reaching such goals. The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage, and solid waste management, rural industrialization. The Rural Development Service will participate in the research in cooperation with Federal, State, and private research units.

(c) *Title VI, section 603(c).*—Under guidance by the Under Secretary's Group, the rural development committees of the Federal regional councils shall be responsible for proposing to the appropriate Federal and State agencies:

(1) Adjustment of administrative boundaries used by field staffs of Federal and federally supported agencies to conform with boundaries of substate planning districts.

(2) Co-location of field units of Federal agencies and consolidation of offices in the vicinity of principal centers of local government administration (including planning-district administration), to encourage increased cooperation within and among different governmental levels.

(3) Exchange of personnel between Federal and State agencies under the Intergovernmental Personnel Act (Public Law 91-648), to supplement and broaden staffs administering rural development programs, and provide specific technical expertise for certain projects.

(4) Interchange of personnel among Federal agencies for the purposes expressed in paragraph (c)(2) of this section.

In addition, the Federal regional councils shall, by July 31 of each year, report to the Assistant Secretary for Rural Development who shall in turn report to the Under Secretary's Group and the Congress on progress made in carrying out the programs outlined in paragraphs (e) (1) through (4) of this section and plans for programs to be implemented during the following fiscal year. The first report will be due July 31, 1974.

§ 22.204 Rural Development Committees.

State rural development committees, consisting of USDA agency members and, in most instances, State governments and other Federal agency representatives are available to assist States in accomplishing their rural development objectives. Such assistance, if requested by the State, can take the form of technical assistance and cooperative services to States in carrying out their rural development priorities.

§ 22.205 Allocation of funds.

(a) Allocation of title I loans and grants, including amounts budgeted for business and industrial loans, water, sewer, and other community facilities other than rural electrification and telephone facilities, will be made on a formula basis using a formula similar to the rural revenue sharing formula. However, no language in this section will be construed to prevent the distribution of environmental quality cost sharing funds, under titles II and III, by the Secretary for use on specific projects.

(b) The USDA formulas will allocate loans and grant funds between States, but not below the State level. Initial fund allocation between States for each fiscal year will not be based on plan or

project reviews. However, the Secretary may review State plans and shift allocations from those States that will not use them within the time-frame available for use in other States.

(c) The formula used for fund allocation will insure that a minimum loan and grant level is established so that no State receives an amount too small to serve the purposes of the act. A percentage of total loans and grants will be withheld from initial allocation to allow subsequent appropriate technical adjustments in amounts allocated to individual States.

(d) Title V funds shall be distributed by the Secretary under the formula specified in the act. Title V activities will be consistent with the principle that States and sub-State development jurisdictions have responsibility for the rural development planning and priority setting functions.

Subpart C—Roles and Responsibilities of State Governments

§ 22.301 Selection and designation.

Procedures for implementing the act are keyed to planning and development activities at the multicounty organizational level. The governing bodies of such organizations should include representatives of local governments contained within the respective multicounty jurisdictions. The States shall have discretion in the selection and designation of multicounty jurisdictions eligible for loan and grant assistance under the authorities of the act.

§ 22.302 Area eligibility.

States may designate one area or more than one as being eligible for assistance under the act. It is preferred that the program be made available in a small number of areas during the first year that it is in effect. Selective designation of a small number of sub-State areas will facilitate first-year evaluations upon which sound planning and management procedures can be established for subsequent-year operations.

§ 22.303 Cooperation with Federal regional councils.

States are urged to establish and maintain close and cooperative relationships with the Federal regional councils which will be in a position to assist the States and sub-State areas in the identification and application of available resources. States may authorize direct communications and liaison between the regional councils and multicounty planning and development organizations within States.

§ 22.304 Multiyear planning and programing.

State and multijurisdictional development units are encouraged to adopt multiyear planning and development programs. As administrative procedures for implementing the act support the feasibility of such a process, these programs should be keyed to joint State, Federal, and local budget planning factors and refined to conform to the actual fund availability as annual budgets are finalized and allocated. Such programs, once initiated, will be extended by the annual addition of a new planning year until programs are completed or terminated.

§ 22.305 Conformance with OMB circular No. A–95.

The State and sub-State rural development planning process must conform to the review requirements expressed in OMB circular No. A–95 under parts I, III, and IV as appropriate.

§ 22.306 Financing rural development planning.

Unless and until other funding sources become available, States will be required to finance rural development planning through their own resources, revenue-sharing allocations, or the Department of Housing and Urban Development planning and management assistance program or other available Federal planning programs.

§ 22.307 Annual evaluation.

States are responsible for conducting and reporting an annual evaluation of rural development projects and programs. States are encouraged to invite participation of multicounty districts in the preparation of such program evaluations. Copies of such evaluations should be supplied to the Administrator, Rural Development Service, Department of Agriculture and to the Federal regional councils, in sufficient time so as to arrive not later than July 1. The initial evaluation, due July 1, 1974, in addition to the requirements listed below, should include a background statement and should summarize first year program efforts and results. Annual evaluation should:

(a) Describe the process used in planning, project selection, and priority setting, and the criteria and process used in evaluating program effectiveness.

(b) Describe the specific objectives of the programs,

(c) Describe and assess the cost and effectiveness of projects being pursued within individual multicounty planning and development jurisdictions.

(d) Express observations, conclusions, and recommendations based on such evaluations which may contribute to the development of better management, coordination, and planning procedures.

§ 22.308 Project approval.

States and sub-State planning groups have sole responsibility for the rural development planning and priority setting functions. However, determination of eligibility and feasibility and final approval of individual projects involving Federal funds where required by law must remain with the Federal Government consistent with the act and implementing regulations.

§ 22.309 Seeking Federal review.

States may, if they elect, submit sub-State development plans and proposals to the Federal regional councils and to the Rural Development Service, USDA, for review and comment. Such review will neither obligate the Federal Government with respect to such programs nor require States to conform with suggestions supplied by the USDA or the Federal regional council.

WILLIAM ERWIN,
Assistant Secretary for Rural Development.

JUNE 15, 1973.

[FR Doc.73-12324 Filed 6-19-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 71]

[Airspace Docket No. 73-SO-34]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations that would designate the Holly Springs, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 20, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, room 724, 3400 Whipple Street, East Point, Ga.

The Holly Springs transition area would be designated as:

That airspace extending upward from 700 ft above the surface within a 6.5-mi radius of Holly Springs-Marshall County Airport (lat. 34°48'12" N., long. 89°31'16" W.); within 2 miles each side of Holly Springs VORTAC 336° radial, extending from the 6.5-mi radius area to 11 mi northwest of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Holly Springs-Marshall County Airport. A prescribed instrument approach procedure to this airport, utilizing the Holly Springs VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 11, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-12209 Filed 6-19-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-GL-29]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at East St. Louis, Ill.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before July 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

An Air Traffic Control Tower will be commissioned at the Bi State Park Airport, East St. Louis, Ill. This will allow the designation of a control zone to protect the approach procedures down to the airport surface. The present approach procedure is also being revised so that the transition area extension is no longer needed.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

EAST ST. LOUIS, ILL.

Within a 5-mi radius of the Bi State Parks Airport (lat. 38°34'30" N., long. 90°10'00" W.) and within 3 mi each side of the 129° bearing from the airport extending from the 5-mi radius area to 10 mi southeast. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 435), the following transition area is amended to read:

EAST ST. LOUIS, ILL

That airspace extending upward from 700 ft above the surface within a 7-mi radius of the Bi State Parks Airport (lat. 38°34'30" N., long. 90°10'00" W.).

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

Issued in Des Plaines, Ill., on June 5, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-12210 Filed 6-19-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-GL-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations so as to alter the transition area at Ashland, Wis.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before July 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

A State-owned VOR is being established at Ashland, Wis. Two new public approach procedures based on the VOR have been developed for the Ashland, Wis. Airport. Accordingly, it is necessary to alter the Ashland, Wis. transition area to adequately protect the aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the John F. Kennedy Memorial Airport (lat. 46°32'59" N., long. 90°55'05" W.) and that airspace extending upward from 1,200 feet above the surface within 9½ miles southeast and 4½ miles northwest of the 208° bearing from the airport extending 18½ miles southwest of the airport; within 9½ miles north and 4½ miles south of the 126° bearing from the airport extending from the airport to 18½ miles southeast of the airport; within 5 miles each side of the 306° bearing from the airport extending from the airport to 12 miles northwest of the airport, excluding the portion that overlies the Ironwood, Mich., and Hayward and Cable, Wis. transition areas.

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

Issued in Des Plaines, Ill., on June 5, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-12211 Filed 6-19-73;8:45 am]

Federal Highway Administration

[49 CFR, Parts 392, 393]

[Docket No. MC-12; Notice No. 73-16]

COMMERCIAL MOTOR VEHICLES

Proposed Safe Loading of Cargo

The Director of the Bureau of Motor Carrier Safety is considering adding a new subpart I to part 393 of the Motor Carrier Safety Regulations. The new subpart would contain a revised version of the rules pertaining to loading of cargo on commercial motor vehicles and to equipment which prevents cargo from shifting or falling from the vehicle while it is in transit.

For the most part, the substantive rules in the proposed new subpart are identical to those found in § 393.85 of the Motor Carrier Safety Regulations. To simplify reference to, and understanding of, the safe loading rules, the Director proposes to issue them as four separate sections of the regulations, instead of incorporating them in a single section, as is now the case. In addition, some minor changes of an editorial nature are proposed.

The Director is also considering a major change in the rules pertaining to the transportation of steel and other metals. These changes are under consideration because of petitions filed by the steel carriers conference of the American Trucking Associations and by the Aluminum Association, both of which seek amendments to paragraph (f) of § 393.85. The Aluminum Association petition states that the special rules relating to loading and securing of metal articles, found in paragraph (f), are susceptible of being construed to cover shipments transported in closed vans. It contents that the rules in that paragraph should be restricted to transportation of metal articles on flat bed trucks and trailers, and that, when a closed van is used, the van structure itself is sufficient to insure that cargo does not shift or fall in transit.

The steel carriers conference petition argues that the provisions of paragraph (f) relating to securement of coils of metal should be restricted to flat-rolled material and should not apply to coiled bar, rod, and wire. It says that, in the case of bar, rod, and wire, the "coils" do not have eyes of equal diameters, and the external diameters of those coils are not concentric and constant, as is the case with flat-rolled metal. For this reason, and because of the multiplicity of shapes and sizes of coiled bar, wire, and rod, it is not feasible to use the methods specified in paragraph (f) for securing coils—basically chains passed through the eyes of several coils and secured to the vehicle—as the securement methods for coiled bar, wire, and rod. The petitioner contends, moreover, that it would be both impracticable and dangerous to attempt to use those methods. It proposes to limit the existing rule's application to flat-rolled material and to add a special provision to paragraph (f), permitting coiled bar, rod, and wire to be secured either (1) by 4 by 4 timbers placed over the top or through the eyes of the coils and secured to the vehicle by tiedown assemblies; or (2) by one or more tiedown assemblies placed over the top or through the eyes of the coils.

The Director has concluded that these petitions contain sufficient justification to warrant consideration of an amendment to the rules that would allow carriers of metal articles considerably more flexibility in the methods used to secure metal cargoes. Therefore, he has, in the notice proposed to make the special rules for securement of metal articles optional, and to permit carriers to use either the techniques specified in those rules or the approved techniques for securing other types of commodities. Under this proposal, a carrier who is transporting metal articles could insure that they neither shift nor fall by using any of the four basic protection options specified in proposed § 393.100(b). He could, in other words, transport the cargo in a closed van or other vehicle having sides and an endgate that are sufficient to assure that the metal cargo will neither shift nor fall; he could use tiedown assemblies that meet the requirements of proposed § 393.102; he could conform to the special rules for transporting metal articles; or he could use other means of securement which provide protection equivalent to that achieved by use of any of the specified techniques.

In order to allow sufficient time for consideration of the comments and other information relating to this proposal, the Director is this day extending the effective date of § 393.85 from July 1, 1973, to October 1, 1973 (see p. 16072 of this issue).

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to amend part 393 of the Motor Carrier Safety Regulations subch. B in ch. III of title 49, CFR), as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendments. All comments submitted should refer to the docket number and notice number appearing at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on July 16, 1973, will be considered before further action is taken. Comments will be available for examination in the public docket of the Bureau, room 4136, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on June 13, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

Subchapter B in chapter III of title 49, CFR would be amended as follows:

I. Section 392.9(a)(1) would be revised to read as follows:

§ 392.9 Safe loading.

(a) General. * * *

(1) The vehicle's cargo is properly distributed and adequately secured as specified in §§ 393.100–393.106 of this subchapter.

* * * * *

§ 393.85 [Revoked]

II. Section 393.85 in part 393 would be revoked.

III. A new subpart I would be added at the end of part 393, reading as follows:

Subpart I—Protection Against Shifting or Falling Cargo

Sec.
393.100 General rules for protection against shifting or falling cargo.
393.102 Securement systems.
393.104 Blocking and bracing.
393.106 Front-end structure.

AUTHORITY.—Sec. 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Subpart I—Protection Against Shifting or Falling Cargo

§ 393.100 General rules for protection against shifting or falling cargo.

(a) *Application and scope of the rules in this section.*—This section applies to trucks, truck tractors, semitrailers, full trailers, and pole trailers. Each of those motor vehicles must, when transporting cargo, be loaded and equipped to prevent the shifting or falling of the cargo in the manner prescribed by the rules in paragraph (b) of this section.

(b) *Basic protection components.*—Each cargo-carrying motor vehicle must be equipped with devices providing protection against shifting or falling cargo that meet the requirements of either subparagraph (1), (2), (3), or (4) of this paragraph.

(1) *Option A.*—The vehicle must have sides, sideboards, or stakes, and a rear endgate, endboard, or stakes. Those devices must be strong enough and high enough to assure that cargo will not shift upon, or fall from, the vehicle. Those devices must have no aperture large enough to permit cargo in contact with one or more of the devices to pass through it.

(2) *Option B.*—The vehicle must have at least one tiedown assembly that meets the requirements of § 393.102 for each 10 linear feet of lading or fraction thereof. (However, a pole trailer or an expandable trailer transporting metal articles under the special rules in paragraph (c) of this section is required only to have two or more of those tiedown assemblies at each end of the trailer). In addition, the vehicle must have as many additional tiedown assemblies meeting the requirements of § 393.102 as are necessary to secure all cargo being transported either by direct contact between the cargo and the tiedown assemblies or by dunnage which is in contact with the cargo and is secured by tiedown assemblies.[1]

(3) *Option C (for vehicles transporting metal articles only).*—A vehicle transporting cargo which consists of metal articles must conform to either the rules in subparagraphs (1), (2), or (4) or

[1] Tiedown assemblies or dunnage in contact with sufficient exterior (including topmost) pieces of the cargo and securely holding each interior or lower piece comply with this requirement.

the special rules for transportation of metal articles set forth in paragraph (c) of this section.

(4) *Option D.*—The vehicle must have other means of protecting against shifting or falling cargo which are similar to, and at least as effective as, those specified in subparagraphs (1), (2), or (3) of this paragraph.

(c) *Special rules for metal articles*—(1) *Scope of the rules in this paragraph.*—The rules in this paragraph apply to a motor vehicle transporting cargo consisting of metal articles if that vehicle does not conform to the rules in subparagraphs (1), (2), or (4) of paragraph (b) of this section.

(2) *Application of other sections.*—A motor vehicle transporting property consisting of metal articles must, regardless of whether the rules in this paragraph apply to it, conform to the rules in §§ 393.102 (relating to securement systems), 393.104 (relating to blocking and bracing of cargo), and 393.106 (relating to front-end structure requirements).

(3) *Coils.*—Whenever a motor carrier transports one or more coils of metal which, individually or as a combination banded together, weigh 5,000 pounds or more, the coils shall be secured in the following manner:

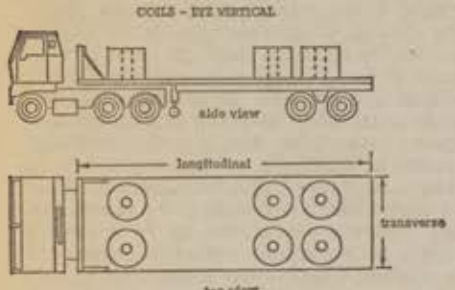
(i) *Coils with eyes vertical.*—One or more coils which are grouped and loaded side by side in a transverse or longitudinal row must be secured by—

(*a*) A tiedown assembly against the front of the coil or row of coils; restraining against forward motion;

(*b*) A tiedown assembly against the rear of the coil or row of coils, restraining against rearward motion; and

(*c*) A tiedown assembly over the top of each coil or transverse row of coils, restraining against vertical motion.

The same tiedown assembly shall not be used to comply with more than one of the requirements of (*a*), (*b*), or (*c*) of this subdivision.



(ii) *Coils with eyes crosswise.*—Each coil or transverse row of coils loaded side by side and having approximately the same outside diameters must be secured by—

(*a*) A tiedown assembly through the eye of each coil, restricting against forward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle;

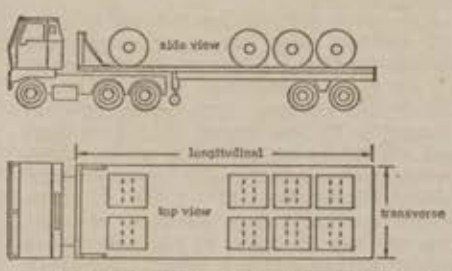
(*b*) A tiedown assembly through the eye of each coil, restricting against rearward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle; and

(*c*) Timbers, having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the coil or row of coils and restrained to prevent movement of the coil or coils in the forward and rearward directions.

(*d*) If coils are loaded to contact each other in the longitudinal direction and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers:

(*1*) Only the foremost and rearmost coils must be secured with timbers; and

(*2*) A single tiedown assembly, restricting against forward motion, may be used to secure any coil except the rearmost one, which must be restrained against rearward motion.



(iii) *Coils with eyes lengthwise.*—A coil or transverse row of coils having approximately equal outside diameters and loaded side by side, or a longitudinal row of coils having approximately equal outside diameters and loaded end to end, must be secured as follows:

(*a*) The coil or coils must be restrained against side-by-side and fore-and-aft movement by:

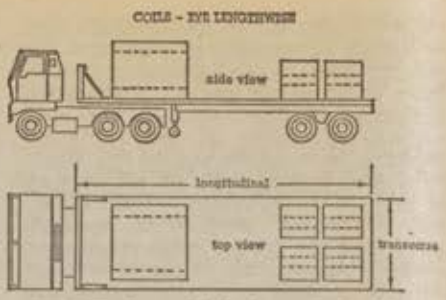
(*1*) One or more tiedown assemblies over the top of each coil or transverse row; or

(*2*) Two or more tiedown assemblies through the eye of each coil or longitudinal row; or

(*3*) One or more tiedown assemblies, crossing from one side of the vehicle to the other, through the eye of each coil or longitudinal row of coils in a transverse row.

(*b*) Timbers having nominal cross section of 4 x 4 inches or more must be tightly placed against the sides of each coil or against the outboard sides of each transverse row of coils which are loaded side by side so that the timbers restrain against side-to-side movement.

(*c*) If, in accordance with (*a*)(*1*) of this subdivision, only one tiedown assembly over the top of each coil or transverse row of coils is used to restrain against side-to-side movement and fore-and-aft movement, timbers having a nominal cross section of 2 x 4 inches or more and which are firmly secured to longitudinal blocking must be tightly placed against the front and back of each coil, each longitudinal row of coils, and each transverse row of coils in a manner which restricts forward and rearward movement.



(iv) Timber which is used for blocking must be sound lumber which is free of defects (such as knots or cracks) that materially reduce its strength.

(v) Timbers need not be used on vehicles which have depressions in the floor or are equipped with other restraining devices which perform the functions specified for timbers by the rules in this section.

(vi) As used in this section, the term "nominal," when used to describe timber, means commercially dressed sizes generally designated by the dimensions indicated.

(4) *Miscellaneous metal articles.*—Except as provided in subdivision (iv) of this subparagraph, whenever a motor carrier transports metal articles consisting of cut-to-length bars, plates, rods, sheet and tin mill products, billets, blooms, ingots, slabs, structural shapes, or pipe and other tubular products, and those articles, either individually or as a combination of articles banded or boxed together and handled as a single unit, weigh more than 2,000 lb, the article shall be secured in the following manner:

(i) A single article, a group of articles, or a combination of articles loaded side by side across the width of the vehicle must be secured by at least one tiedown assembly over its top for at least every 8 ft of its length and at least two tiedown assemblies securing each individual article or combination of articles banded or otherwise secured together and handled as a single unit. However, articles which individually have a length of 8 ft or less and which are securely butted against each other in the fore-and-aft direction may be secured by metal angles secured by tiedown assemblies, or they may be secured by a timber having a nominal cross section of 4 x 4 in or more placed longitudinally over the articles and secured by tiedown assemblies. Tiedown assemblies may not be located beyond the ends of the article which they secure.

(ii) If articles are tiered and each tiered article rests securely on the one beneath it, the tier may be secured in the same manner as a single level of those articles is secured in accordance with the rules in this section.

(iii) Pole trailers must either comply with the requirements of subdivisions (i) and (ii) of this subparagraph or have at least two tiedown assemblies securing the load to the forward bolster and at least two tiedown assemblies securing the load to the rear bolster.

(iv) The rules in this subparagraph do not apply to special loads consisting of

machinery or fabricated structural items, such as beams, girders, and trusses, which are fastened by special methods. However, those loads must be securely and adequately fastened to the vehicle.

(d) *Special rule for special-purpose vehicles.*—The rules in this section do not apply to a vehicle transporting one or more articles which, because of their size, shape, or weight, must be carried on special-purpose vehicles or must be fastened by special methods. However, any article carried on that vehicle must be securely and adequately fastened to the vehicle.

(e) *Special rule for intermodal cargo containers.*—Containers designed for the transportation of containerized, intermodal cargo and having integral securement devices must be fastened to the chassis of the motor vehicle with securement devices that prevent them from being unintentionally unfastened. The securement devices must restrain the container from moving horizontally or vertically more than one-half inch when the container is subjected to the following accelerations relative to the vehicle:

Direction of force relative to longitudinal axis of vehicle:	*Acceleration in G's*
Downward	1.70
Upward	0.50
Lateral	0.30
Longitudinal	1.80

(f) *Effective date.*—This section is effective on October 1, 1973.

§ 393.102 Securement systems.

(a) *Application and scope of the rules in this section.*—The rules in this section apply to tiedown assemblies (including chains, cables, steel straps, and fiber webbing), other securement devices, and attachment or fastening devices used in conjunction therewith, which are used to secure cargo to motor vehicles in transit. All devices which are used to secure cargo to a motor vehicle in transit under the rules in this subpart must conform to the requirements of this section.

(b) *Tiedown assemblies.*—Except for integral securement devices of containers designed for the transportation of containerized, intermodal cargo which conform to the rules in § 393.100(e), the aggregate static breaking strength of the tiedown assemblies used to secure an article against movement in any direction must be at least 1½ times the weight of that article. Chain used as a component of a tiedown assembly must conform to the requirements of the August 1961 edition of the National Association of Chain Manufacturers' Welded Chain Specifications[1] applicable to all types of chain. Steel strapping used as a component of a tiedown assembly must conform to the requirements of Federal Specification No. QQ-S-781 (1969).[2] Steel strapping that is 1-inch wide or wider must have at least two pairs of crimps in each seal and, when end-over-end lap joints are formed, must be sealed with at least two seals.

(c) *Load binders and hardware.*—The strength of load binders and hardware that are part of, or used in conjunction with, a tiedown assembly must be equal to, or greater than the minimum strength specified for that tiedown assembly in subparagraph (1) of this paragraph.

(d) *Attachment to the vehicle.*—The hook, bolt, weld, or other connector by which a tiedown assembly is attached to a vehicle, and the mounting place and means of mounting the connector, must be at least as strong as the tiedown assembly when that connector is loaded in any direction in which the tiedown assembly may load it.

(e) *Winches or other fastenings.*—The anchorages of a winch or other fastening device mounted on a vehicle and used in conjunction with a tiedown assembly must have a combined tensile strength equal to, or greater than, the strength of the tiedown assembly.

(f) *Adjustability.*—A tiedown assembly and its associated connectors and attachment devices must be designed, constructed, and maintained so that the driver of an in-transit vehicle can tighten them. However, the rules in this subparagraph do not apply to a securement system in which the tiedown assembly consists of steel strapping or to a tiedown assembly which is not required by the rules in this section.

(g) *Effective date.*—This section is effective on October 1, 1973.

§ 393.104 Blocking and bracing.

(a) *Protection against longitudinal movement.*—When a motor vehicle carries cargo that is not firmly braced against a front-end structure that conforms to the requirements of § 393.106, the cargo must be secured so that, when the vehicle decelerates at a rate of 20 ft/s per second, the cargo will remain on the vehicle and will not penetrate the vehicle's front-end structure.

(b) *Protection against lateral movement.*—When a vehicle carries cargo that may shift sideways in transit, the cargo must either be securely blocked or braced against the sides, sideboards, or stakes of the vehicle or be secured by devices that conform to the requirements of paragraphs (b)(2), (b)(3), or (b)(4) of § 393.100.

(c) *Effective date.*—This section is effective on October 1, 1973.

§ 393.106 Front-end structure.

(a) *General rule.*—(1) Except as provided in paragraph (g) of this section, every cargo-carrying motor vehicle must be equipped with a headerboard or similar device of sufficient strength to prevent load shifting and penetration or crushing of the driver's compartment.

(2) On and after the effective dates specified in paragraph (h) of this section, every cargo-carrying motor vehicle must have a front-end structure that conforms to the rules in this section.

(b) *Location.*—The front-end structure must be located between the vehicle's cargo and the vehicle's driver.

(c) *Height and width.*—The front-end structure must extend either to a height of 4 feet above the floor of the vehicle or to a height at which it blocks forward movement of any item of cargo being carried on the vehicle, whichever is lower. The front-end structure must have a width which is at least equal to the width of the vehicle or which blocks forward movement of any item of cargo being transported on the vehicle, whichever is narrower.

(d) *Strength.*—The front-end structure must be capable of withstanding the horizontal forward static load specified in either subparagraphs (1) or (2) of this paragraph.

(1) For a front-end structure less than 6 feet in height, a horizontal forward static load equal to one-half of the weight of the cargo being transported on the vehicle uniformly distributed over the entire portion of the front-end structure that is within 4 feet above the vehicle's floor or that is at or below a height above the vehicle's floor at which it blocks forward movement of any item of the vehicle's cargo, whichever is less.

(2) For a front-end structure 6 feet in height or higher, a horizontal forward static load equal to four-tenths of the weight of the cargo being transported on the vehicle uniformly distributed over the entire front-end structure.

(e) *Penetration resistance.*—The front-end structure must be designed, constructed, and maintained so that it is capable of resisting penetration by any item of cargo that contacts it when the vehicle decelerates at a rate of 20 ft/s per second. The front-end structure must have no aperture large enough to permit any item of cargo in contact with the structure to pass through it.

(f) *Substitute devices.*—The requirements of this section may be met by the use of devices performing the same functions as a front-end structure, if the devices are at least as strong as, and provide protection against shifting cargo at least equal to, a front-end structure which conforms to those requirements.

(g) *Exemptions.*—The following motor vehicles are exempt from the rules in this section:

(1) A vehicle which is designed and used exclusively to transport other vehicles, if each vehicle it transports is securely tied down by devices that conform to the requirements of § 393.102.

(2) A pole trailer or semitrailer being towed by a truck tractor that is equipped with a front-end structure that conforms to the rules in this section.

(3) A full trailer being towed by a vehicle that is equipped with a front-end structure that conforms to the requirements of this section for a front-end structure.

(4) A full trailer being towed by a vehicle that is loaded in such a manner that the cargo on the towing vehicle conforms to the requirements of this section for a front-end structure.

[1] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 111 West Washington St., Chicago, Ill. 60602.

[2] Copies of these specifications may be secured from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(5) The rules in paragraphs (d) and (e) of this section do not apply to a motor vehicle manufactured before January 1, 1974.

(h) *Effective dates.*—Cargo-carrying motor vehicles which are not exempted by paragraph (g) of this section must conform to the rules in this section as follows:

If the vehicle was manufactured—	It must conform to the rules in paragraph—	On and after—
Before Jan. 1, 1974.	(a), (b), and (f)...	Oct. 1, 1973, or the date it was manufactured, whichever is later.
Before Jan. 1, 1974.	(c).....	Jan. 1, 1975.
On or after Jan. 1, 1974.	(a) through (f) inclusive.	The date it was manufactured.

Paragraphs (d) and (e) of this section do not apply to a motor vehicle that was manufactured before January 1, 1974.

[FR Doc.73-12162 Filed 6-19-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR, Part 571]

[Docket No. 73-16; Notice 1]

SEATBELT ASSEMBLIES

Notice of Proposed Rulemaking

The purpose of this notice is to propose amendments to motor vehicle safety standard No. 209, seatbelt assemblies, concerning the width of belt webbing, the sensitivity of retractors to acceleration, and the retraction forces exerted by retractors. The amendments are proposed in response to petitions for rulemaking submitted by Toyota Motor Co., General Motors, and Weberizer S.A.

In a petition dated May 17, 1972, and in its comment of May 21, 1973, on notice 26 in docket 69-7, Toyota asked the NHTSA to amend the webbing width requirement of standard No. 209 (sec. S4.2(a)) to permit those portions of the belt that do not touch the occupant to be made of webbing narrower than the 1.8-in webbing presently required for all belts. In support of its petition, Toyota cited the need to reduce the size of the shoulder belt retractors mounted in the roof rail, both for reasons of safety, through the reduction of interior protrusion, and for reasons of convenience of manufacture.

The narrower webbing would be required to have the same performance characteristics as other seatbelt webbing. It would be allowed only for those portions of the seatbelt assembly that do not contact the occupant, so that the occupant would not be exposed to the more concentrated forces developed by narrower webbing. In the light of these features of the proposed webbing, the NHTSA has tentatively decided to grant the petition. It therefore proposes to amend S4.2(a) by exempting from the width requirements those portions of type 2 assembly webbing that do not touch a 95th-percentile male occupant with the seat in any adjustment position.

In a petition for rulemaking submitted May 21, 1973, General Motors asked for an amendment of the requirements relating to retractor sensitivity, for reasons similar to those advanced by Weberizer S.A., in a petition dated December 19, 1972. The problem described by the petitioners concerns the requirement of S4.3(j)(ii) that an emergency locking retractor "shall not lock before the webbing extends 2 inches when the retractor is subjected to an acceleration of 0.3 g or less." This requirement was adopted to prevent oversensitive retractors that would not allow an occupant to pull the webbing out at a conveniently fast rate when fastening his belt. The petitioners point out that one result of applying an 0.3 g level to vehicle sensitive retractors is that there will be a number of moderate brake applications in which the retractors will not lock. General Motors states that the frequent absence of retractor lockup in these braking situations may affect the user's confidence in the system. Weberizer emphasizes the possibility of greater forces being imposed on the occupant in a crash due to payout of the webbing before the 0.3 g vehicle acceleration level is reached. The NHTSA finds merit in the petitions and has tentatively decided to amend the standard to remove the 0.3 g minimum acceleration level from vehicle sensitive retractors. In place of the 0.3 g requirement, the agency is proposing to substitute a requirement that the retractor shall not lock when rotated to any angle of 17° or less from the position in which it is installed in the vehicle. The effect of such a substitution will be to permit the type of retractor switch described by Weberizer, which locks the retractor at vehicle decelerations of somewhat less than 0.3 g but which will not lock the retractor on the steepest grade encountered on the public roads. The proposed amendment would retain the 0.3 g requirement for webbing sensitive retractors as S4.3(j)(ii) and would add the 17° requirement for vehicle sensitive retractors as a new paragraph S4.3(j)(iii).

Section S4.3(j) of the standard also specifies a minimum retractive force of 0.45 lb for an emergency locking retractor attached to webbing that contacts the occupant's shoulder (S4.3(j)(iv) and (v)). The minimum force requirement was intended to insure that the retractor would be able to keep slack out of the system when the assembly is in use and to retract the webbing fully when the assembly is not in use. In its petition of May 21, 1973, General Motors stated that a manufacturer must set the force higher than the minimum in order to be certain of compliance, with the result that some occupants will find the pressure of the shoulder belt unacceptable and may decide, for that reason, to remove it.

Upon review of the petition, the NHTSA has tentatively decided to delete the minimum force level and to require instead that when the retractor is not under acceleration it must be capable of retracting the belt. It is expected that such a requirement will produce an acceptable retraction force and ease the burden of determining compliance.

In consideration of the foregoing, it is proposed that sections S4.2(a), S4.3(j), and S5.2(j) of Motor Vehicle Safety Standard No. 209, 49 CFR § 571.209 be amended to read as follows:

1. Section S4.2(a) would be amended to read as follows:

S4.2 *Requirement for webbing.*—(a) *Width.*—The webbing in a seatbelt assembly shall be not less in width than the following dimensions when measured under conditions prescribed in S5.1(a): Type 1 seat belt—1.8 ins; type 2 seatbelt assembly—1.8 ins, except for portions that do not touch a 95th percentile adult male with the seat in any adjustment position and the seat back in the manufacturer's nominal design riding position; type 3 seatbelt assembly—0.9 in.

2. Section S4.3(j) would be amended as follows:

(j) *Emergency-locking retractor.*—An emergency-locking retractor of a type 1 or type 2 seatbelt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)—

(i) Shall lock before the webbing extends 1 inch when the retractor is subjected to an acceleration of 0.7 g;

(ii) Shall not lock, if the retractor is sensitive to webbing withdrawal, before the webbing extends 2 ins when the retractor is subjected to an acceleration of 0.3 g or less;

(iii) Shall not lock, if the retractor is sensitive to vehicle acceleration, when the retractor drum's central axis is rotated in any direction to any angle of 17° or less from the angle at which it is installed in the vehicle;

(iv) Shall exert a retractive force of at least 1.5 lb under zero acceleration when attached only to the pelvic restraint;

(v) Shall retract the webbing fully with a force of not more than 1.1 lb under zero acceleration when attached only to an upper torso restraint;

(vi) Shall retract the webbing fully with a force of not more than 1.5 lb under zero acceleration when attached to a strap or webbing that restrains both the upper torso and the pelvis.

3. The fourth sentence of S5.2(j) would be amended as follows: * * * A retractor that is sensitive to webbing withdrawal shall be subjected to an acceleration of 0.3 g within a period of 50 ms, while the webbing is at 75 percent extension, to determine compliance with S4.3(j)(ii). * * *

Interested persons are invited to submit comments on the proposal. 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 requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date

indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date.—July 20, 1973.

Proposed effective date.—August 1, 1973.

Issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegations of authority at 38 FR 12147.

Issued on June 15, 1973.

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

[FR Doc.73-12414 Filed 6-18-73;12:24 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 210]

[Releases Nos. 33-5401, 34-10203, 35-17987]

FORM AND CONTENT OF FINANCIAL STATEMENTS

Improved Disclosure of Leases

A. *Introduction.*—For many years, corporate disclosure of leased assets and related lease commitments has not been sufficient to enable investors to determine the nature and magnitude of such assets, the size of financing commitments undertaken and the impact upon net income of this kind of financing. In recent years, the amount of lease financing has grown dramatically and accordingly the materiality of this undisclosed information has increased substantially.

In January 1973 the Accounting Principles Board exposed a proposed opinion calling for some elements of increased disclosure of lease commitments, although disclosure of the impact of leasing upon net income was not required. After its April meeting the Board announced that it had decided not to issue an opinion on this subject but to leave the matter to the Financial Accounting Standards Board to consider along with the general problem of proper lease accounting which had previously been referred to that body both by the Accounting Principles Board and by the Commission (accounting series release No. 132 (37 FR 26516)).

The Commission has determined that in the light of the great magnitude of lease financing arrangements, it is not in the interest of investors to delay additional disclosure requirements any further. Accordingly, it is proposing hereby amendments to rule 3-16 of regulation S-X (section 3-16 of pt. 210) which will specify the increased disclosure which seems necessary under the circumstances. The proposed amendments create a new subsection of rule 3-16 which deals specifically with leases and replaces rule 3-16(i)(2). The principal items of disclosure required and the reasons why the disclosure is needed are as follows:

1. Total lease rental expense for all years for which income statements are presented, with segregation of contingent rentals and rentals on financing leases; this requirement is designed to give the investor data which is useful in interpreting the historical income statements of the registrant by calling for additional analysis of the figure reported as "Rents" under rule 12-16 of regulation S-X (sec. 12-16 of pt. 210).

2. Lease rentals payable for each of the next 5 years, for the next three subsequent 5-year periods, and any subsequent payments due; this requirement extends the disclosure called for in the current rule and is intended to give the investor information as to the timing and amount of firm cash commitments which have been entered into on a long-term basis.

3. The capitalized present value of financing leases in the aggregate and by major category of assets; this is designed to reflect the debt equivalency of long-term financing leases so that investors can more meaningfully compare the capital and asset structures of entities whose principal difference is the form of financing used.

4. The impact on net income had financing leases been capitalized; this will enable investors to more intelligently compare the operating results of companies making use of different methods of acquiring and financing assets.

Financing leases are defined as leases (or other contractual arrangements with the economic characteristics of leases) which extend for 75 percent or more of an asset's life or which result in recovery of the lessor's capital in a shorter period.

B. *Proposed amendments to regulation S-X.—Commission action.*—The Commission hereby proposes to amend § 210.3-16 of chapter II of title 17 of the Code of Federal Regulations by the deletion of subparagraph (2) of paragraph (i) and redesignation of subparagraph (3) as new subparagraph (2); and the addition of new paragraph (q) as follows:

§ 210.3-16 General notes to financial statements.

* * * * *

(q) *Leased assets and lease commitments.*—Any contractual arrangement which has the economic characteristics of a lease, such as a heat supply contract for nuclear fuel, shall be considered a lease for purposes of this rule. Leases covering oil and gas production rights are not to be considered leases for purposes of this rule. For purposes of this rule, a financing lease is defined as a lease which either covers (including renewal options) 75 percent or more of the economic life of the property or has terms which assure the lessor a full recovery of his investment plus a reasonable return on the use of the funds invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

(1) Total rental expense (reduced by rentals received from subleases with disclosure of such amounts) under all leases (excluding short-term leases of 1 month or less which are not expected to be renewed) for each period for which an income statement is presented shall be disclosed in the aggregate if the total expense exceeds 1 percent of consolidated revenues. Contingent rentals, such as those which depend upon usage or sales, and rentals on noncapitalized financing leases shall be reported separately from basic or minimum rentals.

(2) The minimum rental commitments under all leases with initial or remaining noncancelable terms of more than 1 year shall be disclosed as of the date of the latest balance sheet presented for each of the following periods (indicating separately the amounts applicable to noncapitalized financing leases): (i) Each of the 5 succeeding fiscal years; (ii) each of the next three 5-year periods; and (iii) the remainder as a single amount.

(3) For all noncapitalized financing leases, there shall be disclosed:

(i) The present values of the minimum lease commitments in the aggregate and by major category of asset, such as land buildings, aircraft, truck fleets, and other equipment. Present values shall be computed by discounting net lease payments (after subtracting amounts, if any, applicable to taxes, insurance, maintenance and other operating expenses) at the interest rate implicit in the terms of each lease at the time of entering into the lease. Such disclosure shall be made as of the date of any balance sheet presented. If the present value of the minimum lease commitments is less than 5 percent of the sum of total debt and present value of the minimum lease commitments, this disclosure is not required.

(ii) Either the weighted average interest rate (based on present value) and range of rates or specific interest rates for all lease commitments included in the amount disclosed under paragraph (q)(3)(i) of this section.

(iii) The present value of rentals to be received from existing subleases of property included under paragraph (q)(3)(i) of this section based on the interest rates implicit in the terms of the subleases at the times of entering into the subleases.

(iv) The impact upon net income for each period for which an income statement is presented if all noncapitalized

financing leases were capitalized, amortization of related assets was taken on a straight-line basis and interest cost accrued on the basis of the outstanding lease liability. The amount of amortization and interest cost included in the computation shall be separately identified.

(4) In addition, there shall be disclosed for all leases (excluding short-term leases of 1 month or less which are not expected to be renewed): (i) The basis for calculating rental payments if dependent upon factors other than the lapse of time; and (ii) a description of any obligations assumed, guarantees made, restrictions imposed, and any other significant provisions of such leases or related agreements.

The proposed amendments to regulation S–X would be adopted pursuant to authority conferred on the Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 580, secs. 1, 2, 84 Stat. 1497, 15 U.S.C. 78l, 78m, 78o(d), 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e, 79n, 79t.)

All interested persons are invited to submit their views and comments with respect to the foregoing proposals on or before August 31, 1973. All such views and comments should be submitted to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such communications should refer to file No. S7–483. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 6, 1973.

[FR Doc.73–12300 Filed 6–19–73;8:45 am]

Notices

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

DEPARTMENT OF THE DEFENSE

Department of the Army

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of the third meeting of the Advisory Committee for National Dredging Study to be held June 21 and 22, 1973, in the Forrestal Building, Washington, D.C.

The purpose of the meeting is to discuss and evaluate proposals from potential contractors for conducting the "National Dredging Study." Since the meeting will concern matters falling within the category of trade secrets and commercial and financial information obtained from a person privileged and confidential, the meeting will be closed to the public.

Inquiries concerning this meeting may be addressed to the Designated Federal Representative, Mr. Eugene B. Conner, DAEN-CWO-M, Office Chief of Engineers, U.S. Army, Washington, D.C.

Dated June 13, 1973.

For the Chief of Engineers.

JAMES L. KELLY,
Brigadier General, USA
Deputy Director of Civil Works.

[FR Doc.73-12190 Filed 6-19-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CARSON NATIONAL FOREST PROPOSED TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Timber Management Plan for the Carson National Forest, USDA-FS-DES (Adm) 73-73.

The purpose of the statement is to consider probable environmental effects of the proposed timber management program.

The draft environmental statement was filed with CEQ on June 11, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, room 3230, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Carson National Forest, P.O. Box 558, Taos, N. Mex. 87571.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Ariz. 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor William Snyder, Carson National Forest, P.O. Box 558, Taos, N. Mex. 87571. Comments must be received by August 1, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 14, 1973.

[FR Doc.73-12320 Filed 6-19-73;8:45 am]

NEW MEXICO MECHANICAL VEGETATION CONTROL PROPOSAL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement of a proposal for vegetation control by mechanical treatment in the State of New Mexico, Apache, Gila, and Santa Fe National Forests, USDA-FS-DES (Adm) 73-72.

The environmental statement considers probable environmental effects on the proposed program.

The draft environmental statement was filed with CEQ on June 11, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, room 3230
14th Street and Independence Avenue SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue SW.
Albuquerque, N. Mex. 87101

Apache National Forest
Box 640
Springerville, Ariz. 85938

Gila National Forest
301 West College Avenue
Silver City, N. Mex. 88061

Santa Fe National Forest
P.O. Box 1689
Santa Fe, N. Mex. 87501

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Ariz. 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Hallie Cox, Apache National Forest, Box 640, Springerville, Ariz. 85938; Forest Supervisor Richard Johnson, Gila National Forest, 301 West College Avenue, Silver City, N. Mex. 88061; or Forest Supervisor John Hall, Santa Fe National Forest, P.O. Box 1689, Santa Fe, N. Mex. 87501. Comments must be received by August 28, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 14, 1973.

[FR Doc.73-12319 Filed 6-19-73;8:45 am]

TONGASS AND CHUGACH NATIONAL FORESTS; COMMUNICATION SITE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for communication sites on the Tongass and Chugach National Forests, Forest Service Report No. USDA–FS–DES(Adm)73–74.

The environmental statement concerns a proposed action to construct communication facilities at 22 locations on the Tongass and Chugach National Forests in Alaska. The facilities will serve seven communication modes with the majority of sites serving two or more systems.

This draft environmental statement was filed with CEQ June 12, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, room 3230
12th Street and Independence Avenue SW.
Washington, D.C. 20250

USDA, Forest Service
P.O. Box 1628
Juneau, Alaska 99801

and also at Forest Service offices in Alaska at the following locations: Juneau, Sitka, Petersburg, Ketchikan, Yakutat, Anchorage, Cordova, and Kenai.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801. Comments must be received by August 27, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 14, 1973.

[FR Doc.73–12318 Filed 6–19–73;8:45 am]

SOUTH KAIBAB GRAZING ADVISORY BOARD

Notice of Meeting

The South Kaibab Grazing Advisory Board will meet at 1 p.m., July 13, 1973, in the forest supervisor's office, Kaibab National Forest, 101 West Bill Williams Avenue, Williams, Ariz.

The purpose of this meeting is the installation of officers and discussion of grazing problems.

The meeting will be open to the public. The public may speak at any time, as directed by the chairman of the board.

KEITH T. PFEFFERLE,
Forest Supervisor.

JUNE 11, 1973.

[FR Doc.73–12193 Filed 6–19–73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FREDRICK J. WOELKERS III AND ROY C. RANDALL

Marine Mammal Protection Act; Projected Filing of Environmental Impact Statements

The Director, National Marine Fisheries Service has received 11 applications from individuals in Alaska for exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq. 86 Stat. 1027 (1972)) on grounds of undue economic hardship. The applications involve the taking of a comparatively large number of seals and sea lions from the same population stocks for the commercial sale of meat, hides, and blubber, and for the commercial utilization of the meat as fish bait.

Notice of receipt of the original two of these applications, from Fredrick J. Woelkers III of Seward, Alaska, and Roy C. Randall of Port Williams, Alaska, was published in the FEDERAL REGISTER on March 6, 1973 (38 FR 6088). Recently, nine more applications for the taking of substantial numbers of mammals from the same population stocks for the same purposes have been received. A notice in today's FEDERAL REGISTER describes these latter nine applications.

Notice is hereby given that prior to considering the merits of any of these applications or any similar applications received hereafter, the Service will file an environmental impact statement as required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(a)(c)). The Director will pass on the merits of these applications or any like applications only after the environmental impact statement has received appropriate review.

Dated June 15, 1973.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.73–12310 Filed 6–19–73;8:45 am]

WILLIAM (RED) NIETUPSKI ET AL.

Marine Mammal Protection Act; Applications for Exemption

Notice is hereby given that the following named individuals have filed applications for exemptions from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by section 101(c) of the act, and § 216.13 of the interim regulations governing the taking and importing of marine mammals (37 FR 28177, 28182, Dec. 21, 1972) for the taking of marine mammals as hereinafter described for the purposes stated.

1. William (Red) Nietupski, P.O. Box 173, Kodiak, Alaska 99695, to take by shooting 500 harbor seal pups (*Phoca vitulina richardi*) in the area of the coast of Alaska from Cape Chiniak to the Trinity Islands, for the commercial sale of meat, hides, and blubber. The applicant states that he will suffer undue economic hardship if the exemption is not granted, in that he has no alternative source of employment.

2. Andrew Nault, P.O. Box 2657, Kodiak, Alaska 99615, to take by shooting 500 Steller sea lion pups (*Eumetopias jubata*) from Two Headed Island, near the south coast of Kodiak Island, Alaska, and 300 harbor seal pups (*Phoca vitulina richardi*) from Tugidak Island, off the southeast coast of Kodiak Island, for the commercial sale of meat, hides, and blubber. The applicant states that he has no alternative income other than a small social security allotment and will suffer undue economic hardship if the exemption is not granted.

3. Jerry Richmond, P.O. Box 85, Old Harbor, Alaska 99643, to take by shooting 600 harbor seal pups (*Phoca vitulina richardi*) and 500 Steller sea lion pups (*Eumetopias jubata*) in the Sitkalidak Island area of the Trinity Islands off the coast of Alaska, for the commercial sale of meat, hides, and blubber. The applicant states that the animals will be taken to supplement his income as a cattle farmer, that he has invested money in equipment not suitable for purposes other than seal and sea lion hunting, and will suffer undue economic hardship in that, if an exemption is not granted, he will not be able to obtain funds to reestablish his mink farm and cattle herd.

4. Kenneth Sellers, 7717 East 6th Street, Anchorage, Alaska 99504, to take by shooting 500 Steller sea lions (*Eumetopias jubata*) and 2,000 harbor seals and October 21, 1973, in the Harris Bay (*Phoea vitulina richardi*) between June and Aialik Bay Areas off the coast of Alaska, for utilization of some of the meat for shrimp bait, and for the commercial sale of the hides, blubber, and the remainder of the meat. The applicant states that he is a commercial fisherman attempting to convert to a system of fishing not dependent on the use of marine mammal meat for bait; and that, if he is not granted an exemption to take the mammals necessary to fish this summer, he will suffer undue economic hardship in

that he will be unable to obtain funds to reequip himself for other types of fishing.

5. Joe D. Mankins, Port Heiden, Alaska 99549, to take an unspecified number of seals of unnamed species in the Port Heiden area off the coast of Alaska. The applicant states that his only sources of income are seal hunting and guiding; that seal hunting has provided 40 percent to 75 percent of his annual income since 1965; and that, if an exemption is not granted, he will suffer undue economic hardship in that his income from other sources will be insufficient to sustain him and he will be forced to seek assistance from public welfare sources.

6. Jeff Graham, Port Heiden, Alaska 99546, to take by shooting as many as 1,500 harbor seal pups (*Phoca vitulina richardi*) during June and July in the Port Heiden Area off the coast of Alaska for the commercial sale of meat, hides, and blubber. The applicant states that seal hunting has been his main source of income in recent years; and that he will suffer undue economic hardship if the exemption is not granted in that he will be without a major part of his income.

7. Fred A. Kings, 2450 Lake George Drive, Anchorage, Alaska 99504, to take by shooting off the coast of Alaska 6,000 Steller sea lion pups (*Eumetopias jubata*) from the Aleutian Islands, 2,000 sea lion pups from Marmot Island near Kodiak, and 2,000 seals of unspecified species from the Bristol Bay and Blying Sound Areas, for the commercial sale of meat, hides, and blubber. The applicant states that he is one-half American Indian and an employee of the U.S. Internal Revenue Service; that he has hunted seals and sea lions since 1964; that such hunting comprises a substantial part of his income; and that he will suffer undue economic hardship if the exemption is not granted in that he will lose this part of his annual income without an alternative source being available.

8. Roscoe Harrell, P.O. Box 634, Whittier, Alaska 99502, to take by shooting off the coast of Alaska as many as 150 harbor seals (*Phoca vitulina richardi*) in the Prince William Sound Area and 150 harbor seals in the Aialik Bay Area for the utilization of the meat as shrimp bait and commercial sale of the hides. The applicant states that he is a commercial fisherman with $3,000 invested in fishing equipment not suitable for fishing other than by using marine mammal meat for bait; that he is financially unable to reequip himself for other types of fishing; and that he will suffer undue economic hardship in that without an exemption he will not be able to continue his fishing operations in a profitable manner.

9. David Andrews, P.O. Box 2894, Kodiak, Alaska 99615, to take by clubbing and shooting 600 harbor seal pups (*Phoca vitulina richardi*) in the Tugidak Island Area approximately 20 miles south of Kodiak Island, Alaska, for the commercial sale of meat, hides, and blubber. The applicant states that he has $2,000 invested in equipment not adaptable to purposes other than seal hunting; and that he will suffer undue economic hardship in that he will lose at least $5,000, not including his investments, if not allowed to take the 600 seal pups requested.

Documents submitted in connection with these applications, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the office of the Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801. Any person wishing to comment on these applications may write to either or both of these offices.

All statements and opinions contained in this notice in support of the applications are those of the applicants.

Dated June 15, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-12309 Filed 6-19-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, DC. 20231, at 50 cents each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent No. 3,677,825: Thermoelectric Generator; filed Oct. 30, 1968; patented July 18, 1972; not available NTIS.

Patent No. 3,677,891: Antijam Sliding Seal Structure; filed June 16, 1971; patented July 18, 1972; not available NTIS.

Patent No. 3,698,626: Centrifuge Separation; filed May 17, 1971; patented Oct. 17, 1972; not available NTIS.

Patent No. 3,699,044: Preparation of Ferroelectric Ceramic Compositions; filed Sept. 16, 1970; patented Oct. 17, 1972; not available NTIS.

Patent No. 3,702,802: Nuclear Reactor Incorporating Means for Preventing Molten Fuel From Breaching the Containment Vessel Thereof in the Event of a Core Meltdown; filed June 16, 1971; patented Nov. 14, 1972; not available NTIS.

Patent No. 3,703,460: Non-Equilibrium Plasma Reactor for Natural Gas Processing; filed Sept. 30, 1970; patented Nov. 21, 1972; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 318,247: Facile Synthesis of Human Insulin by Modification of Porcine Insulin; filed Dec. 26, 1972; PC$3/MF$1.45.

Patent No. 3,692,493: Lymphocyte Transport Bag; filed Sept. 22, 1970, patented Sept. 19, 1972; not available NTIS.

Patent No. 3,709,811: Specific Ion Electrode for Sulfate; filed Sept. 21, 1970; patented Jan. 9, 1973; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent No. 3,595,484: Reclamation of Refactory Carbides from Carbide Materials; filed Feb. 28, 1969; patented July 27, 1971; not available NTIS.

[FR Doc.73-12107 Filed 6-19-73;8:45 am]

Office of Import Programs

BRANDEIS UNIVERSITY

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. 73-00417-33-90000. Applicant: Brandeis University Basic Medical Sciences, Research Center, Waltham, Mass. 02154. Article: X-ray diffraction generator, GX6. Manufacturer: Elliott Automation and Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for small-angle, high resolution X-ray diffraction experiments on membrane, muscle, and virus structure to obtain knowledge of the molecular structure and organization.

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 foreign article provides a focused spot of minimal size (1 by 0.1 millimeters) and a rotating target for maximum X-ray brilliance. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 25, 1973, that both of the capabilities described above are pertinent to the applicant's research purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for such purposes as 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.73-12194 Filed 6-19-73;8:45 am]

IDAHO STATE UNIVERSITY

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. 73-00501-33-02300. Applicant: Idaho State University, Purchasing Services, P.O. Box 219, Pocatello, Idaho 83201. Article: Longworth Small Mammal Trap. Manufacturer: Longworth Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used to capture rodents for analysis in studies of population ecology of microtine rodents in semidesert habitat. Successive capture and release of these rodents allows assessment of population size, survival rates, dilution rates, growth rates, reproductive changes on a seasonal basis and movement and home-range patterns.

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 foreign article is a small mammal trap which has the capability of trapping small mammals weighing 10 grams or less, as well as providing a nesting box to minimize losses during cold weather. The most closely comparable domestic apparatus is manufactured by Sherman Line Traps, Deland, Fla. (Sherman). The domestic apparatus of Sherman does not provide a nesting box and the capability of trapping small mammals weighing 10 grams or less. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 25, 1973, that the ability to trap small mammals of 10 grams or less and provide a nest box to minimize losses in cold weather is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the domestic mammal trap cited above is not of equivalent scientific value to the 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.73-12195 Filed 6-19-73;8:45 am]

TUFTS UNIVERSITY, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes 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.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00414-33-46500. Applicant: Tufts University, 136 Harrison Avenue, Boston, Mass. 02111. Article: Ultramicrotome, model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for ultrathin sectioning of skin tissue during research on blister-forming diseases. Application received by Commissioner of Customs: March 5, 1973. Advice submitted by Department of Health, Education, and Welfare on May 25, 1973.

Docket No. 73-00421-33-46500. Applicant: University of Iowa College of Medicine, Newton Road, Iowa City, Iowa. Article: Ultramicrotome, model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for studies of materials involved in electron microscopic studies of blood platelet and platelet aggregates. Other samples to be studied will include formed tissues of several types (spleen, lung, alimentary system, skin), with thrombi and sometimes with areas of necrosis and/or inflammation. The article will be used in the preparation of superior serial sections of these materials. Application received by Commissioner of Customs: March 9, 1973. Advice submitted by the Department of Health, Education, and Welfare on May 25, 1973.

Docket No. 73-00422-33-46500. Applicant: State University College, Plattsburgh, N.Y. 12901. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations in biology involving studies of structure and functions at the subcellular or molecular level to review the functions and molecular aspects of living organisms. Application received by Commissioner of Customs: March 14, 1973. Advice submitted by Department of Health, Education, and Welfare on May 25, 1973.

Docket No. 73-00423-33-46500. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare thin sections of monolayer tissue culture systems to be used in studies of human brain tumors of various types growing in the culture. Comparative studies will also be made of freshly biopsied human brain tumors in order to understand the process of growth and differentiation of cancer cells in tissue culture. Application received by Commissioner of Customs: March 14, 1973. Advice submitted by Department of Health, Education, and Welfare on May 25, 1973.

Docket No. 73-00427-33-46500. Applicant: St. Cloud State College, Biology Department, St. Cloud, Minn. 56301. Article: Ultramicrotome, model LKB 8800 ANM. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended be used by undergraduate and graduate students and faculty for research involving electron microscopy. Projects under consideration and in progress include studies involving:

(a) Cytology of selected protozoa.

(b) Delineation of paramylum bodies of *Euglena* after light and dark treatment.

(c) Ultrastructure of Cholorella pyrenosa grown heterotrophically.

(d) Chromosome mapping of *Drosophila* melanogaster mutant using the salivary gland tissue.

(e) Effect of mercury on liver tissue of the white rat.

(f) Cytogenetics of aquatic bull rush *Scirpus spp.*

(g) Phytophage of certain blue-green algae.

(h) Anatomy of soil bacteria and their bacteria phages.

The article will also be used for demonstration or on single lesson units in various biology courses. Application received by Commissioner of Customs March 15, 1973. Advice submitted by Department of Health, Education, and Welfare on May 25, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeter/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the model MT-2B ultramicrotome which is

manufactured by Ivan Sorvall, Inc. (Sorvall). The model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness, and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memorandums, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-12196 Filed 6-19-73;8:45 am]

UNIVERSITY OF MASSACHUSETTS

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. 72-00615-20-37450. Applicant: University of Massachusetts (Amherst), Department of Civil Engineering, Amherst, Mass. 01002. Article: Model No. HAL/30/1A basic glass-sided tilting flow channel. Manufacturer: Armfield Engineering, Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine the flow rates, flow velocities, and flow depths of water. Experimental areas of research include: (i) Uniform steady flow of water in an inclined rectangular channel; (ii) nonuniform steady flow of water into, through, and around obstacles; (iii) transport of sediment (e.g., sand) by flowing water; (iv) unsteady flow of water under various conditions in an inclined channel; (v) wave motion and travel in a horizontal channel; (vi) wave interaction with structures and beaches; (vii) wave-induced transport of sediment; (viii) fluid drag as determined by towing techniques.

The article will also be an instrument for instruction in the following courses:

(i) Elementary Fluid Mechanics (CE 257).

(ii) Fluid Mechanics Laboratory (CE 258).

(iii) Engineering Hydraulics (CE 260).

(iv) Open Channel Flow (CE 261).

(v) Hydraulic Similitude (CE 357).

(vi) Water Resources Engineering (CE 362).

(vii) Introduction of Hydrodynamic (CE 556).

(viii) Engineering Oceanography (CE 559).

(ix) Ocean Wave Theory (CE 752).

(x) Coastal Engineering (CE 764).

Application received by Commissioner of Customs June 9, 1973.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a channel 12 inches wide by 12 inches deep and 30 feet long. The most closely comparable domestic apparatus, manufactured by Hydraulic Design and Products, provides a channel 6 inches wide by 10 inches deep and 6 feet long. The National Bureau of Standards (NBS) advised in its memorandum dated May 24, 1973, that the larger size of the article is pertinent to the quantitative experimentation required by the applicant's research purposes. NBS also advised that it knows of no domestically manufactured tilting flow channel satisfying the pertinent size specification. For these reasons, we find that the tilting flow channel manufactured by Hydraulic Design and Products is not of equivalent scientific value to the article for such purposes as the 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.

[FR Doc.73-12197 Filed 6-19-73;8:45 am]

UNIVERSITY OF NEBRASKA

Notice of Consolidated Decision on Applications for Duty-Free Entry of Animal Feeders

The following is a consolidated decision on applications for duty-free entry of animal feeders 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.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00371-60-02300. Applicant: University of Nebraska, North Platte Station, rural route No. 4, Box 429, North Platte, Nebr. 69101. Article: Electronic Individual Animal Feeder. Manufacturer: Calan Electronics, Ltd., Scotland. Intended use of article: The article is intended to be used in a pasture supplementation study wherein the individual daily intake of supplement of a group of animals can be measured. Application received by Commissioner of Customs January 30, 1973. Advice submitted by Department of Health, Education, and Welfare on May 25, 1973.

Docket No. 73-00404-60-02300. Applicant: University of Nebraska North Platte Station, route No. 4, Box 429, North Platte, Nebr. 69101. Article: Electronic individual animal feeder. Manufacturer: Calan Electronics, Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the effect of supplementing energy to yearling cattle grazing and measurement of the ad libitum intake of supplement consumed by them individually. Application received by Commissioner of Customs March 5, 1973. Advice submitted by Department of Health, Education, and Welfare on May 25, 1973.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent

scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article is an electronic device which provides the capability to feed individual animals at their own feeding station without interference or use by the other members of the herd. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the capability cited above is pertinent to the applicant's feeding experiments for measuring individual animal intake of dietary supplement. HEW also advised that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-12198 Filed 6-19-73;8:45 am]

WILLIAM MARSH RICE UNIVERSITY

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. 73-00401-33-90000. Applicant: William Marsh Rice University, Department of Biochemistry, Houston, Tex. 77001. Article: Rotating Anode X-ray Generator, GX6 and Complete Rotor Plate Assembly, Copper Anode with Spindle. Manufacturer: Elliot Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used generally for the studies of the structure and function of biological macromolecules such as proteins and enzymes. The article will also be used extensively in the field of molecular biology which includes: Studies of macromolecules and biological structure, study of virus structure, low angle diffraction from muscle and other biological fibers, and structural studies of crystalline and fibrous nucleic acids.

In addition, the article will be used in the courses: Undergraduate Research in Biochemistry, Advanced Experimental Biochemistry, and Graduate Research in Biochemistry to familiarize and train undergraduate and graduate students to the use of instruments and techniques related to biochemistry. Application received by Commissioner of Customs March 5, 1973.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a small focal spot size and a rotating target for maximum X-ray beam intensity. The Department of Health, Education and Welfare (HEW) advised in its memorandum dated May 16, 1973, that both of the capabilities described above are pertinent to the applicant's research purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as 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.73-12199 Filed 6-19-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the establishment by the Assistant Secretary for Health, DHEW, on April 16, 1973, with the approval of the Secretary, DHEW, on May 29, 1973, of six public advisory committees as follows:

1. *Designation.*—Panel on review of hemorrhoidal drugs.

Purpose.—The panel will (1) review and evaluate available data concerning safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use for hemorrhoidal application and adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for exchange of views regarding prescription and nonprescription status of these various active ingredients and combinations thereof.

2. *Designation.*—Panel on review of ophthalmic drugs.

Purpose.—The panel will (1) review and evaluate available data concerning safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use for ophthalmic application and adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for exchange of views regarding prescription and nonprescription status of these various active ingredients and combinations thereof.

3. *Designation.*—Panel on review of gastroenterology and urological devices.

Purpose.—The panel will (1) review and evaluate all available data concerning safety, effectiveness, and reliability of gastroenterology and urological devices currently in use in order to determine the nature of the regulatory category most appropriate for control of these devices; (2) attempt to identify problems; and (3) recommend specific performance characteristics of devices which should have standards developed for them.

4. *Designation.*—Panel on review of obstetrical and gynecology devices.

Purpose.—The panel will (1) review and evaluate all available data concerning safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use in order to determine the nature of the regulatory category most appropriate for adequate control of these devices; (2) attempt to identify problems; and (3) recommend specific performance characteristics of devices which should have standards developed for them.

5. *Designation.*—Panel on review of bacterial vaccines and toxoids.

Purpose.—The panel will (1) advise the Commissioner of Food and Drugs on safety and effectiveness of bacterial vaccines and toxoids with standards of potency and combinations thereof; (2) review and evaluate available data concerning safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of modified bacterial antigens, altered bacterial toxoids, extracts of bacteria, and killed bacteria which are used either singly or in combination to prevent a variety of specific infectious diseases in man caused by bacterial microorganisms; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

6. *Designation.*—Panel on review of viral vaccines and rickettsial vaccines.

Purpose.—The panel will (1) advise the Commissioner of Food and Drugs on safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; (2) review and evaluate available data concerning safety, effectiveness, and adequacy of labeling of currently marketed biological products

consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms which are used either singly or in combination to prevent a variety of specific infectious diseases in man caused by viral or rickettsial microorganisms; and (3) advise on the promulgation of monographs establishing conditions under which these particular products are generally recognized as safe and effective and not misbranded.

Authority for these committees will expire April 16, 1975, unless the Assistant Secretary for Health formally determines that continuance is in the public interest.

Dated June 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-12306 Filed 6-19-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-161]

HILLTOP LAKES RESORT CITY AND J. B BELIN

Notice of Hearing

In the matter of Hilltop Lakes Resort City, J. B. Belin, trustee, Administrative Division Docket No. ED-73-3.

Notice is hereby given that: 1. J. B. Belin, Jr., trustee, doing business as Hilltop Lakes Resort City, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of suspension dated May 21, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that an amendment to its statement of record, submitted April 26, 1973, was not effective pursuant to the act, and the regulations contained in 24 CFR, part 1710.

2. The Respondent filed an answer June 1, 1973, in answer to the allegations of the notice of suspension dated May 21, 1973.

3. In said answer, the Respondent requested a hearing on the allegations contained in the notice of suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of suspension will be held before Miles Brown, Administrative Law Judge, in room 7155, Department of HUD Building, 451 Seventh Street SW., Washington, D.C. on June 20, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the hearing clerk, HUD Building, room 10150, Washington, D.C. 20410, on or before June 19, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the statement of record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated June 15, 1973.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-12349 Filed 6-19-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER AT ANN ARBOR, MICH.

Notice of Commissioning

Notice is hereby given that on June 29, 1973, a VFR Air Traffic Control Tower at Municipal Airport, Ann Arbor, Mich., will be commissioned. The tower will operate daily from 8 a.m. to 8 p.m. local time. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Des Plaines, Ill., on June 7, 1973.

R. O. ZIEGLER,
Director, Great Lakes Region.

[FR Doc.73-12204 Filed 6-19-73;8:45 am]

ATOMIC ENERGY COMMISSION

AEC-OWNED FOREIGN INVENTIONS

Notice of Availability for Licensing

The inventions listed below are the subject of U.S. Government-owned foreign patents and patent applications in the custody of the U.S. Atomic Energy Commission and are available for licensing in accordance with AEC Patent Licensing Regulations (10 CFR 81.61):

AUSTRALIAN PATENTS

401,187—Particle Separator.
410,678—Roller Band Devices.
432,171—Method of Making Uranium Dioxide More Reactive.
432,210—System for Detecting Sodium Boiling in a Reactor.
432,269—Method and Apparatus for Preparing Metal Oxide Microspheres.
432,458—Cobalt-Rhenium Energy Source.
432,626—Nuclear Reactor Fuel Element Hold-Down and Tightening Mechanism.
432,637—Multiremanent Ferroelectric Ceramic Optical Device.
432,638—Insulated Ducts for Nuclear Reactors.
433,144—Nuclear Reactor Control Rod Drive Assembly.
433,479—Pressure Balances Fuel Bundle Inlet.
434,005—Multistation, Single Channel Analytical Photometer and Method of Use.
434,256—Nickel-Chromium Alloy.
434,543—Fast Sodium-Cooled Reactors Core Structure.
435,089—Dynamic Seal.
435,283—Method of Preparing a Nitride Nuclear Reactor Fuel.
435,510—Elutriator.

AUSTRALIAN PATENT APPLICATIONS

44573/68—Roller Band Devices.
44575/68—Roller Band Devices.
65051/69—System Providing Stable Pulse Display.
11064/70—Analytical Photometer with Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
13324/70—Improved Multistation Analytical Photometer and Method of Use.

AUSTRIAN PATENTS

297,372—System Providing Stable Pulse Display.
297,373—Multistation, Single Channel Analytical Photometer and Method of Use.
303,423—Analytical Photometer with Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
303,424—Improved Multistation Analytical Photometer and Method of Use.

BELGIUM PATENTS

669,632—Thin Film Deposition Technique.
715,828—Roller Band Devices.
723,834—Roller Band Devices.
723,835—Roller Band Devices.
759,723—Roller Band Devices.
788,022—Removal of Organic and Inorganic Iodine from A Gaseous Atmosphere.
790,299—A Hemodialyzer With an Accordian-Like Folded Membrane.
790,983—Reaction End-Point Recorder For Use With a Rotary Analytical Photometer.
791,934—Process For Coating Microspheres With Metallic Tungsten.
791,935—Loading Disk For Photometric Analyzer of Rotary Cuvette Type.
792,245—Nuclear Fuel Debris Retention Structure.
792,465—Rotor For Multistation Photometric Analyzer.

CANADIAN PATENTS

752,006—A Scanning Electron Microscope.
781,781—Particle Separator.
836,418—Roller Band Devices.
863,795—Roller Band Devices.
864,397—Roller Band Devices.
894,414—System Providing Stable Pulse Display.
899,094—Multistation, Single Channel Analytical Photometer and Method of Use.
899,100—Analytical Photometer With Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
901,324—Improved Multistation Analytical Photometer and Method of Use.
909,297—Roller Band Devices.
917,825—Detector System for a Scanning Electron Microscope.
920,469—Closure Mechanism.
920,760—Solid Filters.
921,128—Nonequilibrium Plasma for Natural Gas Processing.
921,423—Nonaqueous Electroplating Solutions and Processing.
921,623—Two-Dimensional Position-Sensitive Radiation Detector.
923,223—Differential Pressure Nuclear Radiation Flux Detector.

DANISH PATENTS

124,377—Collet for Workpiece in Electric Welding.
124,572—Electrochemical Cell.

DANISH PATENT APPLICATIONS

6664/69—System Providing Stable Pulse Display for Solution Analyzer.
6665/69—Multistation, Single Channel Analytical Photometer and Method of Use.
1272/70—Analytical Photometer With Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
2530/70—Improved Multistation Analytical Photometer and Method of Use.

EGYPTIAN PATENT

9036—Sea Water Desalination.

FRENCH PATENTS

1,393,702—A Scanning Electron Microscope.
1,449,124—Thin Film Deposition Technique.
1,469,333—Particle Separator.
1,574,186—Roller Band Devices.
1,591,515—Roller Band Devices.
1,591,516—Roller Band Devices.
69.34,616—Nuclear Fuel Rod Having an Offset Plenum.
69.43,593—System Providing Stable Pulse Display.
69.43,594—Multistation, Single Channel Analytical Photometer and Method of Use.
70.08,950—Analytical Photometer with Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use.
70.13,385—Variable Rate Neutron Source.
70.14,680—Production of Metal Resistant to Neutron Irradiation.
70.18,580—Improved Multistation Analytical Photometer and Method of Use.
70.19,207—Photometric Thermometer and Method of Operation.
70.27,285—Apparatus for Increasing Power Density in a Boiling Liquid Nuclear Reactor.
70.39,070—Process and Apparatus for PuF_6.
70.43,949—Roller Band Inertial Switch.
71.06,854—Detector System for a Scanning Electron Microscope.
72.28,299—Oscillating Monitor for Fissile Material.
72.30,238—Low-Loss Conductor for A.C. or D.C. Power Transmission.
72.35,099—Sodium Leak Detector.

GERMAN PATENT

1,154,644—Nickel-Base Alloy.

GERMAN PATENT APPLICATIONS

P 14 39 828.8—A Scanning Electron Microscope.
P 15 17 961.0—Particle Separator.
P 15 21 569.9—Thin Film Deposition Technique.
P 17 50 603.5—Roller Band Devices.
P 18 07 129.9—Roller Band Devices.
P 18 07 668.1—Roller Band Devices.
P 19 62 027.0—System Providing Stable Pulse Display for Solution Analyzer.
P 19 62 267.4—Multistation, Single Channel Analytical Photometer and Method of Use.
P 20 09 993.8—Analytical Photometer With Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
P 20 22 084.2—Improved Multistation Analytical Photometer and Method of Use.
P 21 10 325.3—Detector System for a Scanning Electron Microscope.

BRITISH PATENTS

1,065,847—Scanning Electron Microscope.
1,103,190—Particle Separator.
1,115,055—Thin Film Deposition Technique.
1,181,636—Roller Band Devices.
1,217,947—Roller Band Devices.
1,231,046—Roller Band Devices.
1,242,033—System Providing Stable Pulse Display.
1,242,034—Multistation, Single Channel Analytical Photometer and Method of Use.
1,250,438—Photometric Thermometer and Method of Operation.
1,260,804—Improved Multistation Analytical Photometer and Method of Use.
1,274,781—Analytical Photometer With Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
1,294,440—Detector System for a Scanning Electron Microscope.
1,313,439—Cation-Exchange Conversion of Hydroxylamine Sulfate to Hydroxylamine Nitrate.
1,313,480—Electrochemical Air Pollution Monitoring Device and Method of Use Thereof.
1,313,636—Sodium Heated Steam Generator.
1,314,468—Bone Substitute.

DUTCH PATENT

136,556—Guard Ring Semiconductor Junction.

DUTCH PATENT APPLICATIONS

69.18833—System Providing Stable Pulse Display for Solution Analyzer.
69.19034—Multistation, Single Channel Analytical Photometer and Method of Use.
70.02765—Analytical Photometer With Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
70.07331—Improved Multistation Analytical Photometer and Method of Use.

ITALIAN PATENTS

839,099—Roller Band Devices.
847,542—Roller Band Devices.
856,816—Roller Band Devices.
879,240—System Providing Stable Pulse Display for Solution Analyzer.
880,126—Multistation, Single Channel Analytical Photometer and Method of Use.
898,334—Analytical Photometer With Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
936,040—Radioisotopic Fuel Capsule and Method of Making Same.
939,239—Fluxless Aluminum Brazing.

ITALIAN PATENT APPLICATION

24,849 A/70—Improved Multistation Analytical Photometer and Method of Use.

JAPANESE PATENTS

284,988—Nickel-Base Alloy.
555,770—Thin Film Deposition Technique.
636,490—Particle Separator.
669,819—Improved Hot-Isostatic-Pressing Apparatus.
674,215—Production of Spheroidal Uranium Metal Powder.
674,893—Random Particle Impact Microscope.
675,900—Roller Band Devices.
677,870—Evaporator Intereffect Relief Seal.
678,644—High Power Hydrogen Thyratron.
683,335—High Char Forming Systems.

JAPANESE PATENT APPLICATIONS

70225/63—A Scanning Electron Microscope.
82786/68—Roller Band Devices.
82787/68—Roller Band Devices.
29738/69—Hemodialyzer.
97525/69—Multistation, Single Channel Analytical Photometer and Method of Use.
101395/69—System Providing Stable Pulse Display for Solution Analyzer.
20915/70—Analytical Photometer with Means for Measuring Holding and Transferring Discrete Liquid Volumes and Method of Use Thereof.
36921/70—Improved Multistation Analytical Photometer and Method of Use.
44084/70—Photometric Thermometer and Method of Operation.
48440/70—Hemodialyzer.
11347/71—Detector System for a Scanning Electron Microscope.

MEXICAN PATENT

121,268—Gold Recovery Process.

NORWEGIAN PATENT

124,923—Radiation Treatment of Mine Waste Waters.

NORWEGIAN PATENT APPLICATIONS

4831/69—System Providing Stable Pulse Display for Solution Analyzer.
4832/69—Multistation, single channel analytical photometer and method of use.
825/70—Analytical photometer with means for measuring holding and transferring discrete liquid volumes and method of use thereof.
1933/70—Improved multistation analytical photometer and method of use.

RUSSIAN PATENTS

352,480—Analytical photometer with means for measuring holding and transferring discrete liquid volumes and method of use thereof.
365,081—Improved multistation analytical photometer and method of use.

RUSSIAN PATENT APPLICATIONS

1384347/26-25—System providing stable pulse display for solution analyzer.
1384682/26-25 & Divisional No. 1607090/26-25—Multistation, single channel analytical photometer and method of use.

SPANISH PATENTS

374,546—Multistation, single channel analytical photometer and method of use.
374,686—System providing stable pulse display for solution analyzer.
376,906—Analytical photometer with means for measuring holding and transferring discrete liquid volumes and method of use thereof.
378,828—Improved multistation analytical photometer and method of use.

SWEDISH PATENTS

339,591 Roller band devices
347,111 System providing stable pulse display for solution analyzer
347,800 Roller band devices
351,132 Implantable circulatory support system
351,195 Preparation and purification of crystalline boron
351,510 Cold trap
351,517 A method for producing polarized atoms
352,762 Vessel for a sodium-cooled reactor
352,773 Position sensitive radiation detector

SWEDISH PATENT APPLICATIONS

15,071/68 Roller band devices
16,749/69 Multistation, single channel analytical photometer and method of use
3,118/70 Analytical photometer with means for measuring holding and transferring discrete liquid volumes and method of use thereof
6,808/70 Improved multistation analytical photometer and method of use

SWISS PATENTS

420,670 A scanning electron miscroscope
495,031 Roller band devices
499,105 System providing stable pulse display for solution analyzer
499,171—Roller Band Devices.
499,172—Roller Band Devices.
500,482—Analytical Photometer with Means for Measuring Holding and Transferring

Discrete Liquid Volumes and Method of Use Thereof.
502,595—Multistation, Single Channel Analytical Photometer and Method of Use.
519,170—Improved Multistation Analytical Photometer and Method of Use.
520,927—Detector System for a Scanning Electron Microscope.

VENEZUELAN PATENT

28,517—Hydrocarbon Production from Petroliferous Formations.

Copies of the foreign patents can be purchased from the respective foreign patent offices. Copies of the foreign patent applications can be purchased from the AEC for 25 cents per page. When ordering copies of a foreign patent or foreign patent application it is necessary to identify the specific number and title of the patent or patent application.

Application forms for, inquiries as to, and requests for a license should be directed to the Assistant General Counsel for Patents, U.S. Atomic Energy Commission, Washington, D.C. 20545. Each application for a license should be accompanied by a $10 processing fee payable to the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 13th day of June 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-12252 Filed 6-19-73;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued amendment No. 3 to provisional operating license No. DPR-17 designating the nuclear facility licensed thereunder as Unit No. 1 of the Nine Mile Point Nuclear Station. The amendment is effective as of its date of issuance.

The Niagara Mohawk Power Corp. of Syracuse, N.Y., is the holder of provisional operating license No. DPR-17 issued by the Commission on August 22, 1969, for possession, use and operation of a boiling water type nuclear power reactor facility on its site in Scriba, Oswego County, N.Y., at power levels up to 1850 megawatts (thermal).

By application notarized June 7, 1972, as transmitted by letter dated June 15, 1972, the Niagara Mohawk Power Corp. requested that provisional operating license No. DPR-17 be amended to designate the nuclear power reactor facility licensed thereunder as unit No. 1 of the Nine Mile Point Nuclear Station to avoid confusion since the corporation has filed an application with the Commission for construction of a second facility on its site in Scriba, N.Y.

The Commission's regulatory staff has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, chapter I, and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. Since operation of the facility in the manner previously reviewed and approved by the Commission is not altered by the issuance of this amendment, the Commission's regulatory staff also has concluded that this action does not involve significant hazards considerations; consequently, prior public notice of proposed issuance of the amendment is not required.

A copy of Niagara Mohawk Power Corp.'s application of June 7, 1972, and a copy of amendment No. 3 to license No. DPR-17 are available for public inspection at the Commission's public document room at 1717 H Street NW., Washington, D.C., and at the Oswego City Library located at 120 East Second Street, Oswego, N.Y. 13126. Single copies of the license amendment may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 12th day of June 1973.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73-12251 Filed 6-19-73;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Notice and Order for Prehearing Conference

In the matter of Portland General Electric Co., et al (Trojan nuclear plant).

Take notice that a prehearing conference will be held in the subject proceeding on July 11, 1973, at 10 a.m., local time, in room 212, U.S. Court of Appeals, Southwest Sixth and Morrison Streets, Portland, Oreg. 97204.

The primary objectives of the prehearing conference are to:

1. Discuss any problems relating to the draft environmental statement of the regulatory staff;

2. Establish the date for the commencement of the evidentiary hearing;

3. Establish the ground rules for receipt of evidence into the record; and

4. Discuss such other matters as may aid in the disposition of environmental matters.

It is so ordered.

Issued at Washington, D.C., this 14th day of June 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-12250 Filed 6-19-73;8:45 am]

[Docket No. 50-344-O [1]]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice and Order for Special Prehearing Conference in the Facility Operating License Proceeding

In the matter of Portland General Electric Co. et al. (Trojan Nuclear Plant).

Take notice that a special prehearing conference will be held in the subject proceeding on July 11, 1973, at 11 a.m., local time in room 212, U.S. Court of Appeals, Southwest Sixth and Morrison Streets, Portland, Oreg. 97204.

The special prehearing conference will deal with the following matters:

1. The status of negotiations regarding the issues in this proceeding;

2. The need for discovery, and the time for such discovery;

3. Establishment of schedules for further action;

4. Procedures, including rules of evidence to be followed at the actual hearings; and

5. Such other matters as may aid in the orderly disposition of the instant proceeding.

It is so ordered.

Issued at Washington, D.C., this 14th day of June 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-12249 Filed 6-19-73;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Amendment to Provisional Operating License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, amendment No. 4 to provisional operating license No. DPR-13. Provisional operating license No. DPR-13 authorizes the Southern California Edison Co. and the San Diego Gas & Electric Co. to possess, use, and operate the San Onofre Nuclear Generating Station Unit 1 located in San Diego, Calif. This amendment deletes the reporting requirements from the license because change No. 9 to the technical specifications is being issued concurrently with this amendment incorporating the same reporting requirements in the technical specifications.

By application dated November 27, 1972, Southern California submitted an application requesting an amendment to their license to delete the reporting requirements and proposed a change to the technical specifications to incorporate the reporting requirements therein. The proposed change conforms to regulatory

[1] All parties are directed to include the initial "O" after docket number in order to differentiate this facility operating license proceeding from the appendix D, section B proceeding.

guides 16 and 21 and therefore are being issued.

The Commission has found that the application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR ch. I. The Commission has made the findings (relating to its review of the application) which are set forth in the amendment and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public and does not involve a significant hazards consideration.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated November 16, 1972, and (2) the amendment to provisional operating license No. DPR-13, which are available for public inspection at the Commission's public document room at 1717 H Street NW., Washington, D.C. A copy of item 2 may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Director of licensing.

Dated at Bethesda, Md., this 5th day of June 1973.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.73-12315 Filed 6-19-73;8:45 am]

[Docket 23333; order 73-6-49]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters

Issued under delegated authority; June 13, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA).

The agreement was adopted at a special May 12, 1973, meeting in Mexico City under the provisions of IATA Resolution 512b.

The agreement provides that the "Bankers Buying Rate" for currency conversion purposes on inbound charges collect shipments into the United States shall be the buying rate for foreign banknotes as published in the Wall Street Journal Tuesday edition. This rate would be applicable from Tuesday of each week up to and including the Monday of the following week.

Pursuant to the authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 23709 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-12316 Filed 6-19-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the positions of Deputy Assistant Secretary for Public Affairs (Operations), Office of the Assistant Secretary for Public Affairs, Office of the Secretary, and Deputy Assistant Secretary for Public Affairs (Communications), Office of the Assistant Secretary for Public Affairs, Office of the Secretary.

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

[FR Doc.73-12258 Filed 6-19-73;8:45 am]

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Affairs, Office of Public Affairs, Office of the Secretary.

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

[FR Doc.73-12259 Filed 6-19-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Administrator, Federal Disaster Assistance Administration, Office of the Administrator, Federal Disaster Assistance Administration.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-12260 Filed 6-19-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity and service to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

CLASS 7210

Bedspread:

7210-205-3481	7210-728-0181
7210-616-0780	7210-728-0194
7210-205-3478	7210-728-0192
7210-728-0182	7210-728-0195
7210-728-0180	7210-728-0196
7210-728-0183	7210-728-0197
7210-728-0184	7210-728-0193
7210-728-0185	

SERVICE

INDUSTRIAL CLASS 7219

Laundering Wool Blankets, Great Lakes, Ill.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, suite 610, Arlington, Va. 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-12215 Filed 6-19-73;8:45 am]

COMMITTEE FOR IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal from Warehouse for Consumption

JUNE 13, 1973.

On October 4, 1972, there was published in the FEDERAL REGISTER (37 FR 20883) a letter dated September 29, 1972, from the chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to

certain specified categories of wool and manmade fiber textile products produced or manufactured in the Republic of China, and exported to the United States during the 12-month period beginning October 1, 1972. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral Wool and Man-made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, at the request of the Government of the Republic of China, and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of June 13, 1973, from the chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the levels of restraint applicable to wool and manmade fiber textile products in categories 116, 117, 211, 213, 216, 219, 221, 222, 228, 232, 234, and 235 for the 12-month period which began on October 1, 1972.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

JUNE 13, 1973.

DEAR MR. COMMISSIONER: On September 29, 1972, the chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of wool and manmade fiber textile products in certain specified categories produced or manufactured in the Republic of China, during the 12-month period beginning October 1, 1972, in excess of designated levels of restraint. The chairman further advised you that the levels of restraint were subject to adjustment.[1]

Pursuant to paragraph 7 of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 29, 1972, for wool textile products in categories 116 and 117 and manmade fiber textile products in categories 211, 213, 216, 219, 221, 222, 228, 232, 234, and 235, produced or manufactured in the Republic of China, as set forth below.

Category:		*Amended 12-month levels of restraint* [2]
116	pounds	870,154
117	do	543,846
211	do	737,019
213	do	7,370,192
216	dozens	634,520
219	do	4,884,559
221	do	3,436,753
222	do	3,229,635
228	do	395,647
232	do	553,190
234	do	1,036,278
235	do	1,504,170

[2] These amended levels have not been adjusted to reflect entries made on or after October 1, 1972.

The actions taken with respect to the Government of the Republic of China, and with respect to imports of wool and manmade fiber textile products from the Republic of China, have been determined by the Committee for the Implementation of Textile Agreements, to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-12413 Filed 6-19-73;8:45 am]

[1] The term "adjustment" refers to those provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited interfiber flexibility between cotton textiles and manmade fiber textile products of the comparable category; and for administrative arrangements.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF HEARING

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will hold its first meeting Friday, June 22, 1973, at 10 a.m. in room S 146 of the Capitol. The purpose of the meeting includes organization of the Commission, ratification of appointment of an executive director, and authorization of the executive director to appoint and to fix compensation of additional personnel.

The Commission is also to discuss the provisions of section 6, sub. 1 of Public Law 92-489 which require that its report under section 1(a) of that act, concerning changes in the geographical boundaries of the judicial circuits, be filed within 180 days of the date on which the ninth member of the Commission is appointed.

Factors relevant to recommending changes in the geographical boundaries of the circuits and to the study of "the structure and internal procedures of the Federal courts of appeal system" are also to be discussed.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director Designate.

JUNE 15, 1973.

[FR Doc.73-12381 Filed 6-19-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that meetings of the Food Industry Advisory Committee, created by section 7(b) of Executive Order 11695, will be held on July 2 and July 3, 1973, at 9 a.m., at O'Hare Plaza, 5725 East River Road, Chicago, Ill.

Since the meetings will consider sensitive policy issues and possible governmental actions in connection therewith, I have determined that the meetings would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-12420 Filed 6-18-73;1:57 p.m.]

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

As previously announced, the Food Industry Wage and Salary Committee will meet on June 27, 1973.

The agenda will be a consideration of specific wage cases and a discussion of future wage policy issues.

Since the above-stated meeting will consist of discussions of wage cases currently pending before the Cost of Living Council and future wage policy issues, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the committee.

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

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-12419 Filed 6-18-73;1:57 p.m.]

[Cost of Living Council Order 29]

DIRECTOR, COST OF LIVING COUNCIL

Delegation of Authority

Pursuant to the authority vested in me as Chairman of the Cost of Living Council by Executive Order No. 11723 (hereinafter referred to as the Order), it is hereby ordered as follows:

1. There is delegated to the Director of the Cost of Living Council all of the authorities delegated to the Chairman of the Cost of Living Council by the Order.

2. Significant policy decisions shall be made by the Director after consultation with the Chairman of the Cost of Living Council or the Cost of Living Council, as appropriate.

3. The Director of the Cost of Living Council is authorized to redelegate any or all of the authorities set out in such Order that he deems necessary for the orderly and efficient exercise of the authority delegated to him.

4. Cost of Living Council Order 14 is hereby continued in full force and effect.

5. This delegation shall be effective as of June 14, 1973.

GEORGE P. SHULTZ,
Chairman,
Cost of Living Council.

[FR Doc.73-12348 Filed 6-15-73;4:45 pm]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-656]

SIXTY-DAY FREEZE ON INCREASED RATES AND CHARGES

Stabilization of Rates and Charges

1. The Commission has before it Executive Order No. 11723 issued June 13, 1973, providing for the stabilization of prices for a 60-day period. This Executive order is applicable to the rates and charges of all communications common carriers subject to the jurisdiction of this Commission providing interstate and foreign communications services. In order to implement this Executive order, which is designed to insure stabilization of the economy, the Commission finds it is essential that the rates and charges for interstate and international communications services be maintained at levels no higher than those in effect during the period June 1 to June 8, 1973.

2. *Accordingly, it is ordered,* That common carriers subject to the jurisdiction of this Commission:

(a) May not during such 60-day period charge, demand, collect, or receive any compensation for the provision of interstate or foreign communications services greater than the highest rate or charge for any such or like communications services in effect for the period June 1 to June 8, 1973, either by filing new tariff schedules to become effective during such 60-day period, or by allowing already effective tariffs to expire during such 60-day period;

(b) Shall promptly withdraw any tariff now on file and scheduled to be effective after June 13, 1973, which provides for a charge or rate higher than that in effect for the period June 1 to June 8, 1973, for the same or a like service, or postpone the effective date of such tariff until after the expiration of the 60-day period specified in Executive Order No. 11723, pursuant to special permission which is hereby granted. Any tariff not so withdrawn or postponed within 5 days of the issuance of this order shall be deemed rejected and the presently existing tariff provisions purported to be superseded the rejected tariff shall be deemed reinstated; and

(c) Refund promptly to any user or customer any sums collected subsequent to June 13, 1973, in excess of those permitted by this order.

Adopted June 15, 1973.

Released June 15, 1973.

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

[FR Doc.73-12253 Filed 6-19-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Martime Commission, Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

In the matter of American Export Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Co., Ltd., Finn Lines, Hapag Lloyd, A.G., Meyer Line, Sea-Land Service, Inc., Seatrain Lines, Inc./Seatrain International S.A., United States Lines, Inc. (modification of agreement).

Notice of agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, suite 631, New York, N.Y. 10004.

Agreement No. 9989-1 is an application by the above signatories to the "North Atlantic Discussion Agreement" for a 6-month extension of the period of approval from its present expiration date of August 9, 1973, to February 8, 1974.

Dated June 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12339 Filed 6-19-73;8:45 am]

ARGENTINA/UNITED STATES PACIFIC NORTHBOUND AND SOUTHBOUND POOLING AGREEMENT

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreements at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearings, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold T. Quinn, Esq., Barrett Smith Schapiro & Simon, 26 Broadway, New York, N.Y 10004.

Agreement No. 10056, between Empresa Lineas Maritimas Argentinas S.A. (E.L.M.A.) and Prudential Grace Lines, Inc., provides for the establishment of a pooling arrangement for the apportionment of freight revenue on all cargo (with certain differing exceptions northbound and southbound, respectively), transported by the parties on owned or chartered vessels from Buenos Aires, Argentina to U.S. Pacific coast ports within the San Diego and Bellingham range, both inclusive (annex I), and from U.S. Pacific coast ports within the San Diego and Bellingham range, both inclusive, to Buenos Aires, Argentina (annex II). The intent is that the lines will equally participate in the cargo revenue generated by both of them when operating within the scope of the agreement.

The parties will each maintain both northbound and southbound a minimum

of 10 sailings during each pool period (12 months) subject to conditions of force majeure. Sailings for a period of less than 12 months will be on a pro rata basis.

Provisions with respect to (1) adjustments in the event of a sailing deficiency, (2) calculation of revenues from pooled cargo, (3) pool accounting and settlement, and (4) arbitration, are set forth in the agreement. The agreement will become effective upon approval by the respective governmental authorities, and will remain in effect for 3 years thereafter, unless earlier canceled as provided therein.

Dated June 14, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12340 Filed 6-19-73;8:45 am]

CONTINENTAL AND NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, suite 631, New York, N.Y. 10004.

Agreement No. 8210-21, among the member lines of the above-named conference is an application for a 6-month extension of the period of approval of its inland jurisdiction from its present expiration date of September 30, 1973, to March 31, 1974.

Dated June 14, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12341 Filed 6-19-73;8:45 am]

CUSTOMS FORWARDERS, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

In the matter of Customs Forwarders, Inc., and J. E. Bernard & Co. et al.

Notice of modification to agreement No. 71-7 filed for approval by:

Belnap, McCarthy, Spencer, Sweeney & Harkaway, 20 North Wacker Drive, Chicago, Ill. 60606.

Agreement No. FF 71-7A modifies a memorandum of understanding which is the subject of Commission docket No. 71-89 by deleting Nettles & Co., Inc., as a party to the basic agreement, FF 71-7, and substituting Chicago Container Services, Inc., as a party thereto. Chicago Container Services, Inc., performs packing and unpacking services on container and rail cars moving to and from overseas ports.

Dated June 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12342 Filed 6-19-73;8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, suite 631, New York, N.Y. 10004.

Agreement No. 9214-9, among the member lines of the above-named conference is an application for a 6-month extension of the period of approval of its inland jurisdiction from its present expiration date of September 30, 1973, to March 31, 1974.

Dated June 14, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12345 Filed 6-19-73;8:45 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE ET AL.

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015, or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif.

Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

In the matter of North Atlantic United Kingdom Freight Conference, North Atlantic Westbound Freight Association and Canada-United Kingdom Freight Conference; Canadian North Atlantic Westbound Freight Conference.

Notice of agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, suite 631, New York, N.Y. 10004.

Agreement No. 10057 establishes a discussion agreement among the above-named conferences in the trades between the United States and Canada and North Europe entitled the Canadian-American Discussion Agreement. Under the agreement the signatory conferences agree to discuss and cooperate in developing proposals relating to:

1. Cargo movements, the seasonality and other fluctuations of traffic flows and related matters on common carrier steamship service.

2. Cost of service, rates, rules, and tariffs.

3. Practices in connection with the receipt and delivery of cargo, including but not limited to interchange with connecting land carriers, demurrage and detention, forwarder compensation and terminal and accessorial service.

4. Self-policing and enforcement thereof, inspection services and the general integrity of conference agreements, tariffs and other lawful obligations and responsibilities.

Provision is also made in the agreement for entry of other conferences as members thereto.

Dated June 14, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12346 Filed 6-19-73;8:45 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, suite 631, New York, N.Y. 10004.

Agreement No. 5850-23, among the member lines of the above-named conference is an application for a 6-month extension of the period of approval of its inland jurisdiction from its present expiration date of September 30, 1973, to March 31, 1974.

Dated June 14, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12344 Filed 6-19-73;8:45 am]

ORIENTAL CENTRAL AMERICA LINES, INC., AND CHINESE MARITIME TRUST, LTD.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-92 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,088.

Oriental Central America Lines, Inc. and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), care of Orient Overseas Services, Inc., 311 California Street, San Francisco, Calif. 94104.

Whereas, Oriental Central America Lines, Inc., and Chinese Maritime Trust Ltd. (Orient Overseas Line) have ceased to operate the passenger vessel *Oriental Fantasia*, to and from U.S. ports; and

Whereas, Oriental Central America Lines, Inc., and Chinese Maritime Trust Ltd. (Orient Overseas Line) have returned certificate (performance) No. P-92 and certificate (casualty) No. C-1,088 for revocation.

It is ordered, That certificate (performance) No. P-92 and certificate (casualty) No. C-1,088 covering the *Oriental Fantasia* be and are hereby revoked effective June 8, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12338 Filed 6-19-73;8:45 am]

PORT OF PORTLAND AND MGA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton A. Mowat, Esq., Manager, Regulatory Affairs, Port of Portland, P.O. Box 3529, Portland, Oreg. 97208.

Agreement No. T-2725, between the Port of Portland (Port) and MGA, a division of Mitsubishi International Corp., is an arrangement under which the Port will furnish MGA certain storage facilities, drayage, unstuffing, equipment loading and unloading, and warehouse order filling and documentation services on MGA's behalf at Portland, Oreg., and South Holland, Ill. Compensation to the Port is as provided for in detail in the agreement.

Dated June 14, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12343 Filed 6-19-73;8:45 am]

[Independent Ocean Freight Forwarder License 802]

SCHENKERS INTERNATIONAL, INC.

Order of Revocation

Schenkers International, Inc., 327 South La Salle Street, Chicago, Ill. 60604, wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 802 for revocation, because of its merger with its parent corporation, Schenkers International Forwarders, Inc., FMC license No. 911.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in "Manual of Orders", Commission order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 802 of Schenkers International, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 802 be and is hereby revoked effective June 15, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Schenkers International, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-12337 Filed 6-19-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-833]

ACCO OIL & GAS CO.

Notice of Application

JUNE 13, 1973.

Take notice that on May 29, 1973, Acco Oil & Gas Co. (Applicant), One Briar Dale Court, Houston, Tex. 77027, filed in docket No. CI73-833 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) from the Sandies Field Area in Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 M ft³ of gas per month for 3 years at 45 c/M ft³ at 14.65 lb/in²a within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant is authorized in docket No. CI72-707 to sell gas from the subject acreage to Texas Eastern for 1 year from June 17, 1972, at 35 c/M ft³.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12229 Filed 6-19-73;8:45 am]

[Docket No. RP70-30, etc.]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed PGA Rate Adjustment

JUNE 12, 1973.

Take notice that Algonquin Gas Transmission Co. (Algonquin Gas), on May 21, 1973, tendered for filing Second Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' purchased gas cost adjustment provision set forth in section 22 of the general terms and conditions of its FPC Gas Tariff, Original Volume No. 1, as approved by the Commission order approving settlement agreement in dockets Nos. RP70-30, RP71-92, and RP72-110, issued September 7, 1972. The rate change is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corp. (Texas Eastern), effective July 1, 1973, as a result of a rate increase filed by Texas Eastern on May 16, 1973, in docket No. RP72-98. Algonquin states that the proposed changes would increase revenues from jurisdictional sales and service by $884,387 based on the 12 months ended April 30, 1973.

The proposed effective date of the revised tariff sheet is July 1, 1973, the effective date of Texas Eastern's rate increase. Algonquin states that copies of the filing were served upon its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12220 Filed 6-19-73;8:45 am]

[Docket No. CI73-832]

AUSTRAL OIL CO., INC.

Notice of Application

JUNE 13, 1973.

Take notice that on May 25, 1973, Austral Oil Co., Inc. (Applicant), 2700 Exxon Building, Houston, Tex. 77002, filed in docket No. CI73-832 an application, as supplemented May 31, 1973, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Tranmission Corp. from Walker Creek Field, Lafayette County, Ark., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 11, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for a maximum period of 2 years from the end of the 60-day emergency period or until the gas is no longer available, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR

2.70). Applicant requests that, if a certificate of public convenience and necessity cannot be issued before the expiration of the 60-day emergency period on June 10, 1973, said time be extended 30 days. Applicant proposes to sell approximately 19,200 M ft³ of gas per month at 35 cents per thousand cubic feet at 15.025 lb/in²a, subject to downward British thermal units adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of matter finds that a grant of the certificate is required by the public convenience and necessity. If a petiton for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12230 Filed 6-19-73;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

JUNE 12, 1973.

Take notice that Consolidated Gas Supply Corp. (Consolidated), tendered for filing on May 15, 1973, proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The filing consists of a proposed 18th revised sheet No. 8 which reflects an increase of $1.6 million annually over the revenues that would be generated under the 17th revised sheet No. 8. The filing also consists of second revised sheet No. 52, first revised sheet Nos. 52-A through 52-D, and original sheet Nos. 52-E through 52-G. These revised sheets propose the elimination of a waiver of the Commission's regulations that was previously granted by the Commission in this docket on August 15, 1972. The proposed effective date is July 1, 1973.

Consolidated states that the effect of the Commission's grant of waiver was to permit Consolidated to compute changes in the cost of gas purchased from pipeline and producer suppliers on a composite basis rather than separately. At the time Consolidated requested a waiver of this provision of the Commission's rules and regulations it also requested a waiver to permit the inclusion of transportation charges paid to others with the purchased gas cost. Consolidated averred that its purchases from producers were relatively minor as compared with pipeline purchases. Assuming the granting of both waivers Consolidated stated that separate treatment of pipeline and producer rate increases was unnecessary. However, the Commission's order of August 15, 1972, denied Consolidated's request for inclusion of the transportation charges paid to others with purchased gas cost. Thus, Consolidated asserts that without the inclusion of these transportation charges paid to others to compute the changes in the cost of gas purchased from pipeline and producer suppliers in a composite basis would be inappropriate. Further, Consolidated avers that the separate computations required by the Commission's regulations will permit Consolidated to more accurately track increases from both sources of supply as they are incurred. Finally, Consolidated asserts that elimination of these waivers would conform Consolidated's PGA clause to those approved for other pipelines and with the Commission's regulations.

Consolidated states that copies of this filing were served on each of its jurisdictional customers, interested State commissions, and all intervenors in docket No. RP72-157.

Any person not presently a party to this proceeding desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any party desiring to comment or object, should also file as prescribed above. All such petitions, protests, or comments should be filed on or before June 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not presently a party wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12237 Filed 6-19-73;8:45 am]

[Docket No. CP73-314]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 12, 1973.

Take notice that on May 21, 1973, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in docket No. CP73-314 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional volumes of natural gas to certain of its existing northern division customers, to be received from the Jackson Prairie storage project (Storage Project) operated by Washington Natural Gas Co. (Washington Natural), and the construction and operation of additional facilities and the modification of certain existing sales metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to increase the presently authorized quantities of natural gas for sale and delivery from the Storage Project from 180,000 M ft³ daily to 240,000 M ft³ daily, with an increase in the quantities aggregated from a presently authorized 6,700,000 in a period from November 1 through the following April 15 to 7,600,000 M ft³ in a longer period, extending from October 16 to the following April 15. Applicant also seeks authorization for the construction and operation of approximately 3 miles of 30-inch O. D. pipeline, looping a portion of its 26-inch O. D. Ignacio-Sumas mainline in Clark County, Wash., and a 4,500 hp gas turbine driven centrifugal compressor on the Ignacio-Sumas mainline in Klickitat County, Wash. Applicant seeks further authorization to modify a total of five existing sales meter stations to handle the delivery of the additional quantities of storage gas hereinbeforementioned, commencing on October 16, 1973.

This proposal, according to Applicant, will help it to minimze curtailments of firm service to its distributor customers on its northern division system.

Applicant estimates the cost of the proposed facilities to be $3,056,957 to be financed with working funds, and if necessary, short-term borrowing. Applicant further indicates that Washington Natural will file an application for additional facilities at the Storage Project at an estimated cost of $1,589,926 with Applicant's bearing one-third of the cost, $529,975 as a participant in the Storage Project agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12238 Filed 6-19-73;8:45 am]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

Notice of Application for Change in Land Rights

JUNE 12, 1973.

Public notice is hereby given that application for change in land rights was filed March 12, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Grand River Dam Authority (correspondence to: Richard W. Lock, general manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Okla. 74301) for constructed project No. 1494, known as the Pensacola project, located on the Grand River a navigable waterway of the United States, in Craig, Delaware, Mayes, Muskogee, Ottawa, Rogers, Tulsa, and Wagoners Counties, Okla., and McDonald County, Mo. The proposed change in land rights would affect Delaware county, Okla.

Applicant requests Commission approval of its proposal to grant a permit to Grand Lake Cable Vision, Inc., to cross lands of the Pensacola project with a TV cable in order to provide service to the town of Grove, Okla. The intended crossing would use the State Highway No. 59 right-of-way, at Sailboat Bridge and the Honey Creek Bridge, and Grand Lake Cable would be working in concert with public utilities companies already working therein.

Any person desiring to be heard or to make protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMP,
Secretary.

[FR Doc.73-12239 Filed 6-19-73;8:45 am]

[Dockets Nos. CP70-19, CP70-21]

GREAT LAKES GAS TRANSMISSION CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

JUNE 12, 1973.

Take notice that on May 24, 1973, Great Lakes Gas Transmission Co. (Great Lakes), 1 Woodward Avenue, Detroit, Mich. 48226, and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, Mich. 48226, (Petitioners), filed in dockets Nos. CP70-19 and CP70-21 a petition to amend the order issued in said dockets on April 30, 1970 (43 FPC 635), pursuant to section 7(c) of the Natural Gas Act by authorizing Michigan Wisconsin and Great Lakes to exchange natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order in dockets Nos. CP70-19 and CP70-21 Great Lakes was authorized, among other things to exchange natural gas with Michigan Wisconsin during the winter months, at the rate of 200,000 M ft³ daily starting November 1, 1970, and rising to 300,000 M ft³ daily starting November 1, 1972, pursuant to an agreement between Petitioners under which Great Lakes delivers gas to Michigan Wisconsin at a point of interconnection of their facilities near Crystal Falls, Mich., and Michigan Wisconsin redelivers equivalent volumes to Great Lakes at another point of interconnection in the Lower Peninsula of Michigan. Petitioners state that they entered into an amendatory agreement on April 23, 1973, to increase the volumes to be exchanged to 500,000 M ft³ daily during the winter months and to exchange up to 500,000 M ft³ daily, as may be mutually agreeable, on other days of the year.

Petitioners contend that the proposal hereinbefore mentioned will assist them in providing reliable and adequate service as present supplies permit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12240 Filed 6-19-73;8:45 am]

[Dockets Nos. E-7754, E-7772]

GREEN MOUNTAIN POWER CORP.

Notice of Administrative Law Judge's Certification of Settlement Agreement to the Commission

JUNE 13, 1973.

Take notice that the Presiding Administrative Law Judge on May 25, 1973, certified to the Commission a proposed settlement agreement which was submitted by Green Mountain Power Corp. (Green Mountain) for the hearing record on May 8, 1973, upon agreement of all parties. The agreement includes revised tariff provisions to become effective as of February 11, 1973, and includes a rate schedule applicable to sales of supplemental power to all nine municipal and cooperative wholesale customers of Green Mountain. The rate schedule contains an investment charge of $2.50 per month per kilowatt of demand, and an energy charge of 0.85 cents per kilowatt-hour, subject to a fuel adjustment charge. The transmission contract filed by Green Mountain in docket No. E-7772, reflecting increased rates and charges for service rendered to Vermont Electric Cooperative, Inc., in docket No. E-7772, would be withdrawn.

The agreement would reduce the proposed rates which have been in effect since February 11, 1973, from $127,587 to $104,823, or approximately $22,764 annually, and provides for refunds with 7 percent per annum interest to reflect such reductions from February 11, 1973, until the settlement rates become effective. The settlement rates, based upon sales for the annual period ended March 31, 1972, would yield annual revenues of approximately $670,572 and a realized rate of return of 7.12 percent, including an allowance for common equity of 12.13 percent. The settlement rates would be billed commencing 30 days after Commission approval of the agreement.

Copies of the agreement have been served upon all jurisdictional customers and interested State commissions.

Any person desiring to comment upon the settlement agreement should file such comment in writing with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 22, 1973. Copies of the settlement agreement are on file with

the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12427 Filed 6-19-73;8:45 am]

[Docket No. CI73-838]

McLAIN J. FOREMAN

Notice of Application

JUNE 13, 1973.

Take notice that on May 30, 1973, McLain J. Foreman (Applicant), 540 Oil and Gas Building, New Orleans, La. 70112, filed in docket No. CI73-838 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corp. from the Branch Field, Acadia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 M ft³ of gas per month for 1 year at 45c/M ft³ at 15.025 lb/in²a, subject to downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parts to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12231 Filed 6-19-73;8:45 am]

[Dockets Nos. RP72-118 and RP73-14]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Certification of Revised Settlement Agreement

JUNE 12, 1973.

Take notice that on May 10, 1973, the presiding administrative law judge certified to the Commission a proposed revised settlement agreement, together with the record relating thereto. The agreement, if approved, would resolve all issues in the above-entitled proceedings.

Any person wishing to do so may file comments with respect to the proposed revised settlement agreement on or before June 29, 1973. The revised settlement and related record are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12241 Filed 6-19-73;8:45 am]

[Docket No. RP71-87]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Rate Change

JUNE 12, 1973.

Take notice that Mississippi River Transmission Corp. (MRT) on May 16, 1973, tendered for filing 11th revised sheet No. 3A of its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective on July 1, 1973.

MRT states that the purpose of this filing is to reflect rate change filings of United Gas Pipe Line Co. (United), and Natural Gas Pipeline Co. of America (Natural). United's filing would increase MRT's costs by $3,628,571 annually and Natural's filing would increase MRT's costs by $35,715 annually.

MRT states that on February 21, 1973, it submitted a stipulation and agreement proposing a settlement of its general rate increase filing at docket No. RP72-149 and that the proposed settlement is awaiting Commission action. MRT says that the rates contained on the tendered tariff sheet reflect the full rate increase made effective subject to refund on January 1, 1973, rather than the settlement rates and that in accordance with article II of the settlement agreement the former rates will be appropriately adjusted in the event of approval of the proposed settlement.

A copy of the filing was mailed to each of MRT's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12221 Filed 6-19-73;8:45 am]

[Docket No. CP73-317]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

JUNE 8, 1973.

Take notice that on May 25, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-317 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity with pregranted abandonment authorization, authorizing Applicant to reschedule deliveries of natural gas between two of its customers, Northern Illinois Gas Co. (NI-Gas) and Iowa-Illinois Gas and Electric Co. (Iowa-Illinois), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver up to 3 million M ft³ of natural gas during the period ending October 1, 1973, to NI-Gas, such gas to be released by Iowa-Illinois, and Applicant will deliver equivalent volumes during the period April 1974 to October 1976 to Iowa-Illinois to be provided by release of gas by NI-Gas.

The application indicates that the three companies have entered into a letter of intent, dated May 8, 1973, providing for rescheduling Applicant's deliveries of gas to Iowa-Illinois and NI-Gas in order to aid the latter two companies in meeting the firm heating season requirements of their respective customers. Pursuant to said letter of intent, the three companies have agreed to use their best efforts to develop, no later than November 1, 1973, a long-term agreement providing for a mutually beneficial rescheduling of deliveries from and satisfactory to Natural. The instant application is concerned solely with the arrangements provided for in said letter of intent in the event that a long-term agreement is not reached. Applicant states that in the event a satisfactory definitive agreement is executed prior to November 1, 1973, it will file a further application for such authorization as may be necessary to effectuate the agreement insofar as operations by Applicant are concerned.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to

intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12222 Filed 6-19-73;8:45 am]

[Docket No. RP73-105]

NORTHERN NATURAL GAS CO.

Notice of Filing of Proposed PGA Clause

JUNE 12, 1973.

Take notice that on April 30, 1973, Northern National Gas Co. (Northern) filed pursuant to § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act tariff sheets containing a Purchased Gas Cost Adjustment Clause (paragraph 1) to become part of Northern's FPC Gas Tariff, Original Volume No. 2. The proposed PGA Clause for volume 2 is virtually identical to the PGA Clause for volume 1, and provides for a 60-day notice period and a once a year adjustment. Northern's transmittal letter states that:

> The proposed effective date of these tariff sheets is December 26, 1972, 1 day before the first rate adjustment pursuant to the PGA Clause for volume 1 became effective. As soon as the Commission accepts these sheets, it is Northern's intention to submit a PGA-1 tariff sheet containing an adjustment of 1.19 cents which represents the estimated increase in its average cost of purchased gas per M ft³ of jurisdictional gas sales volumes for the year 1973. Northern will not file to make this increase of 1.19 cents retroactive from December 27, 1972 but will submit for volume 2 the tariff sheet entitled PGA-1 to become effective 30 days after the FPC has issued its order accepting the enclosed tariff sheets for filing.

Northern has advised that it has notified the affected jurisdictional field customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12223 Filed 6-19-73;8:45 am]

[Docket No. RP72-115]

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of Proposed Changes in Rates and Charges

JUNE 13, 1973.

Take notice that on May 31, 1973, Oklahoma Natural Gas Gathering Corp. filed in docket No. RP72-115 proposed first revised sheet PGA-1 to its FPC gas tariff. Oklahoma states that the proposed tariff sheet revises its base tariff rate to recover the balance accumulated in the unrecovered purchase gas cost account and flow through the increase in the system cost of purchased gas. Oklahoma proposes to make the subject tariff sheet effective on July 1, 1973.

Oklahoma states that a copy of its filing has been mailed to each of its jurisdictional customers and interested State regulatory agencies.

Any person wishing to be heard or to protest Oklahoma's filing in this docket should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Oklahoma's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12224 Filed 6-19-73;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JUNE 12, 1973.

Take notice that Pacific Gas Transmission Co. (Pacific Gas) of San Francisco, Calif., on May 15, 1973, tendered for filing proposed increases in its rates of 1c/M ft³. Pacific Gas states that this increase is included in paragraph 12.1 of its amended gas sale contract with Alberta and Southern Gas Co., Ltd. (Alberta Gas), of Calgary, Alberta Province, Canada, originally entered January 31, 1961.

According to Pacific Gas, the increase by Alberta Gas is to provide a fund for exploration and development in Canada of gas reserves to be committed for sale to Alberta Gas. Pacific Gas states that the increase is to become effective July 1, 1973, and that the increase will amount to approximately $3,838,000 based on 1972 purchases.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12242 Filed 6-19-73;8:45 am]

[Docket No. CI73-840]

PENNZOIL CO.

Notice of Application

JUNE 13, 1973.

Take notice that on June 1, 1973, Pennzoil Co. (Applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in docket No. CI73-840 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Escobas Field, Zapata County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 14, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 22 months from the end of the 60-day-emergency period within the contemplation of § 2.70 of the Commission's general policy and inter-

pretations (18 CFR 2.70). Applicant proposes to sell approximately 25,000 M ft³ of gas per month at 45c/M ft³ at 14.65 lb/in²a, subject to British thermal unit adjustment. Estimated initial upward British thermal unit adjustment is 2.79¢/M ft³.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12232 Filed 6-19-73;8:45 am]

[Docket No. CI73-837]

PRODUCER'S GAS CO.

Notice of Application

JUNE 13, 1973.

Take notice that on May 29, 1973, Producer's Gas Co. (Applicant), 2000 Tower Petroleum Building, Dallas, Tex. 75201, filed in docket No. CI73-837 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from McGill No. 1 Producing Unit, Lipscomb County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 10, 1973, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposed to continue said sale for 1 year from the end of the 60-day-emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 2,000 M ft³ of gas per day at 51 c/M ft³ at 14.65 16/in²a, subject to upward and downward British thermal unit adjustment. Estimated initial upward British thermal unit adjustment is 5.1 c/M ft³. Estimated monthly sales are 60,000 M ft³ of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12233 Filed 6-19-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed PGA Rate Adjustment

JUNE 13, 1973.

Take notice that South Georgia Natural Gas Co. (South Georgia), on May 15, 1973, as amended on May 21, 1973, tendered for filing proposed changes in its FPC gas tariff, original volume No. 1, which would increase South Georgia's annual revenues from jurisdictional sales and service by $138,057, based on the 12-month period ended March 31, 1973, as adjusted. South Georgia states that this increase tracks increased rates filed by Southern Natural Gas Co., which will become effective July 1, 1973. South Georgia proposes an effective date of July 1, 1973, and states that copies of the filing were sewed upon its jurisdictional customers and the appropriate State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12225 Filed 6-19-73;8:45 am]

[Docket No. CP73-291]

TEXAS GAS TRANSMISSION CORP.

Notice of Motion To Terminate Proceeding on Condition

JUNE 12, 1973.

Take notice that on June 4, 1973, Texas Gas Transmission Corp. (Texas Gas), P.O. Box 1160, Owensboro, Ky. 42301, filed a motion to terminate the proceeding in docket No. CP73-291, upon the condition that Texas Gas abandon its Henderson County delivery point, as contemplated by the Commission's order of April 27, 1973, but not prior to November 1, 1973, all as more fully set forth in said motion which is on file with the Commission and open to public inspection.

On January 29, 1973, Texas Gas filed a revised exhibit A to its service agreement with Western Kentucky Gas Co. (Western Kentucky) to reflect, inter alia, the addition of a new delivery point in Henderson County, Ky., in order allegedly to substitute service to a new Anaconda Aluminum Co. (Anaconda) plant for service formerly provided to, but canceled by another industrial customer within Western Kentucky's service area. Texas Gas asserts that the new delivery point was established within the contemplation of § 2.55(c) of the Commission's general policy and interpretations albeit without specific Commission authorization.

On February 28, 1973, the Commission, noting that such delivery point would be

used to serve a new customer, rejected the filing of exhibit A, stating:

Section 2.55(c) construes "facilities" as used in section 7(c) of the Natural Gas Act as excluding certain facilities for the establishment of a new delivery point required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipeline system by such customer. Although § 2.55(c) does not address itself to the end use of the gas to be delivered at a new delivery point, it must be read in conjunction with other Commission policies, including § 2.78 of the Commission's general policy and interpretations which established priorities of service during periods of curtailed deliveries by jurisdictional pipeline companies. Inasmuch as it appears that the gas to be delivered through the new point may be used in contravention of the policy enunciated in § 2.78, revised exhibit A will be rejected * * *.

Following the filing of petitions for rehearing by Texas Gas, Western Kentucky, and Anaconda, the Commission issued its aforementioned order of April 27, 1973, granting interventions, motions and rehearing; providing for hearing to show cause; and establishing procedures. The order on rehearing stated:

In the light of Anaconda's, Texas Gas' and Western Kentucky's filings, however, we are convinced that a hearing is necessary since service has been initiated and that Texas Gas should be required to establish the availability of the § 2.55(c) exemption and to show cause why it should not abandon deliveries, in whole or in part, at its Henderson County delivery point.

In a contemporaneous action, the Commission deleted § 2.55(c) from its regulations. See order No. 148–A, issued in docket No. R–110, on April 27, 1973.

Texas Gas states that, although it is confident that its use of the then-existing § 2.55(c) exemption clearly was within the purview of that regulation and does not believe that the availability of such exemption was obviated by the Commission's institution of suggested curtailment priorities in § 2.78(a), Western and Anaconda believe that protracted litigation in this matter will do little to insure the continued operation of Anaconda's plant. Therefore, Western and Anaconda have determined that the latter's energy requirements are best fulfilled by alternate arrangements. The motion states that such arrangements are to provide service to Anaconda by November 1, 1973.

Accordingly, Texas Gas, with the concurrence of Western and Anaconda, proposes to abandon the contested Henderson County delivery point, and further proposes that such action terminate the instant proceeding. In order to permit Anaconda to utilize its plant fully until November 1, 1973, the parties have requested, and Texas Gas proposes that the abandonment not take effect until such date. Texas Gas states that the proposed date of abandonment would avoid the irreparable harm of closing Anaconda's plant and is plainly within reason since, pursuant to the Commission's order of April 27, 1973, deliveries through the new Henderson County delivery point would have continued, in all probability, well after November 1, 1972, if the parties had decided to litigate the issue.

Any person desiring to be heard or to make any protest with reference to said motion should on or before June 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–12235 Filed 6–19–73;8:45 am]

[Docket No. CI73–842]

TEXAS OIL & GAS CORP.

Notice of Application

JUNE 13, 1973.

Take notice that on June 1, 1973, Texas Oil & Gas Corp. (Applicant), 2700 Fidelity Union Tower Building, Dallas, Tex. 75201, filed in docket No. CI73–842 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from Blaconia Field, Bee County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 18, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 M ft³ of gas per month at 45¢/M ft³ at 14.65 lb/in²a

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–12234 Filed 6–19–73;8:45 am]

[Docket No. RP73–69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Filing of Proposed Changes in Rates and Charges

JUNE 12, 1973.

Take notice that on May 31, 1973, Transcontinental Gas Pipe Line Corp. filed in Docket No. RP73–69, six revised tariff sheets to its FPC Gas Tariff, as follows:

FIRST REVISED VOLUME NO. 1

Fifth revised sheet No. 5.
Third revised sheet No. 6.

ORIGINAL VOLUME NO. 2

Eleventh revised sheet No. 52.
Seventh revised sheet No. 321.
Third revised sheet No. 416.
Second revised sheet No. 495.

Transco states the proposed tariff sheets are being submitted as a result of the Commission's order issued in this docket on January 31, 1973, in which the Commission stated that "* * * to the extent that the commodity component of Transco's two-part rates or its one-part rates do not recover fully allocated Seaboard costs as may be determined in this proceeding, Transco may be required to absorb the impact of such undercollections as may result." Transco states that the new tariff sheets contain rates which have been designed to recoup its cost of service on the basis of costs classified on the unmodified Seaboard method.

In addition to the redesign of rates to reflect Seaboard classification, the proposed tariff sheets also reflect the two tracking rate filings which Transco has made since the presently suspended rates were filed. Transco states that one filing in docket No. RP73–3 (PGA clause), became effective April 1, 1973, and the other filing in docket No. RP72–99 (curtailment

credits and debits), was filed on May 29, 1973, to become effective July 1, 1973.

In addition, Transco submitted its proposed revised tariff sheets in alternative form. Transco states the alternate sheets reflect the same rates as originally filed in this docket, adjusted only for the two tracking filings noted above, and are submitted to become effective only in the event the Commission determines that the proposed Seaboard designed rates cannot replace the suspended rates without an additional suspension period beyond that prescribed by the Commission order issued in this docket on January 31, 1973.

Transco states that a copy of the present filing was mailed to each of its customers and to interested State regulatory agencies.

Any person wishing to be heard or to protest Transco's filing in this docket should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8; 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Transco's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12226 Filed 6-19-73;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

JUNE 13, 1973.

Take notice that on May 29, 1973, Transcontinental Gas Pipe Line Corp. submitted for filing in docket No. RP72-99 second substitute third revised sheet No. 5 and second substitute first revised sheet No. 6 to its FPC gas tariff, first revised volume No. 1. These tariff sheets reflect a net increase of 0.4 cents per M ft³, 0.7 cents per M ft³, and 0.8 cents per M ft³ for zone 1, zone 2, and zone 3, respectively, in the commodity rate or delivery charge of Transco's CD, G, OG, E, P-5, and S-2 rate schedules.

Transco states that the purpose of the filing is to recover or "track" the net costs incurred by Transco through April 30, 1973, as a result of curtailment related credits and debits to customers' bills under the settlement agreement approved by the Commission on November 2, 1972, in the captioned docket. Transco further states that the rate changes were determined in accordance with the formula contained in section 20 of the general terms and conditions of Transco's tariff.

Transco requests that the proposed tariff sheets be made effective on July 1, 1973, and requests waiver of the Commission's regulations if necessary to permit such effective date.

Transco states that its filing has been mailed to each of its customers and interested State regulatory agencies.

Any person desiring to be heard or to protest Transco's present filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Transco's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12227 Filed 6-19-73;8:45 am]

[Docket No. RI73-298]

WOOD EXPLORATION & PRODUCING CO., ET AL.

Notice of Petition for Special Relief

JUNE 13, 1973.

Take notice that on May 21, 1973, Woods Exploration & Producing Co. (Petitioner), 720 C & I Building, Houston, Tex. 77002, filed a petition for special relief in docket No. RI73-??, pursuant to section 4 of the Natural Gas Act, § 1.7(b) of the Commission's rules of practice and procedure, and order 481.[1] Petitioner requests the Commission to issue an order for a waiver of the January 1, 1976, moratorium date for filing for a rate increase in excess of the applicable area rate prescribed in opinion No. 595, Area Rate Proceeding, et al. (Texas Gulf Coast Area), docket Nos. AR64-2, et al., 45 FPC 674 (1971), to permit the recovery of compression costs and the installation of facilities required by the Railroad Commission of Texas.

Petitioner's amendment to contract dated January 1, 1973, executed by Tennessee Gas Pipeline Co. amending a certain gas contractual agreement made and entered into April 18, 1960, by and between Tennessee Gas Transmission Co., Buyer, and Woods Exploration & Producing Co., et al., Sellers, in East Bernard Field, Wharton County, Tex. allows Petitioner to recover its costs with respect to the installation of the new compression facilities.

Since the amendment of the contract, it has become necessary for Woods Exploration & Producing Co. to make plans to install a salt water disposal well with the necessary equipment in order to satisfy the rules and regulations of the Railroad Commission of Texas. Petitioner has been advised by the present operator that this will entail the expending of approximately $10,000.00.

With the present costs, and in view of anticipated costs, and the installation of a salt water disposal system, it has become absolutely necessary that Petitioner obtain an increase to 24 c/M ft³ as set out in the amended contract. The reworking of at least one or two wells now producing will cost in the neighborhood of $10,000.

No increased labor costs of operating the wells have been included in the outlined costs, nor do they include additional costs for repair of field lines necessary to move gas from the wellhead to Tennessee Gas Transmission lines.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12228 Filed 6-19-73;8:45 am]

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

FEDERAL RESERVE SYSTEM

ARCHER-DANIELS-MIDLAND CO.

Acquisition of Bank

Archer-Daniels-Midland Co., Decatur, Ill., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to indirectly acquire 100 percent (less directors' qualifying shares) of the voting shares of Ridgedale National Bank, Minnetonka, Minnetonka, Minn. 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 Minneapolis. 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, Washington, D.C. 20551, to be received not later than July 11, 1973.

Board of Governors of the Federal Reserve System, June 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12265 Filed 6-19-73;8:45 am]

ASHLAND INVESTMENT CO.

Order Approving Acquisition of Bank

Ashland Investment Co., Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)), to acquire indirectly up to 100 percent (less directors' qualifying shares) of the voting shares of the Medina County Bank, Lodi, Ohio (Medina).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, which presently controls 89.1 percent of the voting shares of the First National Bank of Ashland, Ashland, Ohio, would exchange the shares of this bank for shares of United Ohio Bancorp., Ashland, Ohio, a bank holding company whose formation has been approved by the Board as of this date. Due to this exchange of shares, Ashland Investment Co. would obtain indirect ownership of voting shares of Medina through its ownership of shares of United Ohio Bancorp. For the reasons summarized in the order approving the formation of United Ohio Bancorp., the Board concludes that approval of this application is in the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland, pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12266 Filed 6-19-73;8:45 am]

CENTRAL BANCSHARES OF THE SOUTH, INC.

Order Approving Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Ala., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of Planters & Merchants Bank, Uniontown, Ala. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls six banks with aggregate deposits of approximately $662 million, representing roughly 11 percent of total commercial bank deposits in Alabama, and is the second largest banking organization in the State. (All banking data are as of Dec. 31, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through May 31, 1973.) The acquisition of Bank ($6.1 million deposits) would increase applicant's share of State deposits by less than one-tenth of a percentage point.

Bank is the second largest of the six banks located in the relevant market area, which is approximated by Uniontown, Ala., and portions of Perry, Marengo, and Dallas Counties. The largest bank in the market holds approximately 48 percent of market deposits whereas Bank and the third largest bank hold approximately 20 and 17 percent, respectively. There is little probability that applicant would enter the Uniontown area on a de novo basis because of its slight population growth and the low income per capita figures. Applicant's closest banking office is located approximately 80 miles east of Bank, and there is no meaningful present competition between any of applicant's subsidiary banks and Bank. Furthermore, in view of the distances separating the banks and Alabama's restrictive branching law, it appears unlikely that any meaningful competition would develop between these offices in the future. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have significantly adverse effects on any competing bank.

Consideration relating to the financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12267 Filed 6-19-73;8:45 am]

FIRST PIONEER BANCORP, INC.

Order Approving Formation of Bank Holding Company

First Pioneer Bancorp, Inc., Greenfield, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of at least 80 percent of the voting shares of First National Bank of Franklin County, Greenfield, Mass. (Franklin County Bank), and The First National Bank of Northampton, Northampton, Mass. (Northampton Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, a Massachusetts corporation, was recently organized for the purpose of acquiring Franklin County Bank (deposits of $36 million) and Northampton Bank (deposits of $15 million). (All banking data are as of Dec. 31, 1972, and reflect holding company formations and acquisitions approved through Apr. 30, 1973.) The acquisition of the proposed banks would result in applicant becoming the 17th largest of the State's 22 bank holding companies and the sixth largest of the State's seven multibank holding companies.

Franklin County Bank serves the Franklin County banking market as the second largest of four commercial banks, controlling approximately 45 percent of the total market deposits. Northampton Bank serves the Springfield SMSA (Standard Metropolitan Statistical Area) as the eighth largest of the market's 13 banks, controlling less than 2 percent of the total commercial bank deposits for this market area. Although the two banks operate in adjacent markets there is no significant present competition between them. Their nearest offices are 10 miles apart and several commercial and savings bank offices are located in the intervening towns. Each bank derives less than 4 percent of its dollar value of deposits and loans from the intervening towns. In view of the foregoing, it appears unlikely that consummation of this proposal would foreclose any meaningful potential competition. It is the Board's opinion that the proposed formation would have no adverse effect on existing or potential competition, and

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher and Holland. Absent and not voting: Governors Mitchell, Daane and Brimmer.

would not tend to create a monopoly or in any manner be in restraint of trade in the relevant areas.

Applicant has no present operations, and its financial condition, management, and prospects are dependent on those same conditions in the banks proposed to be acquired, all of which are considered to be satisfactory. In addition, the proposed affiliation would make available to Northampton Bank the personnel resources of the larger Franklin County Bank and provide it with needed management. Banking factors are consistent with and lend support toward approval of the application. The banking needs of the communities are satisfactorily served at the present time, and applicant proposes no substantial changes in services offered. However, the holding company structure would result in expanded lending limits for the banks, and the proposed joint personnel training program would benefit both organizations. The effects of the holding company formation on convenience and needs are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated; (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12268 Filed 6-19-73;8:45 am]

FIRST SECURITY NATIONAL CORP.

Order Approving Acquisition of Bank

First Security National Corp., Beaumont, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Colonial National Bank of Garland, Garland, Tex. (Garland Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

Applicant controls 5 banks with aggregate deposits of $173 million, representing approximately 0.6 percent of total commercial banking deposits in Texas and is the 12th largest bank holding company in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company acquisitions approved by the Board through March 31, 1973.) In addition, on April 26, 1973, the Board approved the application for the acquisition by applicant of the Bank of Lancaster, Lancaster, Tex., with deposits of $5 million. The acquisition of Garland Bank (deposits of $12.6 million) would increase applicant's share of State deposits by two-tenths of 1 percent.

Garland Bank is located in the Dallas banking market, where it ranks as the 60th largest of 110 banks. The Dallas market is approximated by the Dallas RMA.[1] Applicant's most recent acquisition was the aforementioned $5 million Bank of Lancaster, which is also in the Dallas market. Garland Bank is 20 miles north of the Bank of Lancaster, however, and the two are not engaged in any substantial present competition. In view of the number and size of intervening banks and the relatively small size of Garland Bank and Lancaster Bank, it is also unlikely that significant future competition will develop. The proposed affiliation will result in applicant controlling 0.4 percent of the IPC deposits of $100,000 and under in the Dallas market. Hence, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of applicant, its subsidiaries, and Garland Bank are satisfactory, and the prospects appear favorable. Applicant has indicated that it will increase its capital and has devised a debt-service program which appears adequate. Banking factors, therefore, appear satisfactory. In addition, while the banking needs of Dallas are being satisfactorily served at the present time, the proposed affiliation will allow Garland Bank to serve the growth of the expanding area by increasing its capital. Finally, considerations relating to the convenience and needs of the community to be served are consistent with approval of this application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12269 Filed 6-19-73;8:45 am]

[1] RMA refers to Ranally Metro Area which is defined as the central city plus every community, 8 percent or more of the total population of which, or 15 percent or more of the labor force of which, commutes to the central city, based on the census of population. No community, 35 percent or more of the labor force of which is engaged in agriculture, is included in an RMA.

INDEPENDENT BANCORPORATION

Acquisition of Bank

Independent Bancorporation, Minneapolis, Minn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to directly acquire 100 percent (less directors' qualifying shares) of the voting shares of Ridgedale National Bank, Minnetonka, Minn. 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 Minneapolis. 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, Washington, D.C. 20551, to be received not later than July 11, 1973.

Board of Governors of the Federal Reserve System, June 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12270 Filed 6-19-73;8:45 am]

FIRST YORK BAN CORP.

Order Approving Formation of Bank Holding Company

First York Ban Corp., York, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 95 percent or more of the voting shares of the First National Bank of York, York, Nebr. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank. Applicant's organizers, as individuals, acquired the majority of Bank's shares in late 1972 and shortly thereafter made an offer to acquire shares from minority shareholders of Bank on the same terms as their earlier purchase. The proposed transaction involves the transfer of Bank's shares to applicant in

[2] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

return for applicant's shares and applicant assuming the debts arising from its organizers' purchase of Bank shares.

Bank, with deposits of $24 million, representing less than 1 percent of the commercial bank deposits in Nebraska, is the larger of two banks in York and the largest of seven banks in York County.[1] As applicant has no present operations or subsidiaries, the proposal essentially involves only a change from individual to corporate ownership and consummation of the proposal would eliminate neither existing nor potential competition.

Considerations relating to financial and managerial resources and prospects of applicant and Bank appear to be satisfactory and consistent with approval. Although applicant will assume debt incurred by its organizers when Bank was acquired, it appears that such debt may be adequately serviced without placing an undue strain on Bank earnings. Since the proposed transaction is the final step of a plan to facilitate the orderly transfer of ownership of Bank to three of its officers and to assure continued local ownership of Bank, considerations related to the convenience and needs of the communities involved provide support for approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12201 Filed 6-19-73;8:45 am]

LANDMARK BANKING CORPORATION OF FLORIDA

Order Approving Acquisition of Bank

Landmark Banking Corp. of Florida, Fort Lauderdale, Fla. (formerly Consolidated Bankshares of Florida, Inc.), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Orange State Bank of Orlando, Orlando, Fla. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the ninth largest multibank organization in Florida, controls eight banks with aggregate deposits of $459 million, representing 7 percent of the total commercial bank deposits in Florida. (All banking data are as of June 30, 1972, and reflect holding company acquisitions approved through April 16, 1973.) Acquisition of Bank (deposits of $25.2 million) would not result in a significant increase in the concentration of banking resources in Florida.

Bank controls 2.4 percent of the total deposits in the Orlando banking market (which includes Orange County and the southern portion of Seminole County), making it the 11th largest of the 35 banks located therein. This acquisition would represent applicant's initial entry into this market. Applicant's banking subsidiary nearest to Bank is approximately 50 miles away. In view of this distance and other factors such as the dense population of the area and Florida's prohibitive branching laws, competition between Bank and any banking subsidiary of applicant does not exist at present and is unlikely to develop in the future.

The 10 banks larger than Bank and 29 of the 35 banks in the Orlando market (with 91 percent of the market deposits) are holding company subsidiaries. Although the Orlando banking market is experiencing strong growth, the presence of several larger holding companies and the number of existing banks in the market make it unlikely that applicant would enter the market de novo. The Board concludes that the acquisition would have no significant adverse effects on the competitive situation or the concentration of banking resources in the area.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application, especially in light of applicant's recent injections of capital into several of its subsidiary banks. The primary banking needs of the area are adequately served by existing banks; but Bank, through its affiliation with the applicant, will be able to avail itself of managerial talent, data processing services, greater lending capacity and other resources of the holding company. Considerations relating to the convenience and needs of the community are also consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12271 Filed 6-19-73;8:45 am]

MULTIBANK FINANCIAL CORP.

Acquisition of Bank

Multibank Financial Corp., Boston, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of B.M.C. Durfee Trust Co., Fall River, Mass. 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 Boston. 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, Washington, D.C. 20551, to be received not later than July 11, 1973.

Board of Governors of the Federal Reserve System, June 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12272 Filed 6-19-73;8:45 am]

SOUTHERN BANCORPORATION, INC.

Formation of Bank Holding Company and Proposed Acquisitions of Piedmont Premium Service, Inc., and SBT Real Estate, Inc.

Southern Bancorporation, Inc., Greenville, S.C., 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 100 percent of the voting shares of the successor by merger to Southern Bank and Trust, Greenville, S.C. 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)).

At the same time, Southern Bancorporation, Inc., has applied, in separate applications, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of (1) Piedmont Premium Service, Inc., and (2) SBT Real Estate, Inc., both located in Greenville, S.C. Notice of the applications was published in the following newspapers of general circulation: The Greenville News, Greenville, S.C., April 13, 1973 and The Record Reporter, Phoenix, Ariz., April 19, 1973.

[1] Banking data are as of June 30, 1972.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

Applicant states that the proposed subsidiaries would engage in the activities of providing loan financing for the payment of casualty insurance premiums under premium service agreements and underwriting credit life, accident and health insurance directly related to extensions of credit by the holding company and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 10, 1973.

Board of Governors of the Federal Reserve System, June 11, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12273 Filed 6-19-73;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Proposed Acquisition of Kimbrough-Kavanaugh & Associates, Inc.

Tennessee Valley Bancorp, Inc., Nashville, Tenn., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Kimbrough-Kavanaugh & Associates, Inc., Nashville, Tenn. Notice of the application was published in the following newspapers on the dates and in the cities and States as follows:

Louisville, Ky., the Courier-Journal, May 11, 1973.
Louisville, Ky., the Louisville Times, May 11, 1973.
Nashville, Tenn., Nashville Banner, May 12, 1973.
Nashville, Tenn., the Nashville Tennessean, May 12, 1973.

Applicant states that the proposed subsidiary would engage in the activities of mortgage banking including mortgage origination and servicing, sale of insurance directly related to such mortgages, appraisals of real estate for Tennessee Valley Bancorp, Inc., and its subsidiaries, and construction lending. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 10, 1973.

Board of Governors of the Federal Reserve System, June 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12274 Filed 6-19-73;8:45 am]

UNITED OHIO BANCORP.

Order Approving Formation of Bank Holding Company

United Ohio Bancorp., Ashland, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), of formation of a bank holding company through acquisition of up to 100 percent (less directors' qualifying shares) of the voting shares of (1) the Medina County Bank, Lodi, Ohio (Medina), and (2) the First National Bank of Ashland, Ashland, Ohio (Ashland).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, a newly organized corporation, was formed by the management of Ashland Investment Co., Cleveland, Ohio, a bank holding company which owns 89.1 percent of the outstanding shares of Ashland. Upon acquisition of Ashland (deposits of $30.4 million) and of Medina (deposits of $17.7 million), Applicant would control less than one-half of 1 percent of the deposits of commercial banks in Ohio.[1]

Though the closest offices of Ashland and Medina are only 20 miles apart, there is no significant existing competition between the two institutions since they are located in different counties and are oriented toward different market areas. Nor is there a reasonable probability of significant future competition developing between Ashland and Medina due to Ohio's laws restricting branching. The Board concludes that consummation of the proposal would have no adverse effects on competition in any relevant area.

The managerial resources of applicant are favorable since the management of applicant will be essentially the same as that of Ashland Investment Co. and this management has shown itself to be capable in the past. The financial condition and future prospects of applicant depend on the prospects of Ashland and Medina, since applicant is a newly formed organization. These prospects appear satisfactory in the case of Ashland and generally satisfactory in the case of Medina, in view of the commitment of Applicant to infuse additional capital into Medina and provide strengthened management. These considerations lend support for approval of the application. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application since applicant will be able to provide additional lending skills for the developing area serviced by Medina. It is the Board's judgment that consummation of the proposed acquistion would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such periods extended for good cause by the Board or by the Federal Reserve Bank of Cleveland, pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 12, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12275 Filed 6-19-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F-181]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in gas service rate

[1] All banking data are as of June 30, 1972.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Bucher and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

and proposed curtailment program proceedings.

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 hereby delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Texas Railroad Commission in proceedings (Gas Utilities Dockets Nos. 489, 500, and 508) involving increased rates and proposed curtailment programs for gas services provided by the Lo-Vaca Gathering Co., with the exception of that part of Gas Utilities Docket No. 489, pertaining to Pioneer Gas Co. services, which has been delegated to the Chairman, Atomic Energy Commission.

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 13, 1973.

[FR Doc.73-12264 Filed 6-19-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 13, 1973, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 13, 1973:

The county of:

Canadian

(Catalog of Federal domestic assistance program No. 50.002, Disaster Assistance.)

Dated June 14, 1973.

ELMER F. BENNETT,
Acting Director, Office of Emergency Preparedness.

[FR Doc.73-12304 Filed 6-19-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JUNE 13, 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 Accurate Calculator 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 14, 1973, through June 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12281 Filed 6-19-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

JUNE 14, 1973.

The common stock, $0.33⅓ par value; $1.19 cumulative convertible preferred series A, $0.33⅓ par value; and $1.83 cumulative convertible preferred series B, $0.33⅓ par value of Coastal States Gas Corp., being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 15, 1973, through June 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12282 Filed 6-19-73;8:45 am]

[File No. 500-1]

DEVELCO, 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 and all other securities of Develco, 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 9:30 a.m. (e.d.s.t.) June 12, 1973, through June 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12283 Filed 6-19-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JUNE 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure 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 15, 1973, through June 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12284 Filed 6-19-73;8:45 am]

[File No. 500-1]

INPUT, 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, $0.01 par value, and all other securities of Input, 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 9:30 a.m. e.d.t., June 12, 1973, through June 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12286 Filed 6-19-73;8:45 am]

[File No. 500-1]

J B & T CO.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of J B & T 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 3:45 p.m., e.d.t., June 8, 1973, through June 17, 1973.

By the Commission.

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

[FR Doc.73-12287 Filed 6-19-73;8:45 am]

[File No. 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

JUNE 13, 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 Logos Development 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 14, 1973, through June 23, 1973.

By the Commission.

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

[FR Doc.73-12285 Filed 6-19-73;8:45 am]

[File No. 500-1]

NATIONAL ENVIRONMENT CORP.

Order Suspending Trading

JUNE 13, 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 National Environment 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 10 a.m., e.d.t., on June 13, 1973, and continuing through June 22, 1973.

By the Commission.

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

[FR Doc.73-12289 Filed 6-19-73;8:45 am]

[File No. 500-1]

NATIONAL INSTITUTE FOR BETTER READING INC.

Order Suspending Trading

JUNE 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value and all other securities of National Institute For Better Reading, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on June 13, 1973, and continuing through June 22, 1973.

By the Commission.

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

[FR Doc.73-12288 Filed 6-19-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

JUNE 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, 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 14, 1973, through June 23, 1973.

By the Commission.

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

[FR Doc.73-12291 Filed 6-19-73;8:45 am]

[File No. 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

JUNE 13, 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 Paragon Securities 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 12:30 p.m. (e.d.s.t.) on June 13, 1973, and continuing through June 22, 1973.

By the Commission.

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

[FR Doc.73-12290 Filed 6-19-73;8:45 am]

[File No. 500-1]

PHOTON, INC.

Order Suspending Trading

JUNE 13, 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 Photon, 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 14, 1973, through June 23, 1973.

By the Commission.

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

[FR Doc.73-12292 Filed 6-19-73;8:45 am]

[File No. 500-1]

QUAD METALS CORP.

Order Suspending Trading

JUNE 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Quad Metals 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 10 a.m. (e.d.t.), on June 14, 1973, and continuing through June 23, 1973.

By the Commission.

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

[FR Doc.73-12296 Filed 6-19-73;8:45 am]

[File No. 500-1]

QUOTE CO. OF AMERICA, INC.

Order Suspending Trading

JUNE 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Quote Co. of America, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

10 a.m. (e.d.t.) on June 14, 1973, and continuing through June 23, 1973.

By the Commission.

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

[FR Doc.73-12297 Filed 6-19-73;8:45 am]

[File No. 500-1]

SANDIA INTERNATIONAL METALS CORP.

Order Suspending Trading

JUNE 13, 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 Sandia International Metals 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 10 a.m. (e.d.t.) on June 13, 1973, and continuing through June 22, 1973.

By the Commission.

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

[FR Doc.73-12293 Filed 6-19-73;8:45 am]

[File No. 500-1]

SEAFERRO, INC.

Order Suspending Trading

JUNE 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of Seaferro, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on June 13, 1973, and continuing through June 22, 1973.

By the Commission.

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

[FR Doc.73-12294 Filed 6-19-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

JUNE 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of Textured Products, 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 14, 1973, through June 23, 1973.

By the Commission.

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

[FR Doc.73-12295 Filed 6-19-73;8:45 am]

[811-2075]

TWENTY-FIRST CENTURY PILOT FUND, INC.

Notice of Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Twenty-First Century Pilot Fund, Inc. (Fund), 187 Durward Road, Akron, Ohio 44313, a corporation organized under the laws of the State of Ohio, and registered under the Act as a closed-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized on June 16, 1970, and filed a notification of registration on form N-8A and a registration statement on form N-8B-1 with the Commission on June 23, 1970.

Fund has never conducted any business operations other than initial organizational activities; has never sold any stock; has never had any income; and has abandoned any attempt to make a public offering.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 10, 1973, at 5:30 p.m., to 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 the Fund 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 matter herein may be issued by the Commission upon the basis of the information stated in the notice, 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 Divsion of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73-12299 Filed 6-19-73;8:45 am]

[File No. 500-1]

WESTERN LAND CORP.

Order Suspending Trading

JUNE 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Western Land 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 10 a.m. e.d.t., on June 13, 1973, and continuing through June 22, 1973.

By the Commission.

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

[FR Doc.73-12298 Filed 6-19-73;8:45 am]

[Release No. 34-10206]

NEW YORK STOCK EXCHANGE

Proposal To Raise Commission Rates

The Securities and Exchange Commission announced on June 6, 1973, that it has issued an order for the institution of an investigation and public investigatory hearing, pursuant to section 21(a) of the Securities Exchange Act of 1934, to consider whether any changes should be made in the rules, policies, practices, and procedures of one or more registered national securities exchanges respecting commission rate schedules.

The Commission announced that it has received on May 31, 1973, from the New York Stock Exchange, Inc. proposed revisions of that exchange's present commission rate schedule as contained in article XV, section 2 of its constitution and of its rule 383 regarding service to small investors. The May 31 submission from that exchange and the Commission's order are attached hereto.

The Exchange informed the Commission that it expects to submit a documented economic report in support of the proposed revisions within a week.

That report will be available to all interested persons in the public reference section, room 100 at the Commission's headquarters office, 500 North Capitol Street NW., Washington, D.C. 20549 and at each of the Commission's regional offices. Persons who wish to obtain a copy of that report may do so by writing to Dr. William C. Freund, vice president and chief economist, New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

It is the Commission's understanding that the NYSE's proposal to increase commission charges by 15 percent on orders from $5,000 up to $300,000 contemplates a 15-percent increase on the entirety of such orders rather than only on the portion of orders which exceeds $5,000. It is also the Commission's understanding that the proposed amendment to rule 383 would enable member firms to charge small investors commissions in excess of the proposed 10-percent increase on orders involving from $100 to $5,000 or the proposed 15-percent increase on orders involving more than $5,000, i.e., the existing fixed commission on small investors' orders would become, as in the case of larger investors' orders, a minimum commission. Further, it would permit member firms to negotiate separate charges for other services rendered, such as custodial fees.

The Commission will also consider such other rule proposals as may be received from exchanges and, where appropriate, will issue a supplemental release describing them.

The Commission also announced that a public investigatory hearing on stock exchange commission rate proposals will convene at 10 a.m., Monday, July 9, 1973 at the Commission's headquarters, 500 North Capitol Street NW., Washington, D.C., to receive testimony and other relevant data on the foregoing NYSE commission rate proposals. The Commission has requested representatives of the NYSE to appear at that time to present testimony and relevant data and invites all other interested persons to submit their views. Persons who wish to appear and present factual material at the hearing are invited to notify the hearing officer (William E. Toomey, room 632, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, 202–755–1240) of that desire as soon as possible and not later than July 9, 1973.

Witnesses will be expected to file with the hearing officer 25 copies of their prepared statements 48 hours prior to their appearance and are invited to make available additional copies at the time of their appearance for the benefit of the press and other interested persons. Other interested persons may wish to transmit written submissions for inclusion in the record in lieu of personally appearing. They should file 25 copies thereof to facilitate examination of the record by all interested persons. Such material should be submitted not later than July 23, 1973. All other communications should be filed in triplicate. (Sec. 21(a); 48 Stat. 899; 15 U.S.C. 78u(a).)

By the Commission.

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

JUNE 6, 1973.

MAY 25, 1973.

MR. LEE A. PICKARD,
Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549,

DEAR MR. PICKARD: Pursuant to SEC Rule 17a–8 under the Securities and Exchange Act of 1934, we are submitting herewith three copies of proposed amendments to Article XV, Section 2 of the Constitution of the New York Stock Exchange, Inc. and amendments to Rule 383. These amendments were approved in principle for submission to you by the Board of Directors at their meeting on May 24, 1973. You will note that the SEC was notified in advance of this formal filing by letter dated May 9, 1973 (copy attached).

Specifically, these amendments would:

1. Increase commission charges on orders from $100 up to $5,000 by 10 percent.

2. Increase commission charges on orders from $5,000 up to $300,000 by 15 percent.

3. Permit member firms to negotiate separate charges for other services rendered, such as custodial fees.

Commission on portions of orders in excess of $300,000 would continue to be negotiable.

A documented economic report in support of our proposal is expected to be available next week.

Questions regarding this matter may be directed to Dr. William C. Freund, Vice President and Chief Economist of the New York Stock Exchange.

Very truly yours,

JAMES E. BUCK,
Secretary,
The New York Stock Exchange.

New language in italic—Deleted language in brackets [ ]

PROPOSED AMENDMENT TO ARTICLE XV, SECTION 2

"(4) On any order involving an amount not in excess of $5,000, the commission computed in accordance with this paragraph 2 (a) shall be increased by 10%. On any order involving an amount in excess of $5,000, the commission computed in accordance with this paragraph 2(a) shall be increased by 15%."

PROPOSED AMENDMENT TO RULE 383

"No member organization which introduces or carries the accounts of customers who purchase or sell small amounts of stock shall impose any limitation of any kind on the size or frequency of customer orders in such accounts or the size of such accounts, unless such limitation was generally imposed prior to April 1, 1969. [With respect to the execution of any small order for the purchase or sale of any security admitted to dealings on the Exchange, no member organization shall impose any fee, commission or other charge on any customer in excess of the commission prescribed in Article XV, Section 2(a) of the Constitution.]"

MAY 9, 1973.

The Honorable G. BRADFORD COOK,
Chairman, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

DEAR CHAIRMAN COOK: At its meeting last Thursday, the Exchange's Board of Directors voted in favor of submitting to the SEC a commission rate adjustment designed to offset some of the severe impact of cost inflation on the securities industry. Specifically, the Board's proposal would:

1. Increase commission charges on orders from $100 up to $5,000 by 10 per cent.

2. Increase commission charges on orders from $5,000 to $300,000 by 15 per cent.

3. Permit member firms to negotiate separate charges with their customers for custodial services.

Commissions on portions of orders in excess of $300,000 would continue to be negotiable.

In advance of sending you a formal proposal in appropriate detail, we thought it in order to submit now some of the major facts which will highlight that proposal and which supported the Board's action of last Thursday. These facts include data on the severity of cost inflation in the securities industry over the past three years; on the trend of industry profitability; and on the additional revenues likely to be obtained under the Board's proposal given varying volume assumptions.

Dimensions of Cost Inflation.

Our Research Department has compiled a cost index for the major materials and services purchased by the brokerage industry.* These data point to an increase attributable to cost inflation of 18% over the past three years. For example, the cost index for postage and office supplies rose 34.3%, telephone and telegraph costs 33.5%, and salaries and wages 20.1%. Details appear in Table 1 on the following page.

In measuring cost inflation, our base is April, 1970, when the service charge became effective. As you know, this was the last time the securities industry received any rate increase. Indeed, since that date commission rates have been reduced, first with the advent of negotiated rates at a cut-off level of $500,000 and $300,000, and second with the revision in the structure of the commission rate schedule introduced in March of 1972.

TABLE 1.—*Price changes of goods and services purchased by NYSE member firms—1970–73*

Cost items	Percent increase in unit costs 1970–73	Weights	Contribution to overall price change
Professional fees	12.8%	4.69%	0.60%
Market information services	5.4	2.62	0.14
Subscription to periodicals	18.1	1.38	0.25
Telephone and telegraph	33.5	8.01	2.68
Advertising and sales literature	13.9	2.38	0.33
Entertainment and travel	7.7	3.80	0.29
Equipment rental	2.2	5.19	0.11
Postage, stationery and office supplies	34.3	5.97	2.05
Clerical and administrative salaries	20.1	46.20	9.29
Other employee benefits	24.9	6.57	1.64
Rent, heat, light, etc	9.9	9.87	0.98
Leased wires	0.0	1.97	0.00
Tickers and projectors	0.0	1.35	0.00
Total		100.00%	+18.36%

Weighted index of prices paid by member firms: 1970=100.00; 1973=118.36.

NOTE.—These data exclude local tax costs and interest costs. The weights are based on 1971 expenses.

* Since registered representatives' compensation as well as certain commission fees are usually set as a percentage of gross commission revenues, they were assumed to be unaffected by inflation.

Industry Profitability.

The profitability of all member firms has deteriorated sharply. Indeed, during this year's first quarter, NYSE member firms incurred losses of about $75 million. As the following table shows, the deterioration in profits has been a general trend since the first quarter of 1972.

TABLE 2.—*Member firm profitability from all sources*

Month	Total Profits Pre-Tax (Millions)	Percent of Firms Reporting		No. of Firms Reporting	Per Annum Return on Total Capital	
		Losses	Loss 15% or Over of Excess Net Capital		Pre-Tax	After Tax
1972						
January	$138.3	9%	2%	514	32.7%	17.0%
February	129.6	7	N.A.	541	30.9	16.0
March	125.7	8	N.A.	530	26.7	13.9
April	91.4	18	N.A.	516	25.2	13.1
May	94.7	20	N.A.	519	21.8	11.4
June	41.7	27	N.A.	546	11.1	5.8
July	0.4	46	9	520	0.1	0.1
August	71.8	19	3	535	20.3	10.5
September	(23.8)	52	11	536	(6.4)	(3.3)
October	19.0	40	7	534	5.1	2.7
November	120.5	15	3	530	33.1	17.2
December	68.0	28	8	575	18.9	9.8
Full Year 1972	$877.3				18.7%	9.7%
1973						
January	$(10.1)	35	10	520	(2.8%)	(1.5%)
February	(41.0)	57	12	521	(12.1)	(6.3)
March	(23.6)	48	9	528	N.A.	N.A.

To emphasize the quarterly trend in industry profits, Table 3 shows profit figures for each quarter, as well as that quarter's contribution to the full year profit figure. Over 70 per cent of the $877 million in pre-tax profits for 1972, was earned during the first half of that year. The first quarter alone accounted for 45 per cent of the full year's profit.

TABLE 3.—*Quarterly profit figures for all firms*

	Full Year 1972	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Millions of Dollars	877.3	393.6	227.8	48.4	207.5
Per Cent of Year's Profit	100	45	26	5	24

The industry's unrelieved cost increases have come into particularly sharp focus during the first quarter of 1973 when share volume declined in all markets. For the quarter as a whole, NYSE volume ran 7½% below last year's first quarter while AMEX volume dropped 39% and OTC volume 17½%. This dismal picture has continued into April.

The continuing decline in share volume also showed up in a parallel decline in the number of tape prints, which may be viewed as a rough measure of demand. The combined number of trades on the NYSE and the AMEX in March were little more than 40,000 per day, compared with nearly 60,000 per day a year earlier. Under these circumstances, the high fixed costs of member firms, swollen over the years by general price inflation, has caused a severe profit squeeze.

Revenue Needs to Offset Inflation.

The Board's proposal envisages merely offsetting cost inflation. We estimate that member firm costs are about $510 million greater than they would have been in the absence of inflation since April, 1970. Commission-related expenses rose approximately $300 million during this period of time, according to our calculations and it is only this increase which the Board seeks to offset.

Projected Added Revenues from Proposal.

Our later filing will set forth in greater detail the added commission revenues projected for various levels of volume. We estimate that the Board proposal would generate approximately $300 million with a 16½ million share per day average on the NYSE—the volume achieved in 1972. Thus, revenue needs based on cost inflation would be met.

We will also be submitting to you an analysis of the impact of the proposed commission rate adjustment on various types of firms. At present, these data are based on trading distributions available for the fourth quarter of 1971. However, we are endeavoring to complete tabulations for the second quarter of 1972 to enable us to update these statistics.

It might be well to stress again that the Board's commission rate proposal does not encompass any notion of minimum levels of profits or returns on invested capital. It is designed merely to compensate for the effects of inflationary forces over which member firms have little control. These inflationary forces are continuing unabated and thereby continue to undermine each month the profitability of securities firms.

We are hopeful that the Commission will be able to accord our request a prompt hearing. We would be pleased to have the opportunity to respond to questions which you or your staff may have even before our final submission. For this purpose, you may wish to contact our Vice President and Chief Economist, Dr. William C. Freund.

Sincerely,

JAMES E. BUCK,
Secretary,
The New York Stock Exchange.

[File 4-167]

COMMISSION RATE SCHEDULES OF REGISTERED NATIONAL SECURITIES EXCHANGES

ORDER DIRECTING PUBLIC INVESTIGATION AND DESIGNATING OFFICERS TO TAKE TESTIMONY

JUNE 6, 1973.

I. On May 31, 1973, the Commission received notice, pursuant to Exchange Act Rule 17a-8, from the New York Stock Exchange of that exchange's proposal to amend its rules relating to its commission rate schedule for transactions in stocks, rights, and warrants on that exchange.

II. The Commission deems it necessary and appropriate to aid in the administration of the provisions of the Securities Exchange Act of 1934 and to determine the reasonableness of the proposed rules, as well as other rules which may be proposed relating to the commission rate schedules of stock exchanges, that an investigation be made of facts, conditions, practices, and matters relating to such rate proposals toward the ends of protecting investors and for insuring fair dealing in securities traded upon such exchanges and fair administration of such exchanges.

III. *It is ordered,* Pursuant to the provisions of section 21(a) of the Exchange Act, that an investigation be made of the matters referred to in sections I and II hereof to aid both in the administration of the provisions of the Securities Exchange Act and in prescribing of rules and regulations pursuant to sections 6, 11, 17(a), 19(b) and other pertinent provisions of the Exchange Act; and

It is further ordered, Pursuant to the provisions of section 22 of the Exchange Act, that a public hearing shall be held as part of this investigation, that the public hearing shall be conducted before the Commission, any member or members thereof, or William E. Toomey who is hereby named as hearing officer and empowered to administer oaths and affirmations and perform all other duties in connection therewith as prescribed by law, at the hearing which shall commence at 500 North Capitol Street, Washington, D.C., on July 9, 1973; and

It is further ordered, Pursuant to the provisions of section 21(b) of the Exchange Act, that for the purpose of such investigation and public hearing held as part of it Lee A. Pickard and Sheldon Rappaport and each of them, is hereby designated an officer of this Commission and shall conduct the investigation and perform all other duties in connection therewith as prescribed by law.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-12121 Filed 6-19-73;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

Notice of Public Hearings on Proposed Comprehensive Plan

Notice is hereby given that the Susquehanna River Basin Commission will hold public hearings, as listed below, regarding a proposed comprehensive plan for the management, development, and use of the water resources of the Susquehanna River Basin.

The Susquehanna River Basin Compact, Public Law 91-575, requires that the Commission formulate such plan and that the Commission act to coordinate, guide, and regulate to the extent practical and necessary, the many aspects of water resources management.

The proposed plan, therefore, sets forth broad objectives and goals and outlines program initiatives dealing with flood control, including flood plain zoning, water supply, water quality, recreation,

watershed management, and withdrawals and diversions of water. It also establishes guidelines and criteria that the Commission will use as basis for the consideration of proposed projects and programs affecting the water resources of the basin.

In order that the plan may be responsive to the desires and needs of affected or interested parties the Commission invites public participation at the hearings. All parties will be afforded an opportunity to express their views and present recommendations pertinent to the proposed plan and water and related natural resources needs. Oral statements will be heard at the hearing; however, for accuracy of record, all statements should be submitted in writing. Such written statements may be handed to the presiding officer at the hearing or be mailed to the undersigned.

Before final adoption of a comprehensive plan, full consideration will be given to the views and recommendations of responsible agencies, groups, and individual citizens. It should be understood that actual implementation or funding of any project or program included unless such proposal is authorized and funded by the appropriate Federal, State, or local government body.

SCHEDULE OF PUBLIC HEARINGS

July 5, 1973—Elementary School Gymnasium, Juniata Street, Havre De Grace, Md., 7:30 p.m.
July 9, 1973—Chenango County Office Building, Court Street, Norwich, N.Y., 7:30 p.m.
July 10, 1973—Treadway Inn, 8 Hawley Street, Binghamton, N.Y., 7:30 p.m.
July 11, 1973—Corning Community College Gymnasium, Spencer Hill Campus, Corning, N.Y., 7:30 p.m.
July 23, 1973—Kings College Auditorium, 133 North River Street, Wilkes-Barre, Pa., 7:30 p.m.
July 24, 1973—Sheraton Motor Inn, 234 Montgomery Pike, Williamsport, Pa., 7:30 p.m.
July 25, 1973—William Penn Museum, Third and North Streets, Harrisburg, Pa., 7:30 p.m.

Copies of the draft plan are available upon request from:

Robert J. Bielo, Executive Director
Susquehanna River Basin Commission
5012 Lenker Street
Mechanicsburg, Pa. 17055
Thomas C. H. Webster, U.S. Commissioner
Susquehanna River Basin Commission
Room 2353, Interior Building
Washington, D.C. 20240

Ronald W. Pedersen, First Deputy Commissioner
Department of Environmental Conservation
50 Wolf Road
Albany, N.Y. 12205

James B. Coulter, Secretary
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Md. 21401

Maurice K. Goddard, Secretary
Department of Environmental Resources
P.O. Box 1467
Harrisburg, Pa. 17120

ROBERT J. BIELO,
Executive Director, Susquehanna River Basin Commission.

[FR Doc.73-12367 Filed 6-19-73;8:45 am]

TARIFF COMMISSION

[337-L-64]

ANALOG-TO-DIGITAL METERS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on May 25, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Weston Instruments, Inc., Newark, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of analog-to-digital meters which are embraced within the claims of U.S. patents Nos. 3,051,939 and 3,316,547, owned by the complainant. The complainant names Marubeni America Corp., 2 Hammarskjold Plaza, New York, N.Y. 10017; California Instruments Co., 5150 Convoy Street, San Diego, Calif. 92111; Tucker Electronics Co., Garland, Tex.; and Scopes Unlimited, Inc., Anaheim, Calif., as either importing or offering for sale the subject product.

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 issues raised in 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., 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 30, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. 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 19 true copies of each document must be filed.

Issued June 15, 1973.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12353 Filed 6-19-73;8:45 am]

[AA1921-123]

ELECTRONIC COLOR SEPARATING OR SORTING MACHINES FROM THE UNITED KINGDOM

Notice of Investigation and Hearing

Having received advice from the Treasury Department on June 7, 1973, that electronic color separating or sorting machines from the United Kingdom are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission on June 14, 1973, instituted investigation No. AA1921-123 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing.—A public hearing in connection with the investigation will be held in the Tariff Commission's hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Tuesday, July 31, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, July 26, 1973.

Issued June 15, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12354 Filed 6-19-73;8:45 am]

[AA1921-124]

STEEL WIRE ROPE FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on June 7, 1973, that steel wire rope from Japan is being, or is likely to be, sold at less than fair value, the U.S. Tariff Commission on June 14, 1973, instituted investigation No. AA1921-124 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing.—A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Thursday, August 2, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Friday, July 27, 1973.

By order of the Commission.

Issued June 15, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12355 Filed 6-19-73;8:45 am]

[TEA-W-203]

ERSKINE INDUSTRIES, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2), of the Trade Expansion Act of 1962, on behalf of the former

workers of the Reynoldsville, Pa., plant, of Erskine Industries, Inc., Clearfield, Pa., the U.S. Tariff Commission on June 14, 1973, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with electronic receiving tube mounts (of the type provided for in item 687.60 of the Tariff Schedules of the United States), produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before July 2, 1973.

The petition filed in this case is available for 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 City office of the Tariff Commission located in room 437 of the Customhouse.

Issued June 15, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12356 Filed 6-19-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certficate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Acme Garment Co., Wentzville, Mo.; 4-16-73 to 4-15-74; 10 learners (women's shorts, ankle pants, shirts, and tops).

Bland Sportswear, Inc., Bland, Va.; 4-15-73 to 4-14-74; 10 learners (children's knit tops).

Capitol City Manufacturing Co., Inc., West Columbia, S.C.; 4-9-73 to 4-8-74 (women's dresses).

College Casuals Co., Sheppton, Pa.; 4-13-73 to 4-12-74; 10 learners (women's shorts and slacks).

Cordele Uniform Co., Cordele, Ga.; 3-22-73 to 3-21-74 (washable service apparel).

Custom Sportswear, Inc., Reading, Pa.; 4-7-73 to 4-6-74 (girls' and children's polo shirts).

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; 4-24-73 to 4-23-74 (brassieres).

Dunbrooke Sportswear Co., Greenfield, Mo.; 4-30-73 to 4-29-74; 10 learners (men's outerwear jackets).

Edward Hyman Co., Hazlehurst, Miss.; 4-16-73 to 4-15-74 (work clothing).

Georgetown Dress Corp., Georgetown, S.C.; 4-26-73 to 4-25-74 (children's body suits, skirts, and pants).

Granite Dress Corp., Fall River, Maine; 4-15-73 to 4-14-74; 10 learners (women's and misses' dresses).

F. Jacobson & Sons, Inc., Seymour, Ind.; 4-16-73 to 4-15-74 (men's shirts).

Jomax Garment Co., Inc., York, Pa.; 3-26-73 to 3-25-74 (women's dresses).

Jonbil Manufacturing Co., Inc., Chase City, Va.; 4-2-73 to 4-1-74 (men's and boys' pants).

Lisa's Inc., Grifton, N.C.; 4-26-73 to 4-25-74 (children's jackets).

Madill Manufacturing Co., Madill, Okla.; 4-7-73 to 4-6-74 (men's pants).

Michael Berkowitz Co., Inc., Frostburg, Md.; 3-29-73 to 3-28-74; 10 learners (men's pajamas).

Reidbord Brothers Co., Apollo, Pa.; 3-29-73 to 3-28-74; 10 learners (men's pants).

Reidbord Brothers Co., Buckhannon, W. Va.; 4-8-73 to 4-7-74 (men's and boys' pants).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; 4-24-73 to 4-23-74 (men's and boys' pants).

J. H. Rutter Rex Manufacturing Co., Inc., Columbia, Miss.; 3-30-73 to 3-29-74 (men's and boys' shirts and men's pants).

S & S Manufacturing Co., Inc., Spartanburg, S.C.; 4-8-73 to 4-7-74 (women's and children's blouses).

Salant & Salant, Obion, Tenn.; 3-28-73 to 3-27-74 (men's and boys' pants).

Salant & Salant, Union City, Tenn.; 4-13-73 to 4-12-74 (men's and boys' pants).

Sancar Corp., Harrisonburg, Va.; 3-30-73 to 3-29-74 (women's lingerie).

Shane Manufacturing Co., Inc., Evansville, Ind.; 4-1-73 to 3-31-74 (work clothing).

Southeastern Garment Corp., Clinton, N.C.; 4-9-73 to 4-8-74; 10 learners (men's and boys' outerwear jackets).

Sportee Corp. of North Carolina, Clarkton, N.C.; 4-30-73 to 4-29-74 (women's blouses and slacks).

The following plant expansion certificates were issued authorizing the number of learners indicated.

McGehee Industries, McGehee, Ark.; 4-2-73 to 10-1-73; 30 learners (washable service apparel and work clothing).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 3-29-73 to 9-28-73; 20 learners (boys' and girls' outerwear jackets).

Wood Manufacturing Co., Inc., Johnson City, Tenn.; 4-2-73 to 10-1-73; 15 learners (men's pants).

Wood Manufacturing Co., Inc. Unicoi, Tenn.; 4-2-73 to 10-1-73; 5 learners (men's pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., Inc., Brookville, Pa.; 4-26-73 to 4-25-74; 10 learners for normal labor turnover purposes (work gloves).

Galena Glove & Mitten Co., Dubuque, Iowa; 4-7-73 to 4-6-74; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ellwood Knitting Mills, Inc., Ellwood City, Pa.; 4-9-73 to 4-8-74; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters, sweater shirts, and swim trunks).

Lady Jane Manufacturing Co., Inc., Kulpmont, Pa.; 3-29-73 to 3-28-74; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Sylvester Textile Corp., Sylvester, Ga.; 4-16-73 to 4-15-74; 5 percent of the total number of factory production workers for normal labor turnover purposes (misses' and juniors' lingerie, lounge wear, and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Borinquen Gloves, Inc., Ponce, P.R.; 4-3-73 to 10-2-73; 25 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.35 an hour for the remaining 240 hours (ladies' and children's mittens).

General Cigar de Utuado, S.A., Utuado, P.R.; 4-5-73 to 4-4-74; 40 learners for normal labor turnover purposes in the occupations of cigar machine operating and packing, each for a learning period of 320 hours at the rates of $1.38 an hour for the first 160 hours and $1.48 an hour for the remaining 160 hours (cigars).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, pt. 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before July 2, 1973.

Signed at Washington, D.C., this 12th day of June 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-12261 Filed 6-19-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 279]

ASSIGNMENT OF HEARINGS

JUNE 15, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument

appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 77972 sub 19, Merchants Truck Line, Inc., now being assigned hearing September 10, 1973 (1 week), at Memphis, Tenn., in a hearing room to be later designated.

MC-72442 sub 38, Akers Motor Lines, Inc., now being assigned hearing September 10, 1973 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

MC 121600 sub 1, Averitt Express, Inc., now being assigned hearing September 10, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC 130175, E E & G Inc., doing business as Shakespeare Travel Centre, now being assigned hearing September 11, 1973 (2 days), at Hartford, Conn., in a hearing room to be later designated.

MC-104523 sub 53, Huston Truck Line, Inc., now assigned July 13, 1973, at Denver, Colo., is canceled and transferred to modified procedure.

MC 121142 sub 11, J & G Express, Inc., now being assigned hearing September 17, 1973 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC 109172 sub 10, National Transfer, Inc., now being assigned hearing September 19, 1973, at Olympia, Wash., in a hearing room to be later designated.

No. 35664, the Department of Defense-V-Aberdeen and Rockfish RR. Co., et al., continued to June 18, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 98701 sub 3, Cleveland Express, Inc., now being assigned hearing September 24, 1973 (1 week), at Knoxville, Tenn., in a hearing room to be later designated.

MC-61955, Centropolis Transfer Co., Inc., now being assigned hearing September 19, 1973 (3 days), at Jefferson City, Mo., in a hearing room to be later designated.

MC-136420 sub 1, Oklahoma Border Express, Inc., now being assigned hearing September 24, 1973 (2 weeks), at Oklahoma City, Okla., in a hearing room to be later designated.

MC 138227, Rodney H. Blackwell, doing business as Miss-Lou Truck Line, now being assigned hearing September 24, 1973 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC 136581 sub 1, All Freight Distribution Co., Inc., now assigned July 11, 1973, at Washington, D.C., postponed to August 14, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12327 Filed 6-19-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 15, 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 § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42700—Cane pith and blackstrap molasses, mixed, from Jay, La. Filed by Southwestern Freight Bureau, agent (No. B-418), for interested rail carriers. Rates on cane pith and blackstrap molasses, mixed, in carloads, as described in the application, from Jay, La., to points in Illinois Freight Association and western trunkline territories.

Grounds for relief.—Market competition, short-line distance formula, and grouping.

Tariff.—Supplement 28 to Southwestern Freight Bureau, agent, tariff SW/W-2006-J, ICC No. 5056. Rates are published to become effective on July 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12329 Filed 6-19-73;8:45 am]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 15, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—motor carriers of passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (deviation No. 658), GREYHOUND LINES, INC. (eastern division), 1400 West Third St., Cleveland, Ohio 44113, filed June 7, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Lancaster, Pa., over the Fruitville Pike to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Loucks Mill Road, thence over Loucks Mill Road to York, Pa., with the following access roads: (1) from Columbia, Pa., over Pennsylvania Highway 441 to junction U.S. Highway 30, and (2) from Wrightsville, Pa., over Pennsylvania Highway 462 to junction unnumbered access highway, thence over unnumbered access highway to junction U.S. Highway 30, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Lancaster, Pa., over Pennsylvania Highway 462 to York, Pa., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12334 Filed 6-19-73;8:45 am]

[Notice 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 15, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—motor carriers of property, 1969 (49 CFR 1042.4 (d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4 (d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-28478 (deviation No. 9), GREAT LAKES EXPRESS CO., 1150 North Niagara Street, Saginaw, Mich. 48602, filed June 6, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over U.S. Highway 27 to Fort Wayne, Ind., thence over Interstate Highway 69 to junction U.S. Highway 12, at or near

Coldwater, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Detroit, Mich., thence over Interstate Highway 94 to Jackson, Mich., thence over Michigan Highway 60 to junction U.S. Highway 27, thence over U.S. Highway 27 to Coldwater, Mich., and return over the same route.

No. MC-29910 (deviation No. 22), ARKANSAS-BEST FREIGHT SYSTEM, INC., 201 South 11th Street, Fort Smith, Ark. 72901, filed June 7, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 (using U.S. Highway 61 where portions of Interstate Highway 55 are not completed), to Memphis, Tenn., thence over U.S. Highway 78 to Birmingham, Ala., thence over Interstate Highway 20 (using U.S. Highway 78 where portions of Interstate Highway 20 are not completed) to Atlanta, Ga., and return over the same route, for operating convenience only, restricted to the transportation of traffic moving from, to, and through all intermediate and off-route points in that part of Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., thence along U.S. Highway 78 to the Georgia-South Carolina State line, or Wilmington, N.C., Lowland, Tenn., or points in that part of North Carolina on and west of U.S. Highway 1, or points in South Carolina. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Mount Vernon, Ohio, thence Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over Ohio Highway 440 (formerly portion U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo. (also from Brandt, Ohio, over Ohio Highway 201 to Dayton, Ohio, thence over Ohio Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis), thence over U.S. Highway 66 via Carthage, Mo., to Afton, Okla. (also from Carthage over U.S. Highway 71 to junction Interstate Highway 44 (formerly U.S. Highway 166), thence over Interstate Highway 44 to Joplin, Mo., thence over Missouri Highway 43 to junction U.S. Highway 60, thence over U.S. Highway 60 to Afton), thence over U.S. Highway 66 to Tulsa, Okla., restricted to preclude the handling of traffic originating at or destined to St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and which moves to or from Cincinnati, Ohio, and points in the Cincinnati, Ohio, commercial zone as defined by the Commission, and (2) from Atlanta, Ga., over U.S. Highway 41 to Chattanooga, Tenn. (also from Atlanta over Interstate Highway 75 to Chattanooga, Tenn.), thence over U.S. Highway 41 to Nashville, Tenn. (also from Chattanooga over Interstate Highway 24 to Nashville), thence over U.S. Highway 31-W to Louisville, Ky. (also over Interstate Highway 65 to Louisville), thence over Interstate Highway 65 to Indianapolis, Ind., and return over the same routes.

No. MC-79085 (deviation No. 1), FAIRBANKS EXPRESS, INC., Hoosick Falls, N.Y. 12090, filed June 7, 1973. Carrier's representative: Vincent J. McArdle, Jr., 75 State Street, Albany, N.Y. 12207. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hoosick Falls, N.Y., over New York Highway 22 to junction U.S. Highway 20, thence over U.S. Highway 20 to Pittsfield, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsfield, Mass., over U.S. Highway 7 via Bennington, Vt., to junction Vermont Highway 67-A, thence over Vermont Highway 67-A to North Bennington, Vt., thence over Vermont Highway 67 to the Vermont-New York State line, thence over New York Highway 67 to North Hoosick Falls, N.Y., thence over New York Highway 22 to Hoosick Falls, N.Y.; and return, from Hoosick Falls, N.Y., over New York Highway 22 to North Petersburg, N.Y., thence over New York Highway 346 to the New York-Vermont State line, thence over Vermont Highway 346 to Pownal, Vt., thence over U.S. Highway 7 to Williamstown, Mass., thence over Massachusetts Highway 2 to North Adams, Mass., thence over Massachusetts Highway 8 to Coltsville, Mass., thence over Massachusetts Highway 9 to Pittsfield, Mass.

No. MC-89723 (deviation No. 25), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed June 4, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptons, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to junction Nebraska Highway 2, approximately 2 miles east of Nebraska City, Nebr., thence over Nebraska Highway 2 to Nebraska City, Nebr. (using U.S. Highways 59 and 136 where portions of Interstate Highway 29 is not completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Kansas City, Mo., over U.S. Highway 40 to junction U.S. Highway 73, thence over U.S. Highway 73 to Nebraska City, Nebr., and return over the same route.

By the Commission.

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

[FR Doc.73-12331 Filed 6-19-73;8:45 am]

[Notice 47]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 15, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972), states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 106497 (sub-No. 74) (amendment), filed November 6, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished, as amended and clarified, this issue. Applicant: PARKHILL TRUCK CO., a corporation, P.O. Box 912 (Bus. Rt. I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel and aluminum articles*, and *contractors' machinery, equipment, materials and supplies* (except commodities in bulk), *the transportation of which because of size or weight require special equipment or handling or are self-propelled articles weighing 15,000 lbs. or more;* and (2) *commodities listed in (1) above which because of size or weight do not require the use of special equipment or special handling* when moving in mixed shipments with the commodities named in (1) above, between points in Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

NOTE.—The purposes of this republication are: (a) To amend the commodity description as published above; and (b) to clarify the territorial description to indicate that applicant seeks to perform nonradial movements.

Traffic could be picked up at any point or combination of points named above and be delivered to any point or combination of points named above. Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in No. MC–106498 (sub-Nos. 4 and 35). It further appears that the requested authority can be tacked with applicant's sub-Nos. 17, 31, 35, 36, 39, 43, and 48. Applicant indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

CONTINUED HEARING: July 31, 1973, at 9:30 a.m., District of Columbia, daylight saving time, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 134262 (sub-No. 2) (republication), filed March 13, 1972, published in the FEDERAL REGISTER issue of April 13, 1972, and republished this issue. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. An order of the Commission, Review Board No. 1, dated May 21, 1973, and served June 4, 1973, finds, that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *silica sand*, from Le Sueur, Minn., to points in Iowa; (2) *foundry sand* from Menomonee Falls, Wis., to points in Iowa; Illinois, and Missouri; (3) *phosphate*, and *cottonseed meal and cake*, from points in Arkansas to points in Minnesota, South Dakota, Iowa, Nebraska, Kansas, Missouri, Wisconsin, Illinois, Texas, Mississippi, Louisiana, and Oklahoma; (4) *salt* from Pawnee, Kans., to points in Iowa, Minnesota, Nebraska, and South Dakota; and (5) (a) *honeybee feed ingredients* from points in Louisiana to Hopkins, Minn., (b) *honeybee feed* from Hopkins, Minn., to points in Louisiana, and (c) *honeybee feed* from Hopkins, Minn., and points in Louisiana, to points in Texas, Mississippi, Alabama, Florida, Georgia, Wisconsin, Michigan, Iowa, and Illinois, restricted in each instance against the transportation of liquids in bulk, under a continuing contract or contracts with Farmers Feed & Supply Inc., of Boyden, Iowa, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING PETITIONS

No. MC 67485 (sub-No. 4) (notice of filing of petition for modification of certificate), filed May 18, 1973. Petitioner: TEXAS TEX-PACK EXPRESS, INC., 150 East Zavalla Street, San Antonio, Tex. 78204. Petitioner's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Petitioner presently holds a motor *common carrier* certificate in No. MC–67485 (sub-No. 4), issued September 3, 1971, authorizing transportation in interstate or foreign commerce, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dallas and San Antonio, Tex.: From Dallas over U.S. Highway 77 (and/or Interstate Highway 35E) to Waco, Tex., and thence over U.S. Highway 81 (and/or Interstate Highway 35) to San Antonio; (2) between Temple, Tex., and junction U.S. Highways 79 and 81: From Temple over Texas Highway 95 to Taylor, Tex., and thence over U.S. Highway 79 to junction U.S. Highway 81; (3) between Austin and Gonzales, Tex.: From Austin over U.S. Highway 183 to Gonzales; (4) between Luling and San Marcos, Tex.: From Luling over Texas Highway 80 to San Marcos; (5) between San Antonio and Harwood, Tex.: From San Antonio over U.S. Highway 90 (and/or Interstate Highway 10), to Harwood; (6) between San Antonio and Gonzales, Tex.: From San Antonio over U.S. Highway 87 to Nixon, Tex., thence over Texas Highway 80 to junction Texas Highway 97, and thence over Texas Highway 97 to Gonzales; (7) between Sequin and Stockdale, Tex.: From Sequin over Texas Highway 123 to Stockdale; (8) with return movements over the same routes in (1–7) above, serving all intermediate points in (1–7) above; and (9) restricted in (1–8) above to the transportation of shipments (a) having an immediately prior or subsequent movement by air, and (b) moving from or to Love Field, Dallas, Tex., or San Antonio International Airport, San Antonio, Tex. By the instant petition, petitioner seeks modification of the above described authority to include the Dallas-Ft. Worth Regional Airport as an origin and destination point in the restriction as described in (9) (b) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116763 (sub-No. 219) (notice of filing of petition for modification of certificate), filed May 29, 1973. Petitioner: CARL SUBLER TRUCKING, INC., Route 92, P.O. Box 215, Auburndale, Fla. 33823. Petitioner's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Petitioner presently holds a motor *common carrier* certificate in No. MC–116763 (sub-No. 219), issued January 24, 1973, authorizing transportation in interstate or foreign commerce, over irregular routes, of *food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corp., at or near Fogelsville, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized, restricted to traffic originating at the named origin points, and destined to the named destination points. By the instant petition, petition seeks: (1) To modify its vehicle restriction to read, (a) in vehicles to protect such products from heat or cold, or (b) in vehicles equipped with insulation; or (2) to delete the vehicle restriction altogether. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124796 (Notice of filing of petition for modification of permit), filed May 21, 1973. Petitioner: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, city of Industry, Calif. 91749. Petitioner's representative: William J. Monheim (same address as applicant). Petitioner presently holds a motor contract carrier permit in No. MC 124796 (sub-No. 55), authorizing transportation, by motor vehicle, over irregular routes, of (1) *toilet preparations, toilet articles, germicides, buffing and polishing compounds, cleaning, scouring, and washing compounds, solvents, starch, sponges, sweetening compounds, drugs, janitorial supplies*, and *advertising materials*, from Chicago, Melrose Park, and Carol Stream, Ill., Sparks, Nev., Glendale, Calif., Piscataway, N.J., Atlanta, Ga., Dallas, Tex., and Jacksonville, Fla., to points in the United States (except Alaska and Hawaii); (2) *foodstuffs* (not frozen), in containers, from Chicago and Carol Stream, Ill., and Sparks, Nev., to points in the United States (except Alaska and Hawaii); and (3) *materials, equipment, and supplies* utilized in the manufacture, distribution and sale of the commodities described in (1) and (2) above, and *returned shipments* of the commodities described in (1) and (2) above, from the above-named destination points to the above-named origin points, under a continuing contract, or contracts, with Albert-Culver Co., of Melrose Park, Ill., restricted against the transportation of commodities in bulk, and further restricted to the transportation of shipments originating at or destined to the

facilities of Albert-Culver Co., of Melrose Park, Ill. By the instant petition, petitioner seeks (1) to add the Clorox Co., as an additional contracting shipper; and (2) to amend the existing restriction to include the Clorox Co., with the added provisions that such a restriction be limited to the commodities described in (2) and (3) above, and then only to traffic to and from Sparks, Nev. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125872 (notice of filing of petition for modification of permit), filed May 7, 1973. Petitioner: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, Utah 84041. Petitioner's representative: Richard H. Moffat, ninth floor, Tribune Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor *contract carrier* permit in No. MC–125872 issued December 3, 1964, authorizing transportation in interstate or foreign commerce, over irregular routes, of *popcorn, potato products, corn products, cheese nibbles*, and *pizza puffs* (except frozen foods), from Kaysville, Utah, to Phoenix, Ariz., Greeley and Grand Junction, Colo., and points in Idaho and Montana, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Clover Club Foods Co., Kaysville, Utah. By the instant petition, petitioner seeks to modify its permit to authorize the transportation of *popcorn, popcorn products, corn products, cheese nibbles, pizza puffs, bakery goods, bacon crackles, candy, confectionery products, food seasonings, salad dressings, nuts, chip dips, taco shells, sauces, smoked meat, burritos, tortillas, potato products*, and *empty containers*, between points in Montana, Idaho, Colorado, Utah, Nevada, California, Arizona, New Mexico, Texas, Wyoming, Oregon, and Washington, under a continuing contract, or contracts, with Clover Club Foods Co., Kaysville, Utah. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135033 (notice of filing of petition to add a shipper), filed May 3, 1973. Petitioner: SILVEY & CO., a corporation, Highway 275 and Gifford Road, Council Bluffs, Iowa 51501. Petitioner's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner presently holds a motor *contract carrier* permit in No. MC–135033 issued November 19, 1971, authorizing transportation in interstate or foreign commerce, over irregular routes, of *such commodities* as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky (except Louisville, and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, Columbus, and Toledo, and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with J. L. Brandeis & Sons, Inc., and restricted to shipments destined to the facilities of J. L. Brandeis & Sons, Inc., at Omaha, Nebr. By the instant petition, petitioner seeks (a) to add the additional contracting shipper of Brinn & Jensen to the above-described authority; and (b) to include the facilities of Brinn & Jensen, at Omaha, Nebr., in the restriction described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135821 (sub-No. 1) (notice of filing of petition to add a shipper), filed March 7, 1973. Petitioner: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, Pa. 19124. Petitioner's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Petitioner presently holds a motor *contract carrier* permit in No. MC–135821 (sub-No. 1), issued June 8, 1973, authorizing transportation in interstate or foreign commerce, over irregular routes, of *such merchandise* as is dealt in by wholesale or retail department stores, between points in that part of New York on and south of a line beginning at the New York-Pennsylvania State line at or near Hale Eddy, N.Y., and extending southeastward along New York Highway 17 to junction Interstate Highway 84, and thence eastward along Interstate Highway 84 to the New York-Connecticut State line; and points in that part of Connecticut on and south of a line beginning at the New York-Connecticut State line, and extending eastward along Interstate Highway 84 to junction Connecticut Highway 34 at or near Sandy Hook, Conn., thence southeastward along Connecticut Highway 34 to New Haven, Conn., and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, and extending southward along U.S. Highway 15 at or near Lawrenceville, Pa., to junction U.S. Highway 11, at or near Sunbury, Pa., thence southward along combined U.S. Highways 11 and 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence southwestward along U.S. Highway 11 to the Pennsylvania-Maryland State line, and points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, and extending southward along U.S. Highway 15 to junction U.S. Highway 240 at or near Frederick, Md., thence along U.S. Highway 240 to the District of Columbia-Maryland boundary line, and points in Charles County, Md., and points in New Jersey, Delaware, and the District of Columbia, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Ohio, West Virginia, and Virginia, and those parts of Pennsylvania, New York, Maryland, and Connecticut not included in the base area above, under a continuing contract, or contracts, with Leisure, Inc., of New York, N.Y. By the instant petition, petitioner seeks to add the additional contracting shipper, Ideal Shoe Co., of Philadelphia, Pa., to the above-described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 114301 (sub-No. 77), filed May 7, 1973. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in containers, *empty asphalt containers, shingles, siding, building and felt papers, asphalt flower pot blanks, plastic cement, roofing, composition, and prepared boards, roof capping, fiberglass insulating, and sheathing*, between Edgemoor, Del., on the one hand, and, on the other, points in Fairfield, Hartford, and New Haven Counties, Conn., those in Maryland and New Jersey (except Manville), and those in Nassau, Orange, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, and New York, N.Y., those in Chester, Delaware, Bucks, Lebanon, Berks, Lancaster, York, Cumberland, Perry, Franklin, Adams, Dauphin, Juniata, Montgomery, Philadelphia, Susquehanna, Luzerne, Wayne, Wyoming, Carbon, Lackawanna, Schuylkill, Northampton, Monroe, Pike, Sullivan, Lehigh, Indiana, Allegheny, Armstrong, Beaver, Washington, Cambria, and Northumberland Counties, Pa., and those in Fairfax, Arlington, Stafford, and Prince William Counties, Va., and the District of Columbia.

NOTE.—This is a matter directly related to a section 5 proceeding in No. MC–F–11836, published in the FEDERAL REGISTER issue of April 11, 1973. By the instant application, applicant seeks to convert vendee's motor contract carrier permit to a motor common carrier certificate. Applicant states that the requested authority can be tacked at Edgemoor, Del., with its existing roofing material authority to provide a through service (a) between Baltimore, Md., on the one hand, and, on the other, those points requested herein; and (b) between those points in Delaware, Maryland, New Jersey, and Pennsylvania within 20 miles of Newark, Del., on the one hand, and, on the other, those points requested herein. If a hearing is

deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123389 (sub-No. 15), filed May 29, 1973. Applicant: CROUSE CARTAGE CO., a corporation, P.O. Box 151, Carroll, Iowa 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the following Illinois counties: (a) Points in Lake, Du Page, Cook, Will, Kane, and Kendall Counties, Ill.; (b) points in that part of McHenry County, Ill., on and east of Illinois Highway 23 from the south county line to the intersection of Illinois Highways 23 and 176, on and south of a line from the intersection of Illinois Highways 23 and 176 to the intersection of Illinois Highways 176 and 47, and on and east of a line from the intersection of Illinois Highways 176 and 47 to the north county line; (c) points in that part of De Kalb County, Ill., on and east of Illinois Highway 23; (d) points in that part of Grundy County, Ill., on and east of Illinois Highway 47 and on and north of Illinois Highway 113; and (e) points in that part of Kankakee County, Ill., on and north of Illinois Highway 17 from the west county line to the intersection of Illinois Highways 17 and 114, and on and north of a line from the intersection of Illinois Highways 17 and 114 to the east county line.

NOTE.—This application is a matter directly related to a section 5 proceeding in No. MC–F–11896, published in the FEDERAL REGISTER issue of June 13, 1973. Applicant herein seeks to convert transferee's certificate of registration in No. MC–121660 to a certificate of public convenience and necessity. Applicant states that the requested authority can be tacked at Chicago, Ill., and points in its commercial zone with the authority it presently holds in MC–F–10464 to serve points over a regular route between Chicago, Ill., and Des Moines, Iowa, including the off-route points of Ferguson, Mitchellville, and Kellogg, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR ORAL HEARING

No. MC–FC–35454. Authority sought by lessee, Middle & Western Farms Cooperative Association, 513 Waverly Court, Deerfield, Ill. 60015, to lease the operating rights of lessor B. J. McAdams, Inc., route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert, route 6, Box 15, North Little Rock, Ark. 72118. Operating rights in certificate No. MC–134922 (sub-No. 1), MC–134922 (sub-No. 6), MC–134922 (sub-No. 10), MC–134922 (sub-No. 11), MC–134922 (sub-No. 13), and MC–134922 (sub-No. 19) sought to be leased: Certain specified commodities, from, to, or between points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

The above-entitled lease application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed, for the purpose of determining among other things, whether lessee, under section 1132.3 of the rules and regulations governing transfer of operating rights, is fit to acquire the rights proposed for lease. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence. The Bureau of Enforcement has been directed to participate as a party in the proceeding for the purpose of presenting evidence and otherwise developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (48 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11902. Authority sought for control by (A) RICHARD L. HARRINGTON, a noncarrier, 735 North Water Street, Milwaukee, Wis. 53202, of BARRY TRANSFER & STORAGE CO., INC., and BARRY, INC., both of 120 East National Avenue, Milwaukee, Wis. 53204, and (B) BARRY TRANSFER & STORAGE CO., INC., of Milwaukee, Wis. 53204, of BARRY CARTAGE, INC., 433 North Jefferson Street, Milwaukee, Wis. 53202. Applicants' attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53204. Operating rights sought to be controlled: (A) *Meats, packinghouse products, dairy products and articles distributed by meat packinghouses*, when moving from, to, or between plants, warehouses or other facilities of meat packinghouses, and *such merchandise* as is dealt in by wholesale and retail bakeries and in connection therewith *advertising matter, equipment, materials and supplies* as are used in the conduct of such business, when moving from, to, or between plants, warehouses or other facilities of bakeries, as a *common carrier*, over irregular routes, between Milwaukee, Wis., on the one hand, and, on the other, points in Wisconsin; *such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, when moving from, to, or between plants, warehouses, or other facilities of food business houses, between Milwaukee, Wis., on the one hand, and, on the other, points in a defined area of Wisconsin, from Milwaukee, Wis., to Escanaba, Mich., from Milwaukee, Wis., to Ishpeming, Mich., from Milwaukee, Wis., to Iron Mountain, Mich., from Iron Mountain, Mich., to Ishpeming, Mich.; *materials, supplies, and equipment* used in the manufacture of outboard marine motors, between Milwaukee, Wis., and Waukegan and Galesburg, Ill.; *molasses*, in bulk, in tank vehicles, from Forest View, Ill., Menominee, Mich., Mason City, Iowa, and East Grand Forks, Moorhead, and Chaska, Minn., and points in the Lower Peninsula of Michigan, to Milwaukee, Wis., from points in Illinois, in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Wisconsin; *foundry core compound*, in liquid form, and *vegetable, sea animal, fish, and mineral oils*, all inedible, in bulk, in tank vehicles, from Milwaukee, Wis., to points in a defined area of Illinois and Iowa; *vinegar*, in bulk, in tank vehicles, from Cudahy, Wis., to points in a defined area of Michigan, Ohio, Kentucky, Illinois, Missouri, Iowa, and Minnesota; *resins* and *varnish*, in bulk, in tank vehicles, from Saukville, Wis., to points in a defined area of Illinois and Indiana; *alcohol*, in bulk, in tank vehicles, from Stickney, Ill., to Cudahy, Wis.; *animal grease, tallow, and refined edible vegetable oils*, in bulk, in tank vehicles, from Cudahy, Wis., to Chicago, Ill., with restriction; *plywood, panels, moulding, doors, hardboard, wallboard, insulating material, ceiling tile, and prefinished kitchen cabinets*, including *related hardware therefor*, not boxed, crated, or packaged, from the Township of Menomonee, Wis., to Spring Grove, Ill.; *such merchandis* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from the plantsite of Associated Grocers, Inc., at or near New Berlin, Wis., to points in that part of Illinois on and north of U.S. Highway 30, except those in the Chicago, Ill., commercial zone, as defined by the Commission, with restriction; *plumbing and heating materials and supplies*, as a *contract carrier* over irregular routes, from Appleton, Wis., to points in the Upper Peninsula of Michigan; *scrap metals*, from Munising, Mich., to Appleton, Wis.; *steel siding*, steel shutters, steel shingles, steel corners, steel trim and their accessories, from the plantsite of Seaman-Andwall Corp., at Ixonia, Wis., to points in Illinois, Indiana, Michigan, Ohio, Minnesota, and Missouri; *aluminum siding, aluminum shutters, aluminum shingles, aluminum corners, aluminum trim*, and their accessories, from the plantsite of Seaman-Andwall Corp., Ixonia, Wis., to points in Illinois, Indiana, Michigan, Ohio, Missouri, and Minnesota; *liquid carbon dioxide*, in

bulk, in shipper-owned tank vehicles, from Milwaukee, Wis., to Menominee, Mich., and Sawyer Air Force Base at or near Gwinn, Mich., with restrictions; and authority granted in docket No. MC-136716, by Operating Rights Board Order dated October 25, 1972: Over irregular routes, of merchandise, equipment, and supplies used or distributed by a manufacturer of cosmetic (except in bulk in tank vehicles), from Milwaukee, Wis., to points in that part of Wisconsin on and north, east, and south of a line beginning at the Illinois-Wisconsin State line, thence over Wisconsin Highway 69 to Madison, Wis., thence over U.S. Highway 51 to junction U.S. Highway 51 and Wisconsin Highway 29, thence over Wisconsin Highway 29 to Lake Michigan, under a continuing contract with Avon Products, Inc., of Morton Grove, Ill., and (B) authority granted in docket No. MC-124206 (sub-No. 4), report and order of review board No. 1, dated November 22, 1972: Over irregular routes, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, with exceptions, (1) from Wauwatosa, Wis., to points in specified portions of Illinois and Iowa, and (2) from points in the above-destination territory to Wauwatosa, Wis. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11903. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road, "C", St. Paul, Minn. 55113, of a portion of the operating rights of DWIGHT E. DAM, doing business as VALENTINE MOTOR LINE, Valentine, Nebr. 69201, and for acquisition by GEORGE E. BRIGGS, and MICHAEL P. WARDWELL, both of St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: *General commodities*, with usual exceptions, as a *common carrier* over regular routes, between Omaha and Cody, Nebr., between Crookston, Nebr., and Parmelee, S. Dak., between Cody and Rushville, Nebr., between Grand Island, Nebr., and Bassett and Atkinson, Nebr., between O'Neill, Nebr., and Sioux City, Iowa, between Valentine and Crawford, Nebr., between Springview and Bassett, Nebr., between Burton and Bassett, Nebr., serving various intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11904. Authority sought for purchase by O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303, of the operating rights and property of FRED L. WILLIAMS, doing business as TAOS INTERSTATE EXPRESS, P.O. Box 262, Alamosa, Colo., and for acquisition by ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, AND DIANE G. ROUSH, all of 2800 West Bayshore Road, Palo Alto, Calif. 94303, of control of such rights and property through the purchase. Applicants' representative: Clifford J. Boddington, also of Palo Alto, Calif. 94303. Operating rights sought to be transferred: *General commodities*, with usual exceptions, as a *common carrier* over regular routes, between Fort Garland, Colo., and Taos, N. Mex., serving various intermediate and off-route points, between Jaroso, Colo., and junction unnumbered highway and New Mexico Highway 3, serving all intermediate points except for traffic moving in interstate or foreign commerce between points in Colorado where transportation by carrier is wholly within Colorado, between Alamosa, and Fort Garland, Colo., serving no intermediate points; *houses, including fixtures and appurtenance therefor*, requiring the use of special equipment, over irregular routes, from Los Alamosa and White Rock, N. Mex., to certain specified points in Colorado; *lumber*, from points in Alamosa, Costilla, and Conejos Counties, Colo., to points in New Mexico. Vendee is authorized to operate as a *common carrier* in Arizona, California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11905. Authority sought for control by CALTRAN SYSTEMS, INC., a noncarrier, 515 River Road, Clifton, N.J. 07014, of (A) TERMINAL TRANSPORTATION CO., 95 Fairmount Avenue, Philadelphia, Pa., and (B) MAAT'S TRUCKING CO., INC., 324 Wabash Avenue, Paterson, N.J. 07011, and for acquisition by WILLIAM C. KIVLAN, also of Clifton, N.J. 07014, and JOHN L. MILLING, 921 Bergen Avenue, Jersey City, N.J. 07306, of control of TERMINAL TRANSPORTATION CO., and MAAT'S TRUCKING CO., INC., through the acquisition by CALTRAN SYSTEMS, INC. Applicants' attorneys: Edward K. Wheeler, and Chandler L. van Orman, 704 Southern Building, 15th and H Sts. NW., Washington, D.C. 20005. Operating rights sought to be controlled: (A) *General commodities*, excepting among others, dangerous explosives, commodities in bulk, and household goods, as a *common carrier* over irregular routes, between points and places in Philadelphia, Pa., commercial zone, as defined by the Commission in 17 M.C.C. 533, on the one hand, and, on the other, Norristown, Pa., and points and places in Pennsylvania within 15 miles of the Philadelphia City Hall, and those in Atlantic, Burlington, Camden, Cape May, Gloucester, Cumberland, Ocean, and Salem Counties, N.J.; and (B) *general commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk as a *common carrier* over irregular routes, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Bergen, and Passaic Counties, N.J. CALTRAN SYSTEMS, INC., holds no authority from this Commission. However, it is affiliated with MOON CARRIER, 515 River Road, Clifton, N.J. 07014, which is authorized to operate as a *common carrier* in New Jersey, New York and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11906. Authority sought for control and merger by NESTOR BROTHERS, INC., 614 Vestal Parkway West, Box 277, Vestal, N.Y. 13850, of the operating rights and property of BINGHAMTON-ITHACA EXPRESS, INC., 2 Franklin Street, Binghamton, N.Y. 13905, and for acquisition by JOSEPH L. NESTOR, 1408 Broad Street, Endicott, N.Y. 13760, THOMAS L. NESTOR II, 417 Groveland Avenue, Endwell, N.Y. 13760, PATRICIA A. HUGHES, 15 Lincoln Avenue, Binghamton, N.Y. 13905, and FLORENCE N. KLINCK, 5013 Nahant Street NW., Washington, D.C. 20016, of control of such rights and property through the merger. Applicant's attorney: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, articles of excessive dimension, livestock, and commodities in bulk, as a *common carrier*, over regular routes, between Ithaca, N.Y., and Binghamton, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11907. Authority sought for purchase by NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress Avenue, Springfield, Mass. 01103, of the operating rights and property of KINDLE TRUCKING CO., INC., 270 Brattle Street, Holden, Mass. 01520, and for acquisition by PAUL A. DUBREY, also of Springfield, Mass. 01103, of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Operating rights sought to be transferred: Under a certificate of registration in docket No. MC-99273 (sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-17470 (sub-No. 1) is a directly related matter.

SCENIC RAILWAYS, INC., 4546 El Camino Real, suite V, Los Altos, Calif. 94022, represented by Mr. William J. Torrington, 1101 Western Meadows, Alameda, N. Mex. 87114, hereby gives notice that on the 16th day of April 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned Finance Docket No. 27359, for permission to lease all of the

operating rights of the Colorado and New Mexico railroad authorities to transport passengers and their baggage between Antonite, Colo., and Chama, N. Mex., a distance of 64 miles, one-way operation, with only terminals at the end points. In the opinion of the applicant, the relief sought by this application will not significantly affect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in *Ex parte No. 55 (sub-No. 4)*, Implementation-National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in *Ex parte No. 55 (Sub-No. 4)*, supra, part (b) (1)–(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 20, 1973.

By the Commission.

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

[FR Doc.73-12332 Filed 6-19-73;8:45 am]

[Notice No. 298]

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 July 10, 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–73837. By order of June 7, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to J. E. Lammert Transfer, Inc., Grand Island, Nebr., of certificate No. MC–70234, issued February 10, 1950 to J. J. Gaffney, Rockwell City, Iowa, authorizing the transportation of: Livestock, household goods as defined by the Commission, farm machinery, etc., between specified points and areas in Iowa, Illinois, Minnesota, and Nebraska. Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501, practitioner.

No. MC–FC–74501. By order of June 11, 1973, the Motor Carrier Board approved the transfer to Carmine Izzo, Rocco A. Izzo, and Salvatore C. Izzo, a partnership, doing business as Izzo Construction Co., Johnston, R.I., of certificate No. MC–95360, issued December 2, 1949, to Carmine Izzo, doing business as Izzo Construction Co., Johnston, R.I., authorizing the transportation of: Scrap metal, hard coal and coke, roadbuilding and excavation material and roadbuilding machinery from, to, and between specified points in Rhode Island, Massachusetts, and Connecticut. Russell B. Curnett, 826 Orleans Road, Harwich, Mass. 02645, applicants' representative.

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

[FR Doc.73-12328 Filed 6-19-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 15, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska docket No. 73–118–MP/O (amendment), filed April 27, 1973, published in the FEDERAL REGISTER issue of June 6, 1973, and republished as amended, this issue. Applicant: EMIL P. HUDEC, doing business as AIRPORT LIMOUSINE SERVICE, Box 271, Homer, Alaska 99603. Applicant's representative: A. Robert Hahn, Jr., 542 West Second Avenue, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and their baggage, and express*, between the Homer Airport and Homer Dock on the one hand, and motels, hotels, and other places of lodging on the other hand, within a 25 miles radius of the city of Homer, applicant also seeks to transport *passengers, their baggage, and express* having an origin or destination point outside of the State of Alaska in interstate and/or foreign commerce, and *passengers and their baggage* in charter service between Homer and the State of Alaska, originating in Homer, Alaska. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.73-12333 Filed 6-19-73;8:45 am]

[Ex Parte No. MC 19 (Sub-No. 20)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS; LIMITATIONS OF LIABILITY

Proposed Investigation and Order

JUNE 14, 1973.

At the request of Mr. Russell S. Bernhard, attorney for Household Goods Carriers' Bureau, the time for filing representations in the above-entitled proceeding has been extended from June 25, 1973, to August 27, 1973.

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

[FR Doc.73-12330 Filed 6-19-73;8:45 am]

[Suspension Docket No. 8664 (sub-No. 4)]

ECONOMIC STABILIZATION OF RATES AND CHARGES, JUNE 1973

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of June, 1973.

The President of the United States, by virtue of the authority vested in him by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended, has issued an Executive order dated June 13, 1973, providing for the freezing of prices for a maximum period of 60 days from the date of the said order at levels not greater than the highest of those pertaining to at least 10 percent of actual transactions by the seller during the period of June 1 to June 8, 1973, for like or similar commodities or services. The Executive order also provides, inter alia, that no seller shall charge and no purchaser may pay a price for any commodity or service which exceeds the freeze price as defined in the Executive order.

It appearing that there have been filed with the Interstate Commerce Commission schedules setting forth new increased rates, fares, and charges, and new rules, regulations, and practices having the effect of increasing rates, fares, and charges, applicable to movements in interstate or foreign commerce, to become effective June 14, 1973, and later;

And it further appearing, that the said schedules would, if permitted to become effective, result in rates, fares, charges, rules, regulations, or practices which would result in price increases in

violation of the Executive order described above; and good cause appearing therefor:

It is ordered, That the operation of the said schedules be and it hereby is suspended, and that the use thereof on interstate and foreign commerce be deferred for an indefinite period pending further order of this Commission, except that this paragraph does not apply to schedules voluntarily postponed prior to their effective date to a date not earlier than August 13, 1973.

It is further ordered, That neither the schedules hereby suspend nor those sought to be altered thereby shall be changed until further order of this Commission, except that rates, fares, charges, rules, regulations, and practices may be changed if such change results in a reduction below the highest level which existed during the period of June 1 to June 8, 1973.

It is further ordered, That all carriers, respondents to this order, be, and they are hereby, directed to file with this Commission supplements containing notice of suspension of all increased rates, fares, charges, rules, regulations, and practices which are subject to this order.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary and in the section of tariffs of the Interstate Commerce Commission and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER and that all carriers subject to the jurisdiction of the Interstate Commerce Commission be, and they are hereby, made respondents to this order.

By the Commission.

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

[FR Doc.73-12326 Filed 6-19-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
4219	14739
4220	15435
4221	15497
4222	15815
4223	15817
4224	15819
4225	15929
4226	15931
EXECUTIVE ORDERS:	
11722	15437
11723 (See EO 11695)	15765
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Determination of May 14, 1973	16019
Determination of May 21, 1973	16021
Reorganization Plan No. 2 of 1973	15932

5 CFR

213	14367, 14667, 15499, 15717, 16023
316	15617
531	14667
831	15717

6 CFR

102	16023
130	15821, 15935, 16027
140	15768

7 CFR

2	14944
6	15966
52	15511, 15617
210	14955
215	14956
220	14956
245	14957
401	15826
775	15439
777	14959
811	14813
831	15511
909	14814
908	14960, 15617
910	14377, 15049
911	14378, 15726
915	15511
916	15727
917	14815, 15728
944	15618
989	14959
1032	15728
1050	15728
1121	15729
1201	15440
1421	14815, 14960, 15514, 15620, 15826
1427	14816
1816	14669
1832	14820
1890	14669, 14671
PROPOSED RULES:	
22	16077
180	14691
210	14691
215	14691
220	14691
225	14691
636	14380
911	14839
915	15367
916	15450
921	15969
922	15730
923	16075
959	15080
1030	15730
1046	15519
1076	15519
1125	14839
1139	15008
1140	14963
1421	15520
1425	15521
1464	15081
1822	16077

8 CFR

214	14962

9 CFR

73	15620
76	15363
78	15717
82	14367, 16028
94	15363, 15621
97	15953
108	15499
117	15499
317	14368
318	14368
319	14741
PROPOSED RULES:	
113	15450
316	16076
319	15519, 15628

12 CFR

201	14973
211	14913
213	14913
217	16029
226	14743
531	14743
545	15440, 15621, 16029
556	16030

13 CFR

PROPOSED RULES:	
120	15533
121	14971

14 CFR

39	14369, 14671, 14744, 14820, 14821, 14914, 15364, 15441, 15500, 15501, 15830, 15831, 15943
71	14671, 14672, 14744, 14821, 15049, 15050, 15364, 15441, 15442, 15502, 15503, 15622, 15943, 16030, 16031
73	14744, 15442
75	15364
91	14672, 15622
95	14745
97	14822, 14916, 15831
103	14915
107	16031
121	14915
135	14915
233	15718
250	14822
302	15442
399	14823
PROPOSED RULES:	
25	14757
39	14759, 15523, 15851
71	14694, 14760, 14865, 15082, 15367, 15456, 15524, 15852, 16079, 16080
73	15525, 15852
75	15456, 15525
91	15526, 15852

14 CFR—Continued Page

PROPOSED RULES—Continued

93 15631
103 14963, 15852
121 14757
135 14757
207 15970
208 15970
212 15970
214 15970
241 14387
244 14866
249 14866
250 15083
288 15368
296 14866
297 14866
373 15970
378 15970
399 14695, 15368

15 CFR

30 14917
302 14748
372 15966
373 15966
376 15774

PROPOSED RULE:

9 14756, 15081
960 15588
1000 14864

16 CFR

13 14748–14750, 16036–16042

PROPOSED RULES:

302 15373

17 CFR

240 15622, 15833

PROPOSED RULES:

210 16085
240 15533
241 15533

18 CFR

2 15623, 15944
141 15833
260 15833
300 15075

PROPOSED RULES:

2 14763
154 14763
157 14763
250 14763

19 CFR

12 14677, 16044
18 14370
21 14370
153 15079
172 14370

PROPOSED RULES:

19 15080

20 CFR

401 14826
404 14826, 14827

PROPOSED RULES:

602 15969

21 CFR

1 16044
2 14678
19 15365
28 15503
121 14751, 15443, 15953
135 15444

21 CFR—Continued Page

135a 15719
135b 14828, 15050, 15444, 15833
135c 15444, 15833
141 15365
141a 14369
146 14917
146a 14369
273 14752
278 14752, 15444
308 15719

PROPOSED RULES:

191 14387, 15367
191c 15367
191d 15367

22 CFR

61 15965

23 CFR

722 15953
750 16044
790 15956
795 16056

24 CFR

42 14918
275 15051
1914 14371, 14679, 14680, 14921, 15072, 15505, 15624, 15957, 15958
1915 15073, 15625

PROPOSED RULES:

425 15631
1700 14864
1710 14864
1720 14864
1730 14864

25 CFR

161 14680

26 CFR

1 14370, 14922

PROPOSED RULES:

1 14835, 15367, 15840

27 CFR

PROPOSED RULES:

5 16075

28 CFR

0 14688

29 CFR

1910 14371, 15076, 15729
1952 15076

PROPOSED RULES:

1602 15461
1915 15522
1916 15522
1917 15522
1918 15522

32 CFR

812 14374
815 14829
1001 15506
1003 15506
1006 15506
1007 15506
1009 15506
1011 15506
1016 15507
1017 15507
1611 16059
1612 16059

32 CFR—Continued Page

1622 15626
1623 15626, 16059
1660 15627
1680 15627
3030 15507

32A CFR

Ch. IX 15365

33 CFR

117 14378, 15834
127 14378, 15049
401 15508

PROPOSED RULES:

110 15969, 15970
161 15918

36 CFR

13 15515
221 14680

PROPOSED RULES:

601 15637

37 CFR

2 14681
6 14681

PROPOSED RULES:

1 14692

38 CFR

1 15601
3 14370, 14929
21 14929, 14940

PROPOSED RULES:

21 14866

39 CFR

137 15509
601 14375

40 CFR

45 16060
46 16061
48 16062
51 15194, 15834, 15958
52 14375, 14752, 15722, 16144
85 14682, 16062
135 14040
180 14375, 14829, 15365

PROPOSED RULES:

12 15457
50 15174
51 14762
52 14387, 15180, 16171
60 15406

41 CFR

1–1 15963
5A–1 15723
7–7 15602
7–16 15602
8–7 15616
9–7 15446
29–1 15964, 15965
29–3 15964, 15965
101–4 15509
101–43 16063
101–44 16063
101–45 16063
114–60 15723, 16064

PROPOSED RULES:

8–6 14416

42 CFR — Page

84 14940

PROPOSED RULES:

57 15628

43 CFR

18 14829

PUBLIC LAND ORDERS:

778 (revoked by PLO 5446) 15838
5187 (see PLO 5346) 15838
5345 15509
5346 15838
5347 16065

PROPOSED RULES:

4 15516

45 CFR

144 15958
166 16132
167 16132
175 15959
176 15960
180 16065
190 15418
221 14375
701 15446, 16070
703 15446
1060 14940
1061 14688–14690

PROPOSED RULES:

205 15580
233 14693
249 15580
250 15580
1203 15632

46 CFR — Page

146 15510
154 15776
272 15078
278 14941
294 14942
505 14830

PROPOSED RULES:

162 15081

47 CFR

2 14685
73 14376, 15838
83 15510
89 15366, 15448
91 14685, 15448
93 15448

PROPOSED RULES.

2 14762, 15468, 15739, 15854
18 14762
21 14762, 15739
73 14762, 14970, 15739, 15856, 15971
74 14762, 15374
89 14762
91 14762, 15468
93 14762
95 15854
97 14971

49 CFR

1 15510
71 14677
99 14677, 15366
192 14943

49 CFR—Continued — Page

391 16071
393 16072
567 15961
568 15961
571 14753, 16072
1033 14753–14755, 14943, 14944, 15623, 15724, 15725
1048 15963

PROPOSED RULES:

25 15696
85 14760
173 14677, 15368
179 15368
192 14969
195 14969
217 14865
392 16080
393 16080
566 14968
567 14968
568 14968
571 14963, 14968, 15082, 16084
1003 15526
1056 15526
1207 14388
1241 14415

50 CFR

16 15448
17 14678
28 14377
32 14834
33 15627

PROPOSED RULES:

80 14839

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*
14361–14659	June 1	15429–15490	June 12
14661–14732	4	15491–15594	13
14733–14805	5	15595–15710	14
14807–14906	6	15711–15807	15
14907–15041	7	15809–15921	18
15043–15356	8	15923–16012	19
15357–15427	11	16013–16188	20

federal register

WEDNESDAY, JUNE 20, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 118

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

STATE ADULT EDUCATION PROGRAMS, SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

Financial Assistance

Title 45—Public Welfare

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

PART 166—STATE ADULT EDUCATION PROGRAMS

PART 167—SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

A notice of proposed rulemaking was published on March 9, 1972, on pages 5049 through 5058 of the FEDERAL REGISTER, inviting public comments on regulations of the Commissioner of Education prescribing certain policies and requirements with respect to financial assistance for State adult education programs and special projects and teacher training in adult education under the Adult Education Act of 1966, as amended. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. After review of the comments (summarized below) the following changes were made:

SUMMARY OF CHANGES

1. *Adult secondary education.*—Several commenters expressed strong concern that the priority established for adult basic education in the regulations was so restrictive as to rule out extension of the programs at the adult secondary level as contemplated by the 1969 amendments. Section 166.21(b) of the proposed regulations permitted the use of funds for activities related to adult education other than adult basic education only "* * * if the need for adult basic education programs in the State * * * (has been) met * * *." Commenters observed that this limitation would make it impossible for many States to offer any adult education other than adult basic education.

The matter was reconsidered in the light of those comments. While the act requires that special emphasis be given to adult basic education programs, it is not inconsistent with a rule permitting assistance for adult secondary programs in those particular school districts or other geographical areas in a State where adult basic needs have been fully met. (H.R. Rept. No. 937, 91st Cong., 2d Sess. (1970) 96.)

Accordingly, the following changes have been made in the regulations:

(1) Section 166.21(b) has been amended (a) to make possible the offering of adult secondary education if the need for adult basic education has been met in the school district or other area to be served (as opposed to having been met throughout the State), and (b) to limit, in any event, the expenditures for adult secondary education to 20 percent of the State's allotment pursuant to section 304(b) of the act.

(2) Section 166.12(b) has been amended to provide criteria which the State agency must apply in order to make the determination that the need for adult basic education has been met in a particular area or school district.

(3) Appendix A of the regulations has also been amended to require certain assurances to the effect that adult secondary education will not only be provided in compliance with the above provisions.

2. *State plan format.*—Commenters also expressed some confusion as to the format and submission requirements for the State plan for adult education as set forth in §§ 166.11 and 166.12 of the regulations. These provisions have been clarified to indicate that (1) the cover sheet and Federal-State agreement set forth in appendix A of these regulations must be submitted annually to the appropriate U.S. Regional Commissioner of Education and (2) the annual program plan for adult education, described in § 166.12, must be revised annually and may either be attached to the State-Federal agreement or incorporated by reference in that document.

3. Several technical amendments were made to the regulations in order to comply with OMB Circular No. A-102, which establishes certain uniform requirements for Federal grants-in-aid. The sections affected include §§ 166.28, 166.29, 166.30, 166.31, and 167.12, 167.13, 167.17, 167.20, 167.22, 167.23, and 167.28.

SUMMARY OF CONTENTS

1. *Definitions.*—Commenters offered suggestions for changing the definitions of the following terms:

(a) *Adult basic education.*—It was suggested that all reference to "adult basic education" be deleted and that instead the term "adult education" be substituted.

Inasmuch as the terms "adult basic education" and "adult education" were both used by the Congress in the Adult Education Act of 1966 (Public Law 89-750), and the Congress retained this distinction in the amendments to the act under Public Law 91-230 (see 20 U.S.C. 1202 (b) and (c)), the regulations continue to refer to adult basic education where appropriate.

(b) *Adult education.*—Commenters suggested broadening the definition of "adult education" to include eligibility for adults who have a certificate of graduation from a school providing secondary education but who function at a lower level of achievement. (§ 166.3(e)(1).)

The regulations reflect the requirement of section 303(b)(1) of the act which limits student participation to those persons who do not have a certificate of graduation from a school providing secondary education. (20 U.S.C. 1202(b)(1).)

(c) *Local educational agency.*—It was suggested that the requirement that local educational agencies possess administrative control and direction of "public schools" be changed to require the administrative control and direction of "adult education in the State." (§§ 166.3(i) and 167.3(j).)

These definitions are provided in section 303(e) of the act and may not be altered, as commenters proposed, by the regulations. (20 U.S.C. 1202(e).)

(d) *State educational agency.*—It was also suggested that the portion of the definition of State educational agency which requires that such agency must be "* * * responsible for supervision of adult education in public schools * * *" be changed so that the agency must be "* * * responsible for adult education in State * * *". (Sections 166.3(n) and 167.3(o).)

The definition of this term is also set forth in section 303(g) of the act and may not be altered in the regulations. (20 U.S.C. 1202(g).)

2. *Audits.*—To make certain that the State educational agency is advised that Federal auditors have the authority to examine program expenditures at both State and local levels, the sentence which sets forth this authority has not been removed from § 166.28 of the regulations, as suggested by one commenter. As indicated in the citations following the section, such authority is clearly provided in 20 U.S.C. 1205(a) (6) and (7) and 1232 (c). This section, as well as § 166.29 of the regulations, has been modified with regard to audits in order to comply with OMB Circular No. A-102, which establishes certain uniform requirements for Federal grants-in-aid.

3. *Conditions for payments to States.*—One commenter suggested that the maintenance-of-effort requirement, contained in § 166.41 of the regulations, be discontinued and that the matching requirement of Federal and non-Federal share of expenditures, § 166.32, be maintained as the only condition for payment of funds under the act. The maintenance-of-effort requirement is mandated by section 307(b) of the act and must be required of the States. (20 U.S.C. 1206(b).)

4. *Dissemination and coordination.*—The following suggestions were made regarding Part 167, "Special Experimental Demonstration Projects and Teacher Training in Adult Education": (1) That adult education practitioners be involved in the development of special projects; (2) that State agencies review special project applications and that a letter of approval be required from the State director. There is no requirement in the act for the Commissioner to require the involvement of adult education practitioners in the development of special projects. (20 U.S.C. 1208.) Nor is there authority for requiring approval of such projects by the State director as a condition of funding. However, in the past, the Commissioner has made a practice of soliciting comments upon projects from State directors of adult education in order to assist him in making his decision.

5. *Stipend and dependency allowances.*—One commenter recommended that the stipend for participants in teacher training projects be increased to $200 or more per week without provision for dependents. After careful consideration of this suggestion, it was decided that the present stipend of $75 per week and the $15 per week allowance for each

dependent should not be increased at this time.

After consideration of all such relevant matters as were presented by interested persons, the proposed regulations are hereby adopted, subject to the changes described above and reflected in the regulations set forth below.

6. *Effective date.*—These regulations shall be effective July 20, 1973.

Dated April 16, 1973.

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

Approved June 12, 1973.

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

Subpart A—General

Sec.
166.1 Purpose and scope.
166.2 Applicability of civil rights regulation.
166.3 Definitions.

Subpart B—State Plan Provisions

166.11 State plan—general.
166.12 Program for use of grants.
166.13 Program requirements and criteria.
166.14 Certification of the State plan.
166.15 Amendment of State plan.
166.16 Approval of State plan.

Subpart C—Federal Financial Participation

166.21 Custody and use of Federal funds.
166.22 Effective date of allowable expenditures.
166.23 Availability of funds.
166.24 Application of State rules.
166.25 Payments by State agency.
166.26 Proration of costs.
166.27 Adjustments.
166.28 Audits.
166.29 Retention of records.
166.30 Obligation of Federal appropriations.
166.31 Termination of program.
166.32 Federal and non-Federal share of expenditures.
166.33 Eligible costs.
166.34 Computation of allowable expenditures.
166.35 Use of funds for sectarian or religious purposes.
166.36 Tuition and fees.

Subpart D—Payments and Reports

166.41 Conditions for payments to States.
166.42 Withholding of payments.
166.43 Method of payment.
166.44 Effect of Federal payments.
166.45 Reallotments.
166.46 Disposition of unexpended Federal funds.
166.47 Reports.

APPENDIX A

AUTHORITY: The provisions of this Part 166 issued under 84 Stat. 159–164, 20 U.S.C. 1201–1211.

Subpart A—General

§ 166.1 Purpose and scope.

(a) *Purpose.* The purpose of the regulations in this part is to implement the provisions of the Adult Education Act which provides Federal assistance to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

(b) *Scope.* The scope of the regulations in this part covers grants to States for adult basic education and other adult education programs pursuant to section 304(b) of the Act. The regulations in Part 167 will govern Federal assistance for special projects and teacher training in adult education pursuant to section 309 of the Act. (20 U.S.C. 1201)

§ 166.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d, et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of that title; and the State plan shall contain an assurance to this effect. (20 U.S.C. 1231e and 42 U.S.C. 2000d, et seq.)

§ 166.3 Definitions.

(a) "Academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(b) "Act" means the Adult Education Act (title III of the Elementary and Secondary Education Amendments of 1966, as amended by title III of Public Law 91–230, 20 U.S.C. 1201–1211).

(c) "Adult" means any individual who has attained the age of 16 and is not currently required to be enrolled in a school offering elementary and/or secondary education.

(d) "Adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(e) "Adult education" means academic education, services, or instruction below the college level (which, for purposes of this definition, means at or below the 12th grade level) for adults who—

(1) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) Are not currently required to be enrolled in schools.

(f) "Commissioner" means the U.S. Commissioner of Education, Department of Health, Education, and Welfare.

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30, and is designated by the calendar year in which the fiscal year ends.

(i) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(j) "Private nonprofit agency" means an agency, organization, or institution no part of whose net earnings may legally inure to the benefit of any private shareholder or individual.

(k) "Public agency" means an entity established by a State or a political subdivision thereof supported in whole or in part by public funds, and administered and controlled by publicly elected or appointed officials.

(l) "School or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(m) "State" includes the District of Columbia, and (except for the purposes of section 305(a) of the Act) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(n) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of the Act by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of the Act by the Governor. (20 U.S.C. 1202 and 1210)

Subpart B—State Plan Provisions

§ 166.11 State plan—general.

(a) *Purpose.*—The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 166.1, and to provide the basis on which

Federal payments to the State under this part are made. State agencies desiring to participate under the Act shall submit to the Commissioner a State plan which shall meet the requirements of section 306(a) of the Act and the regulations in this subpart 90 days after the effective date of these regulations.

(b) *Format.*—The State plan shall consist of three parts: The cover sheet, the State-Federal agreement (the texts of which are attached as app. A of this part) and the annual program plan for the use of grants (provided for in § 166.12). Both the cover sheet and the State-Federal agreement are to be submitted annually to the Commissioner of Education through the appropriate U.S. Regional Commissioner of Education prior to the beginning of each fiscal year. The annual program plan shall be (1) revised each year to reflect proposed activities for the ensuing fiscal year, and (2) attached to the State-Federal agreement or incorporated by reference and be available at the designated location for inspection by the Commissioner. (20 U.S.C. 1205(a).)

§ 166.12 Program for use of grants.

(a) *General.*—The State shall develop an annual program for the use of grants made available to the State under section 304(b) of the act to pay the Federal share of the cost of establishing or expanding adult basic education programs and adult secondary education programs to be carried out by local educational agencies and private nonprofit agencies in the State. The program shall meet the requirements of the act, the regulations in this part, the State-Federal agreement set forth in appendix A to this part, and the annual program plan; and shall be developed in accordance with the program requirements and criteria established by the State pursuant to § 166.13.

(b) *Content.*—The annual program plan shall contain a statement of the policies, procedures, criteria, and priorities to be followed by the State agency in approving local educational agency programs which will assure substantial progress (with respect to all segments of the adult population and all areas of the State) in the establishment or expansion of adult basic education and adult secondary education programs. Such criteria and priorities shall be designed to assure that first priority will be given to programs which provide for instruction in speaking, reading, or writing the English language for persons functioning at the fourth grade level or below. Second priority will be given to such instruction for persons functioning above the fourth and through the eighth grade level. Third priority will be given to such instruction for persons functioning above the 8th and through the 12th grade level or its equivalency.

(1) In determining whether the need for adult basic education has been met in a particular school district or other area the State agency shall consider, among other factors: (i) The degree to which the responsible educational agency has made available the opportunity for all adults functioning below the eighth grade level to participate in adult basic education programs; (ii) the degree to which the responsible educational agency has utilized the most recent State and county statistical and census information regarding adult educational attainment.

(2) State agencies shall advise the Commissioner in accordance with reports required pursuant to § 166.47 concerning its determination with regard to the need for adult basic education and the basis therefor prior to allotting any Federal funds for adult secondary education. (20 U.S.C. 1205(a).)

§ 166.13 Program requirements and criteria.

(a) The State agency shall not approve a program application unless it determines that the program will (1) utilize qualified administrative personnel and instructional staff, and adequate facilities, equipment, materials, and guidance and counseling services; (2) provide for effective recruitment and retention of adults in adult education programs; and (3) provide for effective administration and supervision to assure efficient and economical operation in providing an adequate learning environment.

(b) In developing the criteria referred to in § 166.12, the State agency shall give consideration to factors such as the following:

(1) Whether and to what extent a program will serve adults in those geographic areas of the State which have high concentrations of adults in need of basic education;

(2) Whether and to what extent a program will serve adults with the greatest basic education deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(3) Whether and to what extent a program has been planned and/or will be conducted in cooperation with Community Action programs, Work Experience programs (WIN), VISTA, Work-study programs, Manpower Development and Training programs, Vocational and Career Education programs, Model Cities, and other programs relating to the anti-poverty effort;

(4) Whether and to what extent a program will provide health information and services to the extent available through cooperative arrangements with State health authorities;

(5) Whether and to what extent a program will provide for the use of personnel in college work-study programs, VISTA, and other antipoverty programs;

(6) Whether and to what extent a program incorporates the results of research or techniques which have been proven effective;

(7) Whether and to what extent a program incorporates innovative or imaginative instructional methods; and

(8) Whether and to what extent consideration is given to the findings and recommendations of recent independent evaluation reports available to and/or sponsored by the State agency. (20 U.S.C. 1205(a))

§ 166.14 Certification of the State plan.

The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all plan provisions and amendments thereto are consistent with State law. He shall further certify the official title of the officer authorized to submit the State plan; that the State agency named in the plan has authority under State law to submit the State plan; that the State Treasurer (or, if there be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the State plan. (20 U.S.C. 1205(a))

§ 166.15 Amendment of State plan.

The State plan shall be amended to reflect any changes in pertinent State or Federal law and policies, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Notification of such amendments will be submitted and certified in the same manner as the State plan. (20 U.S.C. 1205(a))

§ 166.16 Approval of State plan.

(a) *Governor's comments.* Prior to the submission to the Commissioner of any State plan under this subpart, or of any amendment thereto, the State educational agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan (or amendment) to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments. Any such comments, or, if the Governor makes no comments, a statement to that effect, shall be attached to such plan or amendment when the same is submitted to the Commissioner. (OMB Circular A-95)

(b) *Approval by the Commissioner.* The Commissioner will not approve a State plan or amendment thereto unless he determines that the plan or amendment complies with all applicable provisions of the Act and these regulations. The Commissioner will not finally disapprove a State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing. (20 U.S.C. 1205 (a) and (b))

Subpart C—Federal Financial Participation

§ 166.21 Custody and use of Federal funds.

(a) *Custody.*—The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act.

(b) *Use.*—All Federal funds (and State and/or local funds necessary to earn such Federal funds) shall be expended in accordance with the requirements of

the act, the regulations in this part, and the State plan, and only for programs, services, and activities related to adult education. The State plan shall set forth a program for the use of grant funds in accordance with § 166.12, which affords assurance that, in all areas of the State, priority shall be given to adult basic education needs. Funds available under this part may be used to assist in establishing or carrying out adult education programs other than adult basic education programs only where the need for adult basic education has been met in the school district or other area to be served by such programs. No more than 20 percent of the funds available to a State under this part for a fiscal year shall be used for carrying out in such State adult education programs other than adult basic education programs. (20 U.S.C. 1201, 1203(b), 1205(a)(1), (8), Senate Rept. No. 634, 91st Cong., 2d Sess. 71 (1970).)

§ 166.22 Effective date of allowable expenditures.

Federal financial participation under the Act shall be available only with respect to amounts expended after the effective date of the State plan, which shall be the date on which the State plan is submitted in substantially approvable form, but in no case earlier than July 1 of the fiscal year for which it is submitted. (20 U.S.C. 1205)

§ 166.23 Availability of funds.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by the State and local educational agencies and other participating agencies only during such fiscal year.

(b) A use of funds under the Act by such agencies shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, such a use of funds shall be determined on a basis which is not inconsistent with State and local laws, rules, regulations, and customs.

(c) Notwithstanding paragraphs (a) and (b) of this section, any funds allotted to the States to carry out the programs under the Act for any fiscal year ending prior to July 1, 1973, which are not used prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for use by State and local educational agencies and other participating agencies during such succeeding fiscal year, provided that such carryover funds as may be available are accurately reflected and assigned for use in the proposed budget for the next fiscal year. (20 U.S.C. 1204(a), 1211, and 1225(b))

§ 166.24 Application of State rules.

Subject to the provisions and limitations of the Act and regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof. (10 Comp. Gen. 948)

§ 166.25 Payments by State agency.

Payments may be made by the State agency to local educational agencies and other participating agencies for activities under the State plan in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments. (20 U.S.C. 1232d)

§ 166.26 Proration of costs.

Only costs attributable to the carrying out of the provisions of the State plan are allowable costs. To cover situations where an expenditure is only partly attributable to an eligible purpose or activity under the State plan or where an expenditure is attributable to two or more eligible purposes or activities, each State agency and other participating agencies shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, and equipment. (20 U.S.C. 1232c)

§ 166.27 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's financial reports filed with the Commissioner. (20 U.S.C. 1205(a)(6) and 1232c)

§ 166.28 Audits.

(a) *Federal audits.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program. The program may be audited at both State and local levels by the Federal auditors. The extent of audits at local agencies will depend upon the adequacy of State agency controls, including project review and approval procedures, the scope and frequency of program reviews, and audits by State or local auditors. Decisions regarding the necessity for, and the scope of, audits at the local level will be made by the Federal audit agency. The State agency will be advised whenever local audits are planned.

(b) *State fiscal control and audit.*—(1) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(2) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size, and complexity of the activity.

(3) Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. The results of such audits will be used to review State agency records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits. (OMB Circular No. A–102, attachment G, 2, attachment C, 1; 20 U.S.C. 1232c(b)(2) and 1205(a)(6) and (7).)

§ 166.29 Retention of records.

(a) *Records.*—Each State agency and other recipient shall keep intact and accessible all records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of submission of the annual expenditure report to the State agency. (2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute mircrofilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient. (OMB Circular No. A–73; OMB Circular No. A–102, attachment C; 20 U.S.C. 1232c(a).)

§ 166.30 Obligation of Federal appropriations.

The notification by the Commissioner to State agencies and Federal agencies of the amounts made available for approval or obligation by those agencies will be regarded as obligating the Government of the United States in the amounts specified. (31 U.S.C. 200.)

§ 166.31 Termination of program.

If a State desires at any time not to participate in a Federal program, or upon termination of the program, the State shall refund to the Federal Government any unexpended or unobligated funds which have been paid to the State agency under such Federal program. (20 U.S.C. 1232d.)

§ 166.32 Federal and non-Federal share of expenditures.

(a) *Federal share.* The Federal share of expenditures incurred under the State plan and payable to the States from their allotments shall not exceed 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

(b) *Non-Federal share.* The non-Federal share of expenditures under the State plan shall be the difference between the Federal share meeting the requirements of paragraph (a) of this section and the total expenditures for the purposes for which the Federal share is paid. The non-Federal share of expenditures under the State plan may be computed on a statewide basis; and may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the Act and do not inure to the personal benefit of any donor. (20 U.S.C. 1206(a))

§ 166.33 Eligible costs.

(a) Funds under the Act may, at the discretion of the State agency, be applied to expenditures in categories such as the following which are attributable to the activities under the State plan:

(1) Salaries, wages, and other personnel service costs of permanent and temporary staff employees, members of advisory groups and consultants for the performance of services reasonably related to programs, services; and activities under the State plan, including

(i) The costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and

(ii) Payments for leave earned with respect to such services, including educational leave:

Provided, That such leave is approved in advance by the State agency and is in conformity with the policy of the State. The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible;

(2) Fees, tuition charges, or other payments for the education or training of employees whether or not on educational leave, while attending courses, workshops, conferences, or seminars, approved in advance by the State agency for the benefit of programs, services, and activities under the State plan;

(3) Travel and transportation expenses to the extent necessary for and attributable to programs, services, and activities under the State plan, and in accordance with State laws and regulations, but in no case in excess of the costs of transportation by common carrier or, in the absence of suitable transportation by common carrier, in excess of reasonable rates established by the State for transportation by official or private conveyance;

(4) Acquisition, maintenance (including insurance) and repair of equipment, supplies, teaching aids, and other materials;

(5) Production and acquisition of printed and published materials, including records, films, tapes, and other media material;

(6) Communications, utilities, and custodial services;

(7) Minor remodeling and alterations in previously completed building space to the extent that such costs are not included in rental; and

(8) Rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if:

(i) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program;

(ii) The State agency or other participating agency will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(iii) The amounts paid by the State agency or other participating agency are not in excess of comparable rental in a particular locality;

(iv) Expenditures represent a current cost to the State agency or other participating agency; and

(v) In publicly owned buildings like charges are made to other agencies occupying similar space for similiar purposes. (20 U.S.C. 1203(b))

§ 166.34 Computation of allowable expenditures.

Allowable expenditures referred to in § 166.33 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Office of Management and Budget Circular No. A–87 and implementing instructions of the Department. (20 U.S.C. 1203(b))

§ 166.35 Use of funds for sectarian or religious purposes.

No payment may be made from a State's allotment under the Act for any program, service, or activity related to sectarian instruction or religious worship, or provided by a school or department of divinity, as defined in § 166.3(l). An institution which has a school, branch, department, or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in programs, services, or activities under this part if the program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the program, service, or activity is not related to sectarian instruction or religious worship. (20 U.S.C. 1210)

§ 166.36 Tuition and fees.

(a) Adults enrolled in an adult basic education program conducted under this part may not be charged tuition, fees, or any other charges; or be required to purchase any books or any other materials.

(b) Tuition and fees, if any, collected from students enrolled in other adult education programs, may not be included as part of the Federal or non-Federal expenditures under the State plan. (20 U.S.C. 1203(b))

Subpart D—Payments and Reports

§ 166.41 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file a State plan which was adopted by the State agency and approved by the Commissioner; and

(b) The State has certified to the Commissioner that there will be available for expenditure by the State, including its political subdivisions, for adult education from non-Federal sources during the fiscal year for which the allotment is made an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year. No State will be required to use its funds to supplant any portion of the Federal share. (20 U.S.C. 1205 and 1206)

§ 166.42 Withholding of payments.

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State agency that no further payments will be made to the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State agency that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements. (20 U.S.C. 1207(a))

§ 166.43 Method of payment.

(a) Payment of Federal funds to States having approved State plans will ordinarily be accomplished through the DHEW–OE letter-of-credit procedures. (See "Instructions to Recipient Organizations for Use of Letter-of-Credit," issued by the Department of Health, Education, and Welfare; "Letter-of-Credit," Supplement No. 1, Revised August 30, 1968, issued by the Office of Education, DHEW, plus supplemental special memoranda concerning the payment system.) Payment vouchers may be issued by the States as often as necessary to procure cash to meet current disbursement needs only and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local agency levels.

(b) Continued authorization for a State to utilize the letter-of-credit payment method is dependent upon the appropriate use thereof and the furnishing of accurate report data on a timely basis. (20 U.S.C. 1206(a))

§ 166.44 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan, the issuance of a letter of credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or order, either before or after such administrative action respecting payment.

(b) *Settlement of accounts.* The final amount to which a State is entitled for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized. (20 U.S.C. 1206 and 1207(a))

§ 166.45 Reallotments.

The amount of any State's allotment for any fiscal year under section 305(a) of the Act which the Commissioner determines will not be required in the period during which such allotment is available for carrying out that State's plan may be reallotted by the Commissioner on such dates during such period as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 305 (b) of the Act. Any amounts reallotted shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plan, and (b) such other information as he may have available. Any amounts reallotted shall be deemed part of the State's allotment for that fiscal year. (20 U.S.C. 1204(b))

§ 166.46 Disposition of unexpended Federal funds.

Whenever the Commissioner determines through review of the expenditures report filed by the States that any portion of an allotment to any State under the Act has not been used in the State for the purposes of the Act, and has not been reallotted to other States pursuant to § 166.45 in the period during which such allotment was available, the unused portion will be deobligated. Federal expenditures reported in any fiscal year cannot exceed the amount of the grant awards. Payment of Federal funds due because of expenditures in any fiscal year shall be made to reimburse the States prior to payment of any Federal funds in suceeding fiscal year. (20 U.S.C. 1203(b))

§ 166.47 Reports.

The State agency shall submit at such times, in such form, and in accordance with procedures established by the Commissioner an annual report concerning the conduct of adult education activities under the State plan for the preceding fiscal year. Such report shall consist of two parts: Fiscal and statistical.

(a) *Fiscal report.* The fiscal report shall set forth the total receipts and expenditures of Federal funds for that year. The report shall show that the Federal funds expended in the State have been matched by the non-Federal share, if any, required for such allotment, that the maintenance-of-effort requirement set forth in § 166.41(b) has been met, and that all other conditions and requirements of the Act of a fiscal nature have been satisfied. All expenditures of non-Federal funds which meet the requirements of the Act, the regulations in this part, and the State plan and which are eligible for Federal financial participation under the Act shall be included, whether or not such expenditures are required for inclusion in the non-Federal share under the State's allotment.

(b) *Statistical report.* The statistical report shall include supporting data with respect to programs, services, and activities under the State plan for which expenditures of funds are reported in the fiscal report.

(c) *Other reports.* Within 15 days after the State agency's approval of a grant under section 306(a)(4) of the Act for special projects, teacher training, and research, the State agency shall forward to the Commissioner an information copy of the approved proposal for which the grant was made. The State agency shall, upon his request, submit to the Commissioner copies of final reports of programs or projects conducted by grantees under section 306(a)(4) of the Act. (20 U.S.C. 1205(a)(6))

APPENDIX A

COVER SHEET

☐ State Plan for Adult Education Programs under Adult Education Act.

☐ Amendment to State Plan for Adult Education Programs under Adult Education Act.

Submitted by the State of _____ in accordance with the provisions of the Adult Education Act and the Regulations promulgated thereunder.

Submitted by _____
(Name of State agency)

on _____
(Date)

By _____
(Authorized official)

_____
(Title)

To be completed by the Office of Education:

Date on which plan or amendment is effective: _____.

Approval recommended _____
(Regional Commissioner)

_____
(Date)

Concurred _____

Concurred _____
(Deputy Commissioner for Occupational and Adult Education)

_____
(Date)

Approved _____
(U.S. Commissioner of Education)

_____
(Date)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

STATE PLAN

(State-Federal Agreement)

Adult Education Act (Public Law 91-230)

The _____
(Officially designated State agency)
of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this State plan which serves as an agreement between State and Federal Governments under the Adult Education Act, for which Federal funds are being requested for the fiscal year ending June 30, 19__, will be administered in accordance with the following provisions:

(1) The State Agency will administer, or supervise the administration of, the program authorized by the Act; and has adequate fiscal and legal authority to do so (certificate of legal authority attached);

(2) The State Agency has entered into cooperative arrangements with the State Health Authority, authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act;

(3) The State Agency will provide for grants to public and private nonprofit agencies for special projects, teacher training, and research;

(4) The State Agency will cooperate with Community Action programs, Work Experience programs, VISTA, Work Study, Model Cities, and other programs relating to the antipoverty effort;

(5) The State Agency will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes;

(6) The State Agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him;

(7) The State Agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to local educational agencies and private nonprofit agencies under this State plan);

(8) The State Agency will insure that special emphasis will be given to adult basic education programs except where such needs can be shown to have been met in the State;

(9) The State Agency will provide such further information and assurances as may be required by applicable regulations; and

(10) The State Agency has available from non-Federal sources for expenditure for adult education, in the fiscal year for which the allotment is made, an amount not less than the amount expended for such purpose from such sources during the preceding fiscal year;

(11) Assurance is hereby given that in accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulation issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80) no individual shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this plan.

The State Agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph of this statement. A copy of such methods of administration and any amendments thereto will be submitted to the regional office of the Department of Health, Education, and Welfare for determination as to adequacy. The State Agency will amend its methods of administration from time to time as necessary to carry out the purposes for which this statement is given.

The State Agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement, and that the United States shall have the right to seek administrative and judicial enforcement thereof.

(12) This State plan has been submitted to the Governor for his review; and his comments, or a statement that no comments have been made, is attached. Any amendment to this plan, as well as other periodic reports required under the program, will also be submitted for the Governor's review; and comments, if any, will accompany the amendments or other required program materials when they are submitted to the U.S. Office of Education.

(13) Assurance is hereby given that if adult education other than adult basic education is to be provided in any geographical area or school district in the State that the need for adult basic education in such area or school district has been met as determined in accordance with the criteria specified in § 166.12(b).

(14) The program for the use of grants has been developed by the State Agency in accordance with section 306 of the Act and affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State toward carrying out the purpose of the Act and applicable regulations.

Such program for use of grants is set forth in ----------;

(Name of existing identifiable document) which is hereby incorporated by reference and (attached hereto) (available for inspection by the Commissioner) at the

----
(State Agency)

(Address)

By: ----------
(Signature of authorized official)

---------- ----------
(Date) (Title)

Sec.
167.1 Applicability.
167.2 Applicability of civil rights regulation.
167.3 Definitions.
167.4 Eligible projects.
167.5 Eligible applicants.
167.6 Applications for grants.
167.7 Review of applications.
167.8 Disposition of applications.
167.9 Payment procedure.
167.10 Amount of grant.
167.11 Duration of the program or project.
167.12 Limitation on costs.
167.13 Audits.
167.14 Program accountability and evaluation procedures.
167.15 Allowable costs.
167.16 Stipends and travel allowances for teacher-training participants.
167.17 Retention of records.
167.18 Reports.
167.19 Publications.
167.20 Final accounting.
167.24 Service contracts.
167.25 Changes in key personnel.
167.26 Dual compensation.
167.27 Interest on grants.

AUTHORITY: The provisions of this Part 167 issued under 84 Stat. 163; 20 U.S.C. 1201–1211.

§ 167.1 Applicability.

(a) The regulations in this part apply to grants by the U.S. Commissioner of Education for special experimental demonstration projects in adult education under subsection (b), and teacher training under subsection (c), of section 309 of the Adult Education Act. The Commissioner is also authorized to provide teacher training (directly or by contract) under section 309(c).

(b) The regulations in Part 166 apply to grants to States for adult basic education and adult education programs pursuant to section 304(b) of the Act. (20 U.S.C. 1203)

§ 167.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d, et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title. (20 U.S.C. 1231e and 42 U.S.C. 2000d, et seq.)

§ 167.3 Definitions.

As used in this part:

(a) "Academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(b) "Act" means the Adult Education Act (title III of the Elementary and Secondary Education Amendments of 1966, as amended by title III of Public Law 91–230, 20 U.S.C. 1201–1211).

(c) "Adult" means any individual who has attained the age of 16.

(d) "Adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(e) "Adult education" means academic education, services, or instruction below the college level (which, for purposes of this definition, means at or below the 12th-grade level) for adults who—

(1) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) Are not currently required to be enrolled in schools.

(f) "Commissioner" means the U.S. Commissioner of Education, Department of Health, Education, and Welfare.

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30, and is designated by the calendar year in which the fiscal year ends.

(i) "Institution of high education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond high school.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree;

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(iii) A 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

(4) It is a public or other nonprofit institution.

(5) It is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That in the case of an institution offering a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(j) "Local educational agency" means a public board of education or other public authority legally constituted within

a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(k) "Private nonprofit agency" means an agency, organization, or institution no part of whose net earnings may legally inure to the benefit of any private shareholder or individual.

(l) "Public agency" means an entity established by a State or a political subdivision thereof supported in whole or in part by public funds, and administered and controlled by publicly elected or appointed officials.

(m) "School or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

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

(o) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of the Act by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of the Act by the Governor. (20 U.S.C. 1202 and 1210)

§ 167.4 Eligible projects.

Funds available under section 309 of the Act may be used by the Commissioner for the following purposes:

(a) Grants for special experimental demonstration projects to be carried out in furtherance of the purposes set forth in section 302 of the Act, and which

(1) Involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under the Act, or

(2) Involve programs of adult education carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) Grants to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes set forth in section 302 of the Act. (20 U.S.C. 1208)

§ 167.5 Eligible applicants.

(a) *Special projects.* The following categories of agencies and institutions are eligible for grants under this part for special experimental demonstration projects:

(1) Local educational agencies; and

(2) Other public or private nonprofit agencies, including educational television stations.

(b) *Teacher training.* The following categories of agencies and institutions are eligible for grants under this part for teacher training:

(1) Institutions of higher education;

(2) State educational agencies;

(3) Local educational agencies; and

(4) Other appropriate public or private nonprofit agencies and organizations.

(c) *Ineligible applicants.* The following are not eligible for any grants under this part:

(1) Individuals; or

(2) Any school or department of divinity. (20 U.S.C. 1205 and 1210)

§ 167.6 Applications for grants.

(a) Any applicant eligible for a grant under § 167.5 may file on or before the cutoff date or dates announced by the Commissioner for each fiscal year an application for either a special experimental demonstration project, or a teacher-training project, or both. A separate application must be submitted for each type of proposed project. Such application shall be in accordance with such forms and instructions as may be prescribed by the Commissioner, and shall contain—

(1) The name, title, and qualifications of the project director who will be responsible for the project;

(2) A full statement of the services to be rendered and objectives to be achieved;

(3) The portion of the project cost to be borne by the applicant (which in the case of special experimental demonstration projects shall be at least 10 percent wherever feasible and not inconsistent with the purposes of this part);

(4) Such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant, which meet the requirements of § 167.13;

(5) Such program evaluation and accountability procedures as may be necessary to assure that the purposes of the project are being accomplished and which meet the requirements of § 167.14;

(6) An assurance that no fees or charges will be collected from students as a condition of enrollment in, participation in, completion of, or receipt of academic credit for, or with respect to, any training or instruction offered in the project; and

(7) Such other pertinent information and assurances as the Commissioner may require.

(b) The application shall be executed by an individual authorized to act for the applicant. Applications and requests for information shall be sent to: Division of Adult Education Programs, Bureau of Adult, Vocational, and Technical Education, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1208 and 1232c)

§ 167.7 Review of applications.

(a) *General.* The Commissioner will not approve any application for a grant under this part unless and until such application has been reviewed by the Commissioner in accordance with such procedures as he may establish. Such review will take into account the extent to which there is a continuing need for adult basic education in the area in which the program is to be carried out and the factors specified in paragraphs (b) and (c) of this section.

(b) *Special projects.* The Commissioner will not approve an application for a special project grant unless he determines that the project is soundly designed and has educational significance, that the applicant will utilize competent and adequate personnel, both professional and administrative, that the applicant has and will make available adequate facilities to insure successful operation of the proposed project, and that there will be effective administration and supervision of the project sufficient to assure efficient and economical operation. In evaluating applications for special project grants, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the project involves the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs to encourage and expand adult education;

(2) Whether and to what extent the project is to be carried out in cooperation with other Federal, federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies;

(3) Whether and to what extent the project has unusual promise in establishing or improving adult education;

(4) Whether and to what extent the project is related to and is carried out in conjunction with a teacher-training project in adult education;

(5) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations in order to determine the status and progress of the project in terms of its over-all objective; and

(6) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of adult education programs.

(c) *Teacher-training projects.* The Commissioner will not approve an application for a teacher-training grant

unless he determines that the project is soundly designed and has educational significance, that the applicant will utilize competent and adequate personnel, both professional and administrative, that the applicant has and will make available adequate facilities to insure successful operation of the proposed project, and that there will be effective administration and supervision of the project sufficient to assure efficient and economical operation. In evaluating applications for teacher-training grants, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the teacher-training project will include training in the utilization of innovative methods, systems, materials, or programs;

(2) Whether and to what extent the teacher-training project will meet local needs;

(3) Whether and to what extent the teacher-training project can be expected to meet needs for teachers of adult education beyond the geographic region in which the applicant is located;

(4) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations of the teacher-training project;

(5) Whether and to what extent the teacher-training project is related to and carried out in conjunction with a special project under this Act; and

(6) Whether and to what extent the teacher-training project is coordinated with the adult education program being sponsored under the State plan of the State in which the applicant is located or of any other State from which trainees are drawn or to which trainees may be expected to return.

§ 167.8 Disposition of applications.

On the basis of his review of an application pursuant to § 167.7, the Commissioner will either (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further review. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. The grant award document will incorporate the grant terms and conditions in accordance with the regulations in this part and will include such other provisions as are appropriate. (20 U.S.C. 1208)

§ 167.9 Payment procedure.

Federal payments pursuant to a grant under this part may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the project, and in accordance with the applicable requirements of these regulations and the terms and conditions of the grant award. Ten percent of the grant amount may be withheld pending receipt of program and fiscal reports required by § 167.18 (a) and (b) when there is a consistent pattern of failure on the part of the grantee to file such reports on a timely basis. (20 U.S.C. 1208 and 1232d)

§ 167.10 Amount of grant.

The amount of the grant shall be set forth in the grant award document. The total cost to the Government for the performance of the program or project will not exceed the amount set forth in the grant award document or any appropriate modification thereof. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless or until the Commissioner has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document pursuant to § 167.12. Such revised amount shall thereupon constitute the revised total cost of the performance of the program or project. (20 U.S.C. 1208)

§ 167.11 Duration of the program or project.

(a) All funds received by the grantee with respect to each grant shall remain available for obligation and/or expenditure during the budget period specified in the grant award document or until otherwise terminated in accordance with § 167.21. Such period may be extended by revision of the grant without additional funds pursuant to paragraph (b) of this section.

(b) When it is determined that special or unusual circumstances will delay the completion of the program or project beyond the period for which the grant is awarded, the grantee shall in writing request the Commissioner to extend such period and shall indicate the reasons therefor.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, teacher-training projects shall be not less than 1 week or 40 hours of instruction in duration. (20 U.S.C. 1208)

§ 167.12 Limitation on costs.

The amount of the award shall be set forth in the grant award or contract document. The total cost to the Federal Government will not exceed the amount set forth in grant award or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award or contract document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant or contract. (31 U.S.C. 200.)

§ 167.13 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits. (20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G,2, attachment C,1.)

§ 167.14 Program accountability and evaluation procedures.

Each program or project proposal may include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. If such plan is included, it should describe the steps by which the grantee will

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant. (20 U.S.C. 1208)

§ 167.15 Allowable costs.

(a) Except as otherwise indicated in paragraph (b) of this section, allowable costs for any approved grant shall be determined in accordance with, and governed by, the principles and procedures set forth in the following documents and any other Federal requirements concerning cost determination as may be applicable:

(1) Office of Management and Budget Circular No. A-21 and implementing instructions of the Department, if the grantee is an educational institution;

(2) Office of Management and Budget Circular No. A-87 and implementing instructions of the Department, if the grantee is a State or local government organization;

(3) Exhibit X-2-66-1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the grantee is a hospital; or

(4) Exhibit X-2-68-1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the grantee is a nonprofit agency or institution other than a hospital or an educational institution, or a State or local government organization.

(b) With respect to training programs—

(1) There may be included in direct costs for payments to training program participants only those allowances provided for in § 167.16,

(2) Indirect costs incurred by grantees other than State and local governmental entities shall be based on actual indirect

costs or a fixed rate of 8 percent of allowable direct costs (including the allowances referred to in subparagraph (1) of this paragraph), whichever is less, and

(3) For States and locals, the actual indirect cost rate as approved by the Department of Health, Education, and Welfare, Office of Grants Administration Policy.

(c) Travel allowances to other than training program participants shall be paid in accordance with applicable State and local laws and regulations and agency and institutional practices. If there are no such applicable laws, regulations, and practices, travel cost shall be in accordance with the Standardized U.S. Government Travel Regulations (Office of Management and Budget Circular No. A–7). No foreign travel will be authorized under the grant unless prior approval is obtained from the Commissioner. (20 U.S.C. 1208)

§ 167.16 Stipends and travel allowances for teacher-training participants.

(a) Subject to the conditions set forth therein, the grant award document may provide that teacher-training participants will upon application therefor receive subsistence allowances from the grantee, which shall not exceed:

(1) The sum of $75 per week (as defined in § 167.11(c)) in the case of a training program lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in accordance with departmental policy contained in Grants Administration Manual, Chapter 3–140 in the case of a training project lasting longer than 8 weeks; plus

(2) The sum of $15 per week for each dependent of a trainee attending a training program lasting no longer than 8 weeks. If the training period exceeds 8 weeks, the amount of the dependency allowance must be in accordance with departmental policy contained in Grants Administration Manual, Chapter 3–140. For purposes of this part, a dependent shall be deemed to be an individual who receives, or is treated for Federal income tax purposes as having received, one-half or more of his support from the trainee and is either (i) his spouse or (ii) a person for whom the trainee receives a deduction for personal exemption for Federal income tax purposes.

(b) Any amounts received under any other Federal grant program (except veterans, widows, and war orphans' educational assistance under title 38, United States Code) shall be set off against the amount which a trainee would be otherwise eligible to receive under this program. A trainee shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program; and neither the amount of such loan nor any Federal interest payment made during the period covered by his traineeship award shall be deducted from the amount a trainee is entitled to receive under this part.

(c) Allowances may also be paid for participant travel cost for one round trip between each participant's home and the place at which the training program is conducted. Such allowance shall not exceed 8 cents per mile by private transportation or the tourist air or coach rail rate by common carrier, but the total cost of travel by private conveyance may not exceed the common carrier cost of such travel. (20 U.S.C. 1208, 26 U.S.C. 151, and 38 U.S.C. 1781)

§ 167.17 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report. (2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient. (OMB Circular No. A–73; OMB Circular No. A–102, attachment C; 20 U.S.C. 1232c(a).)

§ 167.18 Reports.

The grantee shall submit the reports indicated in paragraphs (a) through (d) of this section, and such other reports as may be provided for in the grant award document or as may be required by the Commissioner from time to time in order to carry out his responsibilities under the Act:

(a) Periodic project status reports containing such information as the Commissioner may require;

(b) A final project report to be submitted at the conclusion of the project containing such information as the Commissioner may require;

(c) A final accounting report required by § 167.28; and

(d) A report of the evaluation conducted in accordance with § 167.14. (20 U.S.C. 1208)

§ 167.19 Publications.

(a) Material produced as a result of any program or project supported with grants under this part may be published without prior review by the Commissioner in accordance with paragraph (b) of this section: *Provided*, That (1) 15 copies of such material shall be furnished to the Commissioner; (2) that no such material may be published for sale without the prior approval of the Commissioner, which approval shall be subject to such requirements as he deems appropriate; and (3) that no motion pictures for viewing by the general public shall be produced without prior clearance by the Department. All such published material shall contain the following statement:

> The (program) (project) presented or reported herein was performed pursuant to a grant from the U.S. Office of Education, Department of Health, Education, and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(b) All printing or duplicating authorized under a grant under this part shall be subject to the restrictions and limitations contained in the current issue of the "Printing and Binding Regulations," published by the Joint Committee on Printing, Congress of the United States. (20 U.S.C. 1208)

§ 167.20 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient. (20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

§ 167.24 Service contracts.

The grantee may enter into contracts or agreements for the provision of part of the services to be provided under the grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate the regulations of this part and other applicable Federal requirements, describe the services to be provided for the agency or institution, and contain provisions assuring that the grantee will retain supervision and administrative control over the provision of services under the contract or agreement. Services to be provided by contract or agreement pursuant to this section shall be specified in the program or project proposal or in an amendment thereto, and the proposed contract or agreement shall be submitted to the Commissioner for prior approval. (20 U.S.C. 1208)

§ 167.25 Changes in key personnel.

If for any reason it becomes necessary to substitute the project director or other key professional staff listed in the program or project proposal, the grantee shall in writing notify the Commissioner of such substitution. Such written notification shall include the name and qualifications of the successor. (20 U.S.C. 1208)

§ 167.26 Dual compensation.

If a program or project staff member or consultant is involved simultaneously in two or more programs or projects supported by Federal funds either under this part or otherwise, he may not be compensated for more than 100 percent of his time from Federal funds during any part of the period of dual involvement. The grantee shall not use any grant funds or funds from other sources to pay a fee to, or travel expenses of, employees of the U.S. Office of Education for lectures, attending program or project functions, or any other activities in connection with the grant. (20 U.S.C. 1208)

§ 167.27 Interest on grants.

Interest earned on grants made under this part to grantees other than States shall be credited to the United States. The grantee shall submit as a part of each financial report required under the grant a statement showing the amount of interest earned on Federal funds during the period covered by the report. (20 U.S.C. 1208)

[FR Doc.73-12050 Filed 6-19-73;8:45 am]

federal register

WEDNESDAY, JUNE 20, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 118

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

STATE IMPLEMENTATION PLANS

Compliance Schedules

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Disapproval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR part 51, require each State to submit plans which provide for the implementation, maintenance, and enforcement of national ambient air quality standards throughout the State. These implementation plans are required to contain compliance schedules meeting the requirements of § 51.15, including the requirement that any compliance schedule extending over a period of more than 1 year and extending beyond January 31, 1974, contain legally enforceable increments of progress (37 FR 26310, December 9, 1972). A compliance schedule consists of dates by which specified actions are to be taken by an air pollution source toward meeting applicable emission limiting regulations.

Pursuant to § 51.15(a)(2), States were required to submit compliance schedules including increments of progress by no later than February 15, 1973. The Clean Air Act provides for a period of 4 months for review and approval or disapproval by the Administrator of any submission by a State of any portion of an implementation plan. If the Administrator disapproves a portion of an implementation plan, the Administrator is directed to promptly prepare and propose a substitute portion.

The regulations being promulgated below constitute the approvals and disapprovals of the compliance schedules which were required to be submitted by February 15, 1973. Also included in this issue of the FEDERAL REGISTER, beginning at page —, are the proposed regulations to substitute for compliance schedules which were not submitted or were not approvable.

With certain exceptions discussed in subsequent paragraphs, increments of progress were required for all regulations which were included in a State's control strategy for the attainment and maintenance of national ambient air quality standards which extended for over 1 year and past January 31, 1974. The increments of progress could be contained in a schedule particularized for an individual source, in a categorical schedule, or in the emission control regulation itself. Where the emission control regulation contained acceptable increments, no submission of individual schedules pursuant to § 51.15(a)(2) was required.

For certain types of regulations, there were no meaningful increments of progress and thus increments were found not to be "practicable" within the meaning of § 51.15(c). These included regulations such as those relating to small sources of sulfur oxides where compliance is likely to be achieved through fuel switching.

Increments of progress were not required for visible emission limitation regulations where such regulations were not used in the control strategy for attainment and maintenance of the standards but rather were included in satisfaction of the requirement of § 51.19 for a source surveillance system for detecting violations of rules and regulations. In these cases, increments were required for companion total particulate regulations.

The Administrator determined on May 31, 1972 (37 FR 10842), that a number of States did not have a procedure for obtaining legally enforceable increments of progress in compliance schedules for submission to the Administrator by February 15, 1973. In these cases, the State's implementation plan was disapproved on this basis and subsequently, on September 22, 1972 (37 FR 19829), October 28, 1972 (37 FR 23085), and May 14, 1973 (38 FR 16896), the Administrator promulgated compliance schedules for most of these States. Those schedules are unaffected by the following amendments. Three of the remaining States (the District of Columbia, Idaho, and New York), are covered by the regulations being proposed in this issue of the FEDERAL REGISTER. Compliance schedules for the remaining States, States for which a Federal emission limitation has been proposed but not yet promulgated, will be adopted after promulgation of the emission limitation.

Many States submitted compliance schedules for regulations subject to § 51.15(a)(2) after the February 15 date. To the maximum extent practicable, such schedules were reviewed and approvals and disapprovals for such schedules are included in this promulgation. Additional listings of compliance schedule approvals and disapprovals will be published at a later date. In addition, approvals and disapprovals for compliance schedules submitted as plan revisions and covered by regulations not subject to § 51.15(a)(2), i.e., regulations with final compliance dates on or before January 31, 1974, will be published in subsequent issues of the FEDERAL REGISTER.

Only six States officially submitted compliance schedules for § 51.15(a)(2) regulations in time for inclusion in this document. In North Carolina, schedules were submitted for all sources for which they were required and all such schedules are approved. Two other States, New Hampshire and Rhode Island, also submitted schedules for all sources for which they were required. However, one schedule in New Hampshire and all four in Rhode Island are disapproved because there is a serious question about their legal enforceability. Should subsequent clarification indicate that any of these schedules is legally enforceable, the disapproval of that schedule (and any federally-promulgated substitute schedule) will be revoked. In South Carolina, all schedules which were submitted are approved. However, the implementation plan for South Carolina is still deficient since schedules have not yet been submitted for all sources for which they are required. In two States, Tennessee and Washington, some of the schedules are approved but others are disapproved, either for not being as expeditious as practicable as required by § 51.15(b)(1) or for not containing the increments of progress required by § 51.15(c).

The regulations promulgated below also contain general disapprovals for those 12 States which failed to submit any of the required schedules. These States are Alaska, Colorado, Florida, Idaho, Illinois, Kentucky, Maryland, Michigan, New York, Oregon, West Virginia, and Wisconsin. Greater detail on the regulations and types of sources affected is contained in the proposed rulemaking for these States in this issue of the FEDERAL REGISTER.

Plan disapprovals are not being promulgated for Guam and Oklahoma due to special circumstances with respect to those two States. In the case of Guam, the implementation plan as a whole has been found to be substantially inadequate to attain and maintain the national ambient air quality standards and the Governor has been so notified pursuant to section 110(a)(2)(H) of the Clean Air Act. A new plan must be submitted by no later than July 31, 1973. Therefore, any further Federal action with respect to Guam is being deferred until the revised plan is submitted.

With respect to Oklahoma, there is only one regulation involved (regulation 16.32) and, at this time, there are no sources in the State subject to this regulation. Under these circumstances, no disapproval is being published at this time. If in the future a source requests a construction permit and such source, when constructed, would be subject to State regulation 16.32, a schedule meeting the requirements of § 51.15 will be established for that source.

Where individual compliance schedules are approved or disapproved, the individual schedules are included by reference only. In addition, since the large number of compliance schedules precludes setting forth detailed reasons for approval or disapproval of individual schedules in this FEDERAL REGISTER, an evaluation report has been prepared for the compliance schedules. Copies of the evaluation reports, of the State implementation plan, and of any compliance schedule approved or disapproved below, are available for public inspection in the appropriate regional office at the address listed:

Region	Address	States
I	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	26 Federal Plaza, New York, N.Y. 10007	New Jersey, New York, Puerto Rico, Virgin Islands.
III	Sixth and Walnut Sts., Philadelphia, Pa. 19106	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	1 North Wacker Dr., Chicago, Ill. 60606	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI	1600 Patterson St., Dallas, Tex. 75202	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII	911 Walnut St., Kansas City, Mo. 64106	Iowa, Kansas, Missouri, Nebraska.
VIII	Lincoln Tower, 1860 Lincoln St., Denver, Colo. 80203.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	100 California St., San Francisco, Calif. 94111	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Islands.
X	1200 Sixth Ave., Seattle, Wash. 98101	Alaska, Idaho, Oregon, Washington.

Copies of approved implementation plans are also available for public inspection at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

These regulations are effective immediately on June 20, 1973. The Agency finds that good cause exists for not publishing these amendments as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

(1) The implementation plans were prepared, adopted, and submitted by the States, and reviewed and evaluated by the Administrator, pursuant to 40 CFR, part 51, which, prior to promulgation, had been published as a notice of proposed rulemaking for comment by interested persons, and

(2) The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice, public hearings, and time for comments, and further public participation is unnecessary and impracticable.

(42 U.S.C. 1875c.5.)

Dated June 12, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Alaska

1. A new § 52.84 is added as follows:

§ 52.84 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart G—Colorado

2. A new § 52.327 is added as follows:

§ 52.327 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart K—Florida

3. Section 52.522 is revised to read as follows:

§ 52.522 Approved status.

With the exceptions set forth in this subpart, the Administrator approves Florida's plan for the attainment and maintenance of the national standards.

4. A new § 52.524 is added as follows:

§ 52.524 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart N—Idaho

5. Section 52.677 is revised to read as follows:

§ 52.677 Compliance schedules.

(a) The requirements of § 51.15 of this chapter are not met since the compliance schedules for the control of sulfur oxides from the sulfuric acid plant in the Eastern Idaho Intrastate Region and for the control of sulfur oxides from the lead and zinc smelter in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region are not legally enforceable. In addition, the requirements of § 51.15 of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for Kraft pulpmills.

Subpart O—Illinois

6. A new § 52.730 is added as follows:

§ 52.730 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart S—Kentucky

7. A new § 52.927 is added as follows:

§ 52.927 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart V—Maryland

8. A new § 52.1080 is added as follows:

§ 52.1080 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart X—Michigan

9. Section 52.1175 is amended by adding a new paragraph (c), as follows:

§ 52.1175 Compliance schedules.

* * * * *

(c) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart EE—New Hampshire

10. In § 52.1520, paragraph (c) is revised to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) Supplemental information was submitted on February 23, March 23, and August 8, 1972; and on February 14, April 3, and May 17, 1973, by the New Hampshire Air Pollution Control Agency.

11. Section 52.1522 is revised to read as follows:

§ 52.1522 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Hampshire's plan for attainment and maintenance of the national standards.

12. Section 52.1524 is amended by adding new lines to the table in paragraph (a), and by adding new paragraphs (b) and (c), as follows:

§ 52.1524 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
* * *	* * *	*	*	*	*
Yield House, Inc.	North Conway	7	May 14, 1973	Immediately.	Jan. 31, 1974
Newman Lumber Co.	Woodsville, N.H.	7	May 15, 1973	do.	July 1, 1973
Milan Industries, Inc.	Berlin, N.H.	7	do.	do.	July 1, 1974
Northeast Hardwoods Co.	North Haverhill, N.H.	7	May 14, 1973	do.	Apr. 1, 1974
Conway Supply Co.	Conway, N.H.	7	do.	do.	Nov. 15, 1974
Manchester Incinerator	Manchester, N.H.	6	do.	do.	Jan. 1, 1974

(b) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Brown Co.	Berlin, N.H.	15	May 14, 1973

Subpart HH—New York

13. Section 52.1677 is amended by adding a new paragraph (c), as follows:

§ 52.1677 Compliance schedules.

* * * * *

(c) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart II—North Carolina

14. In § 52.1770, paragraph (c) is revised to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) Supplemental information was submitted on May 5 and 9, 1972, and on February 13, 14, March 2, and April 24, 1973, by the air quality division of the North Carolina Department of Natural and Economic Resources.

15. Section 52.1772 is revised to read as follows:

§ 52.1772 Approval status.

With the exceptions set forth in this subpart, the Administrator approves North Carolina's plan for attainment and maintenance of the national standards.

16. A new § 52.1774 is added as follows:

§ 52.1774 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

North Carolina

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Alamance County						
Acme Feed Mills, Inc.	Burlington	T-2085	II-2.2 IV-2.30	Jan. 5, 1973	Immediately	Mar. 1, 1973
Alamance County Hospital, Inc.	do	T-2082	II-2.2 IV-1.30	do	do	June 1, 1973
Alamance Ready-Mix Concrete, Inc.	Graham	T-1951	II-2.2 IV-1.90 IV-2.30	Dec. 13, 1972	do	May 1, 1973
Burlington City Board of Education:						
(a) Forest Hill Elementary School.	Burlington	T-1108	II-2.2 IV-1.10	May 13, 1971	do	Sept. 30, 1973
(b) Glenhope Elementary School.	do	T-1109	II-2.2 IV-1.10	do	do	Do.
Copland Fabrics, Inc., and Copland, Inc.	do	T-1924	II-2.2 II-5.2 IV-2.30	Dec. 11, 1972	do	June 1, 1973
Craftique, Inc.	Mebane	T-1790	II-2.2 IV-1.10 I-V2.40	Aug. 23, 1972	do	Nov. 30, 1973
Electric Equipment Sales & Service, Inc.	Burlington	T-621	II-1.3 II-2.2	Mar. 15, 1971	do	Apr. 30, 1973
Heritage Casket Co.	do	T-2155	II-5.2 IV-2.60	Mar. 2, 1973	do	Dec. 31, 1973
Ralph F. Kirkpatrick & Son.	do	T-1961	II-2.2 IV-2.30	Dec. 13, 1972	do	Mar. 1, 1973
Memorial Hospital of Alamance County, Inc.	do	T-1959	II-2.2 IV-1.30	do	do	June 1, 1973
White Furniture Co., Inc.	Mebane	T-1852	II-2.2 II-5.2 IV-2.00 IV-2.40	Aug. 16, 1972	do	Dec. 31, 1973
Do.	do	T-2033	IV-2.60	Jan. 5, 1973	do	Sept. 15, 1973
Yarn-Tex, Inc.	Burlington	T-2084	II-2.2 IV-2.30	do	do	May 1, 1973
Alleghany County						
Glade Valley School, Inc.	Glade Valley	T-1789	II-2.2 IV-1.10 IV-2.40	June 28, 1972	Immediately	Sept. 1, 1973
Greene Ready-Mix Concrete Co.	Sparta	T-2162	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	May 31, 1973
Southern Crown Milling Co.	do	T-2074	II-2.2 IV-2.30	do	do	Dec. 31, 1973
Anson County						
Anson County Board of Education:						
(a) Bowman School	Wadesboro	T-802	II-1.3	Apr. 21, 1971	Immediately	Dec. 31, 1973
(b) Anson High School	do	T-803	II-1.3	do	do	Do.
Anson County Hospital	do	T-722	II-1.3	Apr. 5, 1971	do	Mar. 31, 1973
Ansonville Gin Co.	Ansonville	T-2150	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
Hornwood, Inc.:						
(a) Plant No. 1	Wadesboro	T-2011	II-1.3	Dec. 15, 1972	do	June 1, 1973
(b) Plant No. 2	do	T-2012	II-1.3	do	do	Do.
McLeod Plywood Box Co., Inc.	do	T-1964	II-1.3 IV-1.10 IV-2.40	Jan. 5, 1973	do	Oct. 1, 1973
Morven Gin Co.	Morven	T-1504	II-2.2 II-5.2 IV-2.30 IV-2.40	Dec. 15, 1971	do	Oct. 31, 1973
J. P. Phillips Gin	McFarlen	T-1918	II-2.2 II-5.2 IV-2.30 IV-2.40	Dec. 11, 1972	do	July 1, 1973
Town of Polkton	Polkton	T-853	II-1.3	Feb. 5, 1971	do	Dec. 31, 1973
Ashe County						
Ashe County Board of Education:						
(a) Ashe Central High School.	Jefferson	T-1363	II-1.3 II-2.2 IV-1.10	Aug. 4, 1971	Immediately	Dec. 31, 1973
(b) Beaver Creek High School.	West Jefferson	T-1362	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Elkland Elementary School.	Todd	T-1361	II-1.3 II-2.2 IV-1.10	do	do	Do.
(d) Fleetwood Elementary School.	Fleetwood	T-1360	II-1.3 II-2.2 IV-1.10	do	do	Do.
(e) Healing Springs Elementary School.	Crumpler	T-1359	II-1.3 II-2.2 IV-1.10	do	do	Do.
(f) Jefferson Elementary School.	Jefferson	T-1358	II-1.3	do	do	Do.
Do.	do	T-1358	II-2.2 IV-1.10	do	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Ashe County—Continued						
(g) Lansing Elementary School.	do	T-1357	II-1.3 I-2.2 IV-1.10	do	do	Do.
(h) Nathans Creek Elementary School.	Crumpler	T-1356	II-1.3 II-2.2 IV-1.10	do	do	Do.
(i) Northwest High School.	Warrensville	T-1355	II-1.3 II-2.2 IV-1.10	do	do	Do.
(j) Riverview Elementary School.	Creston	T-1354	II-1.3	do	do	Do.
Do.	do	T-1354	II-2.2 IV-1.10	do	do	Do.
(k) West Jefferson Elementary School.	West Jefferson	T-1353	II-1.3	do	do	Do.
Do.	do	T-1353	II-2.2 IV-1.10	do	do	Do.
Ashe County Memorial Hospital.	do	T-2014	II-2.2 IV-1.30	Dec. 15, 1972	do	Mar. 31, 1973
Greene Ready-Mix Concrete Co.	do	T-2164	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	June 30, 1973
Jefferson Wood Products, Inc.	do	T-1957	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	Dec. 31, 1974
Lowes Food Stores, Inc., Store No. 4.	do	T-2068	II-1.3	Mar. 2, 1973	do	Sept. 1, 1974
Joe Price Sawmill	do	T-2007	II-2.2 IV-2.30	Jan. 5, 1973	do	Mar. 31, 1973
Weaver Manufacturing Co.	do	T-2163	II-2.2 IV-2.30	Mar. 2, 1973	do	May 31, 1973
Avery County						
Pacemaker Manufacturing Corp.	Newland	T-2026	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	Immediately	June 30, 1973
Tar Heel Mica Co.	Plumtree	T-2015	II-2.2 IV-1.10 IV-1.70 IV-2.40 IV-2.60	Dec. 15, 1972	do	Do.
Beaufort County						
Town of Bath	Bath	T-999	II-1.3	May 13, 1971	Immediately	June 30, 1973
Beaufort County Board of Education:						
(a) Belhaven Elementary School.	Belhaven	T-1723	II-2.2 IV-1.10 IV-2.40	May 22, 1972	do	Oct. 15, 1973
(b) John A. Wilkinson High School.	do	T-1722	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Town of Belhaven	do	T-292	II-1.3	Jan. 18, 1971	do	Dec. 31, 1973
Washington City Board of Education:						
(a) Eastern Elementary School.	Washington	T-636	II-2.2 IV-1.10	Mar. 22, 1971	do	Oct. 1, 1973
(b) John H. Small School	do	T-224	II-2.2 IV-1.10 IV-2.40	Dec. 22, 1970	do	Do.
(c) John C. Taylor School	do	T-635	II-1.3 II-2.2 IV-1.10	Mar. 22, 1971	do	Do.
(d) Washington High School.	do	T-226	II-2.2 IV-1.10 IV-2.40	Dec. 22, 1970	do	Do.
Bertie County						
Bertie County Board of Education:						
(a) Askewville Elementary School.	Windsor	T-829	II-1.3	Apr. 22, 1971	Immediately	Sept. 1, 1973
(b) Bertie Junior High School.	do	T-832	II-1.3	Apr. 23, 1971	do	Dec. 31, 1973
(c) Bertie Senior High School.	do	T-833	II-1.3	do	do	Do.
(d) Mars Hill Audio-visual Center.	do	T-831	II-1.3	do	do	Do.
(e) South Aulander Elementary School.	Aulander	T-830	II-1.3	Apr. 22, 1971	do	Sept. 1, 1973
Harrington Manufacturing Co., Inc.	Lewiston	T-1715	II-2.2 II-5.2 IV-2.30 IV-2.40	May 19, 1972	do	Feb. 28, 1973
Whitehead Milling Co., Inc.	Windsor	T-1296	II-1.3	Jun. 25, 1971	do	June 30, 1974
Woodville Supply, Inc.	Lewiston	T-1962	II-2.2 IV-2.30	Dec. 13, 1972	do	Oct. 1, 1973
Bladen County						
Bladen County Board of Education:						
(a) Bladen Elementary School.	Elizabethtown	T-1097	II-1.3	May 11, 1971	Immediately	Dec. 31, 1972
Do.	do	T-1097	II-2.2 IV-1.10	do	do	Aug. 31, 1973
(b) Clarkton School	Clarkton	T-1098	II-1.3	do	do	Dec. 31, 1972
Do.	do	T-1098	II-2.2 IV-1.10	do	do	Aug. 31, 1973
(c) Spaulding-Monroe School.	Bladenboro	T-1096	II-1.3	do	do	Dec. 31, 1972
Do.	do	T-1096	II-2.2 IV-1.10	do	do	Aug. 31, 1973
Town of Bladenboro	do	T-319	II-1.3	Jan. 27, 1971	do	Dec. 31, 1973
Bladenboro Cotton Mills, Inc.	do	T-796	II-2.2 IV-1.10	Apr. 19, 1971	do	Oct. 31, 1973
Town of Clarkton	Clarkton	T-322	II-1.3	Jan. 27, 1971	do	Dec. 31, 1973
Town of Dublin	Dublin	T-320	II-1.3	do	do	Do.
E. I. du Pont de Nemours & Co., Fayetteville Works.	Fayetteville	T-2087	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	Jan. 1, 1974
Southern Peanut Co., Inc.	Dublin	T-2141	II-1.3 II-2.2 IV-2.30	do	do	Sept. 1, 1973
Sportes Corp. of North Carolina.	Clarkton	T-307	II-1.3	Jan. 22, 1971	do	Dec. 31, 1973
Walter's Lumber Co.	Bladenboro	T-727	II-1.3	Apr. 6, 1971	do	Do.
Ward Lumber Co.	Elizabethtown	T-988	II-1.3	May 10, 1971	do	Do.
Town of White Lake	White Lake	T-691	II-1.3	Mar. 30, 1971	do	Do.
Brunswick County						
Brunswick County Board of Education:						
(a) Leland High School.	Leland	T-441	II-1.3 II-2.2 IV-1.10	Feb. 16, 1971	Immediately	Oct. 31, 1973
(b) Southport School	Southport	T-405	II-1.3	Feb. 11, 1971	do	June 30, 1973
Brunswick Paving Co.	Shallotte	T-1762	II-2.2 II-5.2 IV-1.40 IV-2.40	June 28, 1972	do	Mar. 1, 1973
Washam, Warlick and Harrelson & Co.	do	T-1291	II-1.3	June 25, 1971	do	Dec. 31, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Buncombe County						
American Enka Co.	Enka	T-1856	IV-1.10 IV-2.40	July 20, 1972	Immediately	June 1, 1975
Do.	do	T-1856	IV-2.30	do	do	July 1, 1973
Avondale Mills, Knitted Fabrics Division (Bluejay Knitting Mills).	Asheville	T-39	II-2.2 IV-2.60	Dec. 28, 1972	do	May 7, 1973
Beacon Manufacturing Co.	Swannanoa	T-38	II-2.2 IV-2.60	Jan. 18, 1973	do	Mar. 1, 1973
Bi-Lo, Inc.	Black Mountain	T-34	II-2.2 IV-1.30	Dec. 21, 1972	do	June 30, 1973
Do.	Candler	T-36	II-2.2 IV-1.30	do	do	Dec. 31, 1973
Do.	Weaverville	T-35	II-2.2 IV-1.30	do	do	Do.
Carolina Power & Light Co. Asheville Steam Electric Plant, Unit No. 1.	Skyland	T-1838	II-2.2 IV-1.10 IV-2.40 IV-2.70 IV-2.71	June 27, 1972	do	Oct. 30, 1973
Drexel Enterprises, Plant No. 4.	Asheville	T-41	II-2.2 IV-2.00	Dec. 21, 1972	do	Dec. 31, 1974
Do.	do	T-42	IV-2.60	Dec. 31, 1972	do	Dec. 31, 1973
Magnavox Co. of Tennessee.	Arden	T-40	IV-2.60	Oct. 25, 1972	do	Do.
Burke County						
Drexel Enterprises Division, Plant No. 43, U.S. Plywood-Champion Papers, Inc.	Hildebran	T-855	II-2.2 IV-1.10	Apr. 26, 1971	Immediately	Dec. 31, 1973
Grand Piano Co., Inc.	Morganton	T-12-93-10-172	II-2.2 II-5.1 IV-1.10 IV-2.40	June 15, 1972	do	Jan. 1, 1973
Great Lakes Carbon Corp.	do	T-12-112-6-3073	II-2.2 II-5.1 IV-2.30 IV-2.62	Dec. 18, 1972	do	June 30, 1973
Henredon Furniture Industries, Inc.	do	T-12-114-3-3173	II-2.2 II-5.1 IV-2.30	do	do	Mar. 31, 9173
Consolidated Furniture Industries:						
(a) Plant No. 1	Lenoir	T-14-100-1-1073	IV-2.30	July 10, 1972	do	Dec. 31, 1974
(b) Plant No. 3	do	T-14-101-1-1073	IV-2.30	do	do	Do.
(c) Plant No. 5	do	T-14-102-1-1073	IV-2.30 V-5.1	do	do	June 30, 1974
(d) Plant No. 6	do	T-14-103-1-1073	IV-2.30	do	do	June 30, 1975
(e) Plant No. 7	do	T-14-104-1-1073	IV-2.30	do	do	June 30, 1973
Eller Wood Turning, Inc.	do	T-1342	II-1.3	July 30, 1971	do	Dec. 31, 1973
Town of Granite Falls	Granite Falls	T-227	II-1.3	Dec. 22, 1970	do	Do.
Camden County						
Albemarle Asphalt Co.	Belcross	T-1795	II-2.2 IV-5.2 IV-1.40 IV-2.40	June 29, 1972	Immediately	Jan. 1, 1973
Camden County Board:						
(a) Camden County High School.	Camden	T-845	II-1.3	Apr. 23, 1971	do	Dec. 31, 1973
(b) Camden Elementary School.	do	T-846	II-1.3	do	do	Do.
(c) Grandy Elementary School.	do	T-844	II-1.3	do	do	Do.
Camden County Courthouse.	do	T-2061	II-1.3	Mar. 2, 1973	do	June 1, 1973
C. G. Leary & Son Co.	do	T-1971	II-2.2 IV-2.30	Dec. 13, 1972	do	June 30, 1973
Cabarrus County						
Cabarrus Memorial Hospital.	Concord	T-1975	II-1.3	Jan. 5, 1973	Immediately	July 1, 1974
Cannon Mills Co., Plant No. 1.	Kannapolis	T-1162	II-2.2 IV-1.10 IV-2.40	May 17, 1971	do	June 30, 1974
Cannon Mills Co., Plant No. 2.	Concord	T-1163	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Cannon Mills Co., Plant No. 5.	do	T-1164	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Cannon Mills Co., Plant No. 6.	do	T-1157	II-2.2 IV-1.10	do	do	Sept. 1, 1973
Cannon Mills Co., Plant No. 10.	do	T-1161	II-2.2 IV-1.10 IV-2.40	do	do	June 30, 1974
Collins & Aikman Corp., Home Fabrics Plant.	do	T-2068	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	Dec. 1, 1973
Caldwell County						
Broyhill Industries:						
Lenoir Furniture Industries.	Lenoir	T-14-88-1-173	IV-2.30	June 5, 1972	Immediately	Oct. 1, 1974
Lenoir Chair Co., No. 1	do	T-14-89-1-173	IV-2.30	do	do	Do.
Harpers Furniture Co.	do	T-14-90-1-173	IV-2.30	do	do	Do.
Lenoir Chair Co., No. 4	do	T-14-91-1-173	IV-2.30	do	do	Do.
Lenoir Veneer Co.	do	T-14-92-1-173	IV-2.30	do	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Carteret County						
Atlantic Veneer Corp.	Beaufort	T-1535	II-1.3 II-2.2 II-5.2 IV-1.10 IV-2.40	Mar. 15, 1972	Immediately	June 30, 1973
Carteret County Board of Education:						
(a) Morehead Central School.	Morehead City	T-338	II-2.2 IV-1.10 IV-2.40	Feb. 3, 1971	do	Oct. 1, 1973
(b) Morehead Elementary School.	do	T-339	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) Smyrna Elementary School.	do	T-428	II-1.3	Feb. 16, 1971	do	Oct. 1, 1971
Do	do	T-428	II-2.2 IV-1.10 IV-2.40	do	do	June 30, 1974
Fishmeal Co., Inc.	Beaufort	T-1833	II-2.2 IV-1.10 IV-2.40	July 3, 1972	do	Feb. 1, 1973
Haynie Products, Inc.	Morehead City	T-1972	II-5.2	Dec. 13, 1972	do	Oct. 31, 1973
Catawba County						
Broyhill Furniture Industries:						
Conover Furniture Plant.	Conover		II-2.2 IV-2.00 IV-2.30	Jan. 5, 1972	Immediately	Oct. 1, 1974
Lenoir Chair No. 2.	Newton		II-2.2 IV-2.00 IV-2.30	do	do	Do.
Chatham County						
Boiling Chair Co.	Siler City	T-1973	II-2.2 IV-1.10 IV-2.40	Dec. 31, 1972	Immediately	Dec. 31, 1973
Carolina Power & Light Co., Cape Fear Electric Plant:						
(a) Units 3 and 4	Moncure	T-1875	IV-1.10 IV-2.40	Sept. 11, 1972	do	June 30, 1975
(b) Unit 5	do	T-1836	IV-1.10 IV-2.40	Aug. 25, 1972	do	Nov. 1, 1973
(c) Unit 6	do	T-1826	IV-1.10 IV-2.40	do	do	Oct. 1, 1974
Chatham County Board of Education:						
(a) Chatham Middle School.	Siler City	T-433	II-1.3	Feb. 23, 1971	do	Dec. 31, 1972
Do	do	T-433	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(b) Horton Middle School.	Pittsboro	T-432	II-1.3	Feb. 18, 1971	do	Dec. 31, 1972
Do	do	T-432	II-2.2 IV-1.10	do	do	Dec. 31, 1973
Chatham Novelties Co.	Siler City	T-620	II-1.3	Mar. 18, 1971	do	Apr. 30, 1973
Lee Paving Co.	Pittsboro	T-1974	II-2.2 IV-1.40	Dec. 13, 1972	do	June 1, 1973
Town of Pittsboro	do	T-96	II-1.3	Oct. 22, 1970	do	Jan. 1, 1973
Triangle Plywood Co.	Moncure	T-1976	II-1.3	Dec. 14, 1972	do	May 30, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Cherokee County						
Town of Andrews	Andrews	T-1343	II-1.3	July 29, 1971	Immediately	Mar. 31, 1973
District Memorial Hospital	do	T-2182	II-1.3	Mar. 2, 1973	do	Apr. 15, 1973
Fitco, Inc.	Murphy	T-2165	II-2.2 IV-1.10	Mar. 9, 1973	do	Dec. 31, 1973
Magnavox Co. of Tennessee.	Andrews	T-2188	II-2.2 IV-2.30	Mar. 2, 1973	do	Aug. 1, 1974
Do	do	T-2188	II-5.2 IV-2.60	do	do	Dec. 31, 1973
Town of Murphy	Murphy	T-1667	II-1.3	May 15, 1972	do	Mar. 31, 1973
Transcarolina Concrete Co.	do	T-2041	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 31, 1974
Wood Lumber Co., Inc.	do	T-2065	II-2.2 IV-1.10 IV-2.40	do	do	Dec. 1, 1973
Chowan County						
Elliott Cleaners	Edenton	T-2075	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	Immediately	June 1, 1973
Clay County						
Asheville Paving Co.	Hayesville	T-2056	II-2.2 IV-1.40	Mar. 2, 1973	Immediately	Nov. 15, 1973
Clay County Board of Education:						
(a) Hayesville Elementary and High School.	do	T-1119	II-1.3 II-2.2 IV-1.10	May 13, 1971	do	Sept. 1, 1973
(b) Ogden School	do	T-1120	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Shooting Creek School.	do	T-1118	II-1.3 II-2.2 IV-1.10	do	do	Do.
Transcarolina Concrete Co.	do	T-2042	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 31, 1974
Cleveland County						
All Day Barbecue	Shelby		II-2.2	Feb. 15, 1972	Immediately	Jan. 1, 1974
Alston Bridge Barbecue	do		II-5.2 II-2.2 II-5.2	do	do	Do.
Bridge Barbecue Lodge	do		II-2.2 II-5.2	do	do	Do.
Elmer Lumber Co.	Kings Mountain	T-1770	II-1.3	June 28, 1972	do	Mar. 10, 1973
Foote Mineral Co.	do		IV-2.30	Feb. 15, 1973	do	Apr. 1, 1974
Hardee's of Shelby	Shelby		II-2.2 II-5.2	do	do	Jan. 1, 1974
Hunter School	do		IV-1.10 IV-2.40	do	do	Jan. 1, 1975
Northside school	do		IV-1.10 IV-2.40	do	do	Do.
Selby Junior High School Annex.	do		IV-1.10 IV-2.40	do	do	July 1, 1974
Washington Elementary School.	do		IV-1.10 IV-2.40	do	do	Jan. 1, 1975

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Columbus County						
Berry Veneer & Plywood Co., Inc.	Chadbourn	T-1692	II-2.2 IV-1.10 IV-2.40	May 16, 1972	Immediately	Sept. 1, 1973
Town of Chadbourn	do	T-778	II-1.3	Apr. 15, 1971	do	June 30, 1973
Cole Feed Mill	Fair Bluff	T-1292	II-1.3	June 25, 1971	do	Dec. 31, 1973
Town of Fair Bluff	do	T-1294	II-1.3	do	do	June 30, 1974
Federal Paper Board Co., Inc., Riegelwood operations:						
(a) Smelt dissolving tanks 2 and 3.	Riegelwood	T-2054	II-2.2	Mar. 12, 1973	do	Jan. 1, 1974
(b) Bark Boiler; No. 2 power boiler.	do	T-2054	II-2.2 IV-1.60	do	do	July 1, 1974
(c) Lime kilns 1 and 2	do	T-2054	II-2.2 II-5.2 IV-1.60 IV-1.90	do	do	do.
(d) Recovery boilers 1 and 3.	do	T-2054	II-2.2 II-5.2 IV-1.60	do	do	June 1, 1975
(e) Recovery boiler 2	do	T-2054	II-2.2 II-5.2 IV-1.60	do	do	Oct. 1, 1974
(f) Heat accumulator tank; turpentine recovery system.	do	T-2054	II-5.2 IV-2.60	do	do	June 1, 1975
D. J. Hughes Co	Tabor City	T-1922	II-1.3	Dec. 11, 1972	do	July 31, 1973
Kaiser Agricultural Chemicals.	Riegelwood	T-1462	II-2.2 IV-1.50	Oct. 28, 1971	do	June 1, 1973
Town of Lake Waccamaw	Lake Waccamaw	T-266	II-1.3	Jan. 8, 1971	do	June 30, 1973
Tabor City Lumber Co., Inc.	Tabor City	T-624	II-1.3	Mar. 19, 1971	do	Jan. 31, 1973
Craven County						
Craven County Board of Education:						
(a) Farm Life High School.	Vanceboro	T-424	II-1.3	Feb. 15, 1971	Immediately	Oct. 31, 1971
Do	do	T-424	II-2.2 IV-1.10 IV-2.40	June 30, 1973	do	June 30, 1973
Moss Planing Mill Co., Wilmar Mill.	Wilmar	T-1639	II-1.3	May 15, 1972	do	Do.
National Milling Co	Cove City	T-1944	II-1.3	July 19, 1972	do	Mar. 31, 1973
Cumberland County						
Black & Decker Manufacturing Co.	Fayetteville	T-2049	IV-2.60	Mar. 2, 1973	Immediately	Jan. 1, 1974
Borden, Inc., Chemical Division.	do	T-1628	II-2.2 II-5.2 IV-2.30 IV-2.40	May 8, 1972	do	May 1, 1972
Cumberland County Hospital Systems, Inc., Cape Fear Valley Hospital.	do	T-2048	II-1.3	Mar. 2, 1973	do	Dec. 30, 1973
Dorsey Plywood Corp.	do	T-1485	II-2.2 II-5.2 IV-2.00 IV-2.40	Feb. 11, 1972	do	Mar. 31, 1973
Rohm & Haas Co., Fibers Division.	do	T-1647	II-2.2 II-5.2 IV-2.30 IV-2.40	May 8, 1972	do	Feb. 1, 1973
Cumberland County—Continued						
Tart's Gin, No. 4	Wade	T-1521	II-2.2 IV-1.10 IV-2.30 IV-2.40	Feb. 21, 1972	do	Jan. 1, 1973
Thomason Ranch Division of Babon, Inc.	Fayetteville	T-1630	II-2.2 IV-2.30 IV-2.40 IV-2.60	May 8, 1972	do	Mar. 1, 1974
Thompson-Hayward Chemical Co.	do	T-1639	II-2.2 II-5.2 IV-2.30 IV-2.40	July 10, 1972	do	Mar. 15, 1973
Triple "A" Construction Co., Inc.	do	T-1587	II-2.2 II-5.2 IV-1.40 IV-2.40	May 1, 1972	do	Feb. 1, 1973
Currituck County						
Currituck County Board of Education:						
(a) Administration building and garage.	Currituck	T-1773	II-1.3	June 28, 1972	Immediately	June 30, 1973
(b) Central Elementary School.	Maple	T-1774	II-1.3	do	do	Do.
(c) W. T. Griggs School	Poplar Branch	T-1775	II-1.3	do	do	Do.
(d) J. P. Knapp School	Currituck	T-1776	II-1.3	do	do	Do.
(e) Knotts Island School	Knotts Island	T-1777	II-1.3	do	do	Do.
(f) Moyock School	Moyock	T-1778	II-1.3	do	do	Do.
J. J. Flora & Co., Inc.	do	T-2070	II-2.2 IV-2.30	Mar. 2, 1973	do	Aug. 1, 1973
Moyock Lumber Co., Inc.	do	T-623	II-1.3	Mar. 19, 1971	do	Sept. 30, 1973
Dare County						
Midstate Paving Co. of Fayetteville, Inc.	Manteo	T-1923	II-2.2 IV-1.40	Dec. 11, 1972	Immediately	June 1, 1973
Davidson County						
Burlington Industries	Denton	T-2146	II-2.2 IV-1.10 II-2.2	Mar. 2, 1973	Immediately	Aug. 1, 1973
Do	do	T-2146	II-2.2 IV-2.30	do	do	Dec. 31, 1973
Carolina Veneer, Inc	Thomasville	T-1537	II-2.2 IV-1.10 IV-2.40	Mar. 21, 1972	do	Jan. 1, 1973
Commercial Carving Co	do	T-2049	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1971	do	Dec. 31, 1973
Davidson County Board of Education:						
(a) Central High School	Lexington	T-864	II-1.3	Apr. 27, 1971	do	Sept. 30, 1973
Do	do	T-864	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972
(b) Churchland Elementary School.	do	T-866	II-1.3	do	do	Sept. 30, 1973
Do	do	T-866	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972
(c) Denton School	Denton	T-868	II-1.3	do	do	Sept. 30, 1973
Do	do	T-868	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Davidson County—Continued						
(d) East Davidson High School.	Thomasville	T-869	II-1.3	do	do	Sept. 30, 1973
Do	do	T-869	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972
(e) Fair Grove School	do	T-867	II-1.3	do	do	Sept. 30, 1973
Do	do	T-867	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972
(f) Hasty School	do	T-858	II-1.3	Apr. 26, 1971	do	Sept. 30, 1973
(g) Ledford High School	do	T-870	II-1.3	Apr. 27, 1971	do	Do.
Do	do	T-870	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
(h) Linwood School	Linwood	T-871	II-1.3	do	do	Sept. 30, 1973
Do	do	T-871	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
(i) Midway School	Lexington	T-859	II-1.3	do	do	Sept. 30, 1973
(j) North Davidson Senior High School.	do	T-861	II-1.3	do	do	Do.
Do	do	T-861	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
(k) Pilot School	Thomasville	T-865	II-1.3	do	do	Sept. 30, 1973
Do	do	T-865	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
(l) Reedy Creek Elementary School.	Lexington	T-873	II-1.3	do	do	Sept. 30, 1973
Do	do	T-873	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972
(m) Reed's School	do	T-872	II-1.3	do	do	Sept. 30, 1973
Do	do	T-872	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1972
(n) Silver Valley School	do	T-860	II-1.3	do	do	Sept. 30, 1973
Do	do	T-860	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
(o) Southmont Elementary School.	Southmont	T-856	II-1.3	Apr. 26, 1971	do	Sept. 30, 1973
(p) Tyro School	Lexington	T-863	II-1.3	Apr. 27, 1971	do	Do.
Do	do	T-863	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
(q) Wallburg School	Wallburg	T-857	II-1.3	Apr. 26, 1971	do	Sept. 30, 1973
(r) Welcome School	Welcome	T-862	II-1.3	Apr. 27, 1971	do	Do.
Do	do	T-862	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 30, 1971
Denton Lumber Co	Denton	T-1429	II-2.2 IV-1.10 IV-2.30 IV-2.40	Oct. 15, 1971	do	Feb. 15, 1973
Dixie Furniture Co., Inc.	Lexington	T-1528	II-2.2 II-5.2 IV-1.10 IV-2.00 IV-2.40	Feb. 23, 1972	do	July 1, 1973
Gilbert E. Futrell (Lumber Co.).	Denton	T-967	II-1.3	May 5, 1971	do	Feb. 15, 1973
Gordon Veneer Corp.	Lexington	T-2145	II-2.2	Mar. 2, 1973	do	July 1, 1973
Kayby Mills of North Carolina, Inc., Trimfit affiliate.	Thomasville	T-786	II-2.2 IV-1.10 IV-2.40	Apr. 15, 1971	do	Dec. 31, 1973
Kroehler Manufacturing Co.	Welcome	T-214	II-2.2 IV-1.10 IV-2.40	Dec. 18, 1970	do	June 30, 1973
Davidson County—Continued						
Henry Link Corp.	Lexington	T-1422	II-1.3 II-2.2 IV-2.30 IV-2.40	Oct. 6, 1971	do	July 31, 1973
Link-Taylor Corp.	do	T-1699	II-1.3	May 23, 1972	do	July 1, 1973
Normandale Hosiery Mills	Linwood	T-612	II-1.3	Mar. 18, 1971	do	Mar. 1, 1973
S & R Furniture	Thomasville	T-1441	II-2.2 IV-1.10 IV-2.40	Oct. 21, 1971	do	Dec. 31, 1973
Surratt Hosiery Mill, Inc.	Denton	T-873	II-1.3	Mar. 25, 1971	do	May 1, 1973
Do	do	T-1522	II-2.2 IV-1.10 IV-2.40	Feb. 21, 1972	do	June 1, 1973
Transcarolina Concrete Co.	Lexington	T-2043	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 31, 1974
Von Johan Furniture Co.	Thomasville	T-2069	IV-2.60	do	do	Nov. 15, 1973
Wrenn Manufacturing Co.	do	T-1460	II-2.2 IV-1.10 IV-2.40	Oct. 28, 1971	do	Dec. 31, 1973
Young-Hinkle Corp.	Lexington	T-1698	II-1.3	May 23, 1972	do	July 1, 1973
Davie County						
Warren Brothers Co.	Mocksville	T-2036	IV-1.10 IV-2.40	Jan. 5, 1973	Immediately	July 1, 1973
Duplin County						
Beulaville Milling Co.	Beulaville	T-1397	II-1.3	July 9, 1971	Immediately	Dec. 31, 1973
Calypso Plywood Co., Inc.	Calypso	T-1577	II-2.2 IV-1.10 IV-2.40	May 1, 1972	do	June 30, 1973
Carolina Millwork & Building Supply, Inc.	Warsaw	T-349	II-2.2 IV-1.10 IV-2.40	Feb. 4, 1971	do	Dec. 31, 1973
Duplin County Board of Education:						
(a) Faison Junior High School.	Faison	T-386	II-1.3	Feb. 9, 1971	do	Dec. 31, 1972
Do	do	T-386	II-2.2 IV-1.10	do	do	Aug. 31, 1973
(b) Magnolia Elementary School.	Magnolia	T-370	II-2.2 IV-1.10	Feb. 8, 1971	do	Do.
(c) Rose Hill Elementary Number 2.	Rose Hill	T-387	II-1.3	Feb. 9, 1971	do	Dec. 31, 1972
Do	do	T-387	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(d) Wallace Elementary School.	Wallace	T-369	II-2.2 IV-1.10	Feb. 8, 1971	do	Aug. 31, 1973
Town of Magnolia	Magnolia	T-303	II-1.3	Jan. 21, 1971	do	July 1, 1973
Shepard Iron & Metal	Wallace	T-1708	II-1.3	May 30, 1972	do	June 30, 1973
Simmon's Grains & Feeds	Albertson	T-1308	II-1.3	July 9, 1971	do	Dec. 31, 1973
J. T. Summerlin Mill	Mount Olive	T-1337	II-1.3	July 22, 1971	do	Do.
Warsaw Feed Mill	Warsaw	T-1309	II-1.3	July 9, 1971	do	Do.
Warsaw Manufacturing Co.	do	T-1845	II-1.3	July 19, 1972	do	June 30, 1973
Durham County						
American Tobacco Co.	Durham		II-2.2 IV-1.10 IV-2.40	Feb. 8, 1973	Immediately	May 21, 1973
Duke University West Campus.	do		II-2.2 IV-1.10	do	do	Nov. 31, 1974

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Durham County—Continued						
Durham City School System:			IV-2.60			
(a) Brogden Junior High School.	do		II-2.2 IV-1.10	do	do	Oct. 1, 1973
(b) Durham High School	do		II-2.2 IV-1.10	do	do	Do.
(c) E. K. Powe School	do		II-2.2 IV-1.10	do	do	Sept. 1, 1974
(d) George Watts School	do		II-2.2 IV-1.10	do	do	Do.
Durham County Board of Education:						
(a) Bethesda School	do		II-2.2 IV-1.10	do	do	Sept. 1, 1973
(b) Carrington Junior High School.	do		II-2.2 IV-1.10	do	do	Sept. 1, 1974
(c) County School Bus Garage.	do		II-2.2 IV-1.10	do	do	Do.
(d) Glenn School	do		II-2.2 IV-1.0	do	do	Sept. 1, 1973
(e) Hillandale School	do		II-2.2 IV-1.10	do	do	Do.
(f) Holt School	do		II-2.2 IV-1.10	do	do	Do.
(g) Hope Valley School	do		II-2.2 IV-1.10	do	do	Do.
(h) Jordan High School	do		II-2.2 IV-1.10	do	do	Sept. 1, 1974
(i) Lakeview School	do		II-2.2 IV-1.10	do	do	Do.
(j) Little River School	Bahama		II-2.2 IV-1.10	do	do	Do.
(k) Mangum School	do		II-2.2 IV-1.10	do	do	Do.
(l) Merrick Moore School	Durham		II-2.2 IV-1.10	do	do	Sept. 1, 1973
(m) Northern High School	do		II-2.2 IV-1.10	do	do	Do.
(n) Oak Grove School	do		II-2.2 IV-1.10	do	do	Sept. 1, 1974
(o) Pearsontown School	do		II-2.2 IV-1.10	do	do	Do.
(p) Southern High School	do		II-2.2 IV-1.10	do	do	Do.
Golden Belt Manufacturing Co.	do		IV-2.60	do	do	July 1, 1975
Hardee's of Durham	do		II-2.2 II-5.2	do	do	Jan. 1, 1975
Hardee's of University Drive.	do		II-2.2 II-5.2	do	do	Jan. 1, 1974
Hardee's of West Durham	do		II-2.2 II-5.2	do	do	Jan. 1, 1975
Hardee's No. 4	do		II-2.2 II-5.2	do	do	Jan. 1, 1974
Liggett and Myers, Inc. (West Main and Fuller Sts.).	do		II-2.2 IV-1.10 IV-2.60	do	do	Mar. 31, 1974
Lincoln Hospital	do		II-2.2 IV-1.10 IV-2.60	do	do	Feb. 1, 1973
North Carolina National Bank (West Main St.).	do		II-2.2 IV-1.10	do	do	Mar. 1, 1975

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Edgecombe County						
Edgecombe County Board of Education:						
(a) Carver School	Pinetops	T-944	II-1.3	May 6, 1971	Immediately	Dec. 31, 1972
Do	do	T-944	II-2.2 IV-1.10	do	do	Oct. 31, 1973
(b) Conetoe School	Conetoe	T-948	II-1.3	do	do	Dec. 31, 1972
Do	do	T-948	II-2.2 IV-1.10	do	do	Oct. 31, 1973
(c) Living Hope School	Macclesfield	T-949	II-1.3	do	do	Dec. 31, 1972
Do	do	T-949	II-2.2 IV-1.10	do	do	Oct. 31, 1973
(d) North Edgecombe School.	Leggett	T-950	II-1.3	do	do	Dec. 31, 1972
Do	do	T-950	II-2.2 IV-1.10	do	do	Apr. 1, 1973
(e) West Edgecombe School.	Rocky Mount	T-943	II-1.3	do	do	Dec. 31, 1972
Do	do	T-943	II-2.2 IV-1.10	do	do	Oct. 31, 1973
Edgecombe Technical Institute.	Tarboro	T-1977	II-2.2 IV-1.10 IV-2.40	Dec. 14, 1972	do	Sept. 1, 1973
Z. V. Long	do	T-1837	II-2.2 II-5.2 IV-2.30 IV-2.40	Feb. 23, 1972	do	Do.
Long Manufacturing Co.	do	T-2096	II-5.2 IV-2.30 IV-2.60	Mar. 2, 1973	do	Dec. 31, 1973
Town of Pinetops	Pinetops	T-272	II-1.3	Jan. 11, 1971	do	Do.
Rocky Mount Board of Education:						
(a) Gorham Elementary School.	Rocky Mount	T-542	II-2.2 IV-1.10	Mar. 30, 1971	do	Oct. 15, 1973
(b) R. M. Wilson Jr. High School.	do	T-543	II-2.2 IV-1.10	do	do	Do.
Seaboard Coastline Railroad Co., Emerson Shops.	do	T-2067	IV-2.60	Mar. 2, 1973	do	Apr. 1, 1974
Tarboro City School System:						
(a) Bridgers School	Tarboro	T-300	II-2.2 IV-1.10	Jan. 20, 1971	do	Dec. 31, 1973
(b) Pattillo School	do	T-299	II-2.2 IV-1.10	do	do	Do.
(c) Tarboro High School	do	T-209	II-2.2 IV-1.10	do	do	Do.
Tremco, Inc.	Rocky Mount	T-2050	II-2.2 IV-2.30	Mar. 2, 1973	do	Apr. 1, 1973
Trinity Industries	do	T-2066	IV-2.60	do	do	July 1, 1973
Forsyth County						
Bassick-Sack-Stewart Warner Corp.	Winston-Salem		II-2.2 IV-2.30	Feb. 2, 1973	Immediately	Dec. 31, 1973
Burlington Industries, Kernersville Finishing Plant.	Kernersville		II-2.2 II-5.2 IV-2.60	Jan. 15, 1973	do	Dec. 31, 1974
Industrial Metals Alloy Co.	Winston-Salem		II-2.2 IV-2.30	Feb. 6, 1973	do	Dec. 31, 1973
L. A. Reynolds Co.	do		II-2.2 IV-1.40	Jan. 11, 1973	do	June 1, 1973
R. J. Reynolds Tobacco Co., Whitaker Park Steam Plant.	do		II-2.2 IV-1.10	Dec. 18, 1972	do	Sept. 16, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Forsyth County—Continued						
Weaver Fertilizer Co.	do		II-2.2 IV-1.50	Dec. 21, 1972	do	Sept. 10, 1973
Winston-Salem/Forsyth County Board of Education:						
(a) Cook School	Forsyth County		II-2.2 IV-1.10	Jan. 15, 1973	do	May 15, 1973
(b) Diggs School	do		II-2.2 IV-1.10	do	do	Do.
(c) Easton School	do		II-2.2 IV-1.10	do	do	Do.
(d) Kounoak School	do		II-2.2 IV-1.10	do	do	Oct. 3, 1972
(e) Latham School	do		II-2.2 IV-1.10	do	do	May 15, 1973
(f) Mineral Springs Elementary School.	do		II-2.2 IV-1.10	do	do	Oct. 3, 1972
(g) Petree School	do		II-2.2 IV-1.10	do	do	June 30, 1973
(h) Vienna School	do		II-2.2 IV-1.10	do	do	May 15, 1973
(i) Walkertown Elementary School.	do		II-2.2 IV-1.10	do	do	Oct. 3, 1972
(j) Whitaker School	do		II-2.2 IV-1.10	do	do	May 15, 1973
Winston-Salem State University.	Winston-Salem		II-2.2 IV-1.10 IV-2.40	Dec. 1, 1972	do	June 5, 1973
Franklin County						
Alford Lumber Co.	Louisburg	T-2017	II-1.3	Mar. 2, 1973	Immediately	Dec. 31, 1973
F. H. Allen Gin	do	T-1978	II-2.2 IV-2.30	Dec. 14, 1972	do	July 1, 1973
Dean Farms	do	T-344	II-1.3	Feb. 4, 1971	do	July 31, 1973
Franklin County Board of Education:						
(a) Edward Best Elementary School.	do	T-564	II-1.3	Mar. 10, 1971	do	July 1, 1973
Do	do	T-564	II-2.2 IV-1.10	do	do	Sept. 30, 1971
(b) Edward Best High School.	do	T-566	II-1.3	Mar. 11, 1971	do	July 1, 1973
(c) Bunn Elementary School.	Bunn	T-558	II-1.3	Mar. 10, 1971	do	Dec. 31, 1972
Do	do	T-558	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(d) Bunn High School	do	T-559	II-1.3	do	do	Dec. 31, 1972
Do	do	T-559	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(e) Epsom High School	Henderson	T-568	II-1.3	Mar. 11, 1971	do	July 1, 1973
(f) Franklin County School Garage.	Louisburg	T-557	II-1.3	Mar. 10, 1971	do	Dec. 31, 1972
Do	do	T-557	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(g) Franklin County School Office.	do	T-565	II-1.3	Mar. 11, 1971	do	July 1, 1973
(h) Gold Sand Elementary School.	do	T-561	II-1.3	do	do	Do.
Do	do	T-561	II-2.2 IV-1.10	do	do	Sept. 30, 1972
(i) Gold Sand High School.	do	T-562	II-1.3	Mar. 10, 1971	do	July 1, 1973
Do	do	T-562	II-2.2 IV-1.10	do	do	Sept. 30, 1972
(j) Louisburg Elementary School.	do	T-567	II-1.3	Mar. 11, 1971	do	July 1, 1973
(k) Louisburg High School.	do	T-563	II-1.3	Mar. 10, 1971	do	Do.
Do	do	T-563	II-2.2 IV-1.10	do	do	Sept. 30, 1971

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Franklin County—Continued						
(l) Methods and Materials Center.	do	T-869	II-1.3	Mar. 11, 1971	do	July 1, 1973
(m) Youngsville High School.	Youngsville	T-560	II-1.3	Mar. 10, 1971	do	Dec. 13, 1972
Do	do	T-560	II-2.2 IV-1.10	do	do	Sept. 30, 1973
Franklinton City Board of Education, Franklinton Elementary School.	Franklinton	T-594	II-2.2 IV-1.10	Mar. 12, 1971	do	June 30, 1973
Town of Louisburg	Louisburg	T-791	II-1.3	Apr. 19, 1971	do	Dec. 31, 1973
Pruitt Lumber Co.	do	T-1779	II-1.3	June 29, 1972	do	Do.
Stallings Milling Co., Inc.	do	T-1914	II-1.3	Dec. 11, 1972	do	Do.
Gaston County						
Adventure Mills	Gastonia		II-2.2 IV-2.60	Apr. 10, 1973	Immediately	July 3, 1973
Armtex, Inc.	do		II-2.2 IV-2.60	do	do	Nov. 1, 1973
Besunit Corp.	Lowell		II-2.2 IV-2.60	do	do	July 3, 1973
Hardee's of Belmont	Belmont		II-2.2 II-5.2	do	do	Nov. 1, 1973
Hardee's of Gastonia	Gastonia		II-2.2 II-5.2	do	do	Do.
Hardee's of Westgate	do		II-2.2 II-5.2	do	do	Do.
Li'l Chef of Gastonia	do		II-2.2 II-5.2	do	do	Do.
Lithium Corp. of America	Bessemer City	T-1506		Dec. 21, 1971	do	
(a) Sulfur oxides from ore roasting.	do	T-1506	II-5.2 IV-2.30	do	do	July 1, 1972
(b) Chlorine from lithium chloride reduction.	do	T-1506	II-2.2 II-5.2	do	do	June 30, 1973
(c) Fluorides from ore decrepitation.	do	T-1506	II-2.2 IV-2.30	do	do	Apr. 1, 1974
Scott Mills	Gastonia		II-2.2 IV-2.60	Apr. 10, 1973	do	Jan. 1, 1973
Wales Manufacturing Co.	do		II-2.2 IV-2.60	do	do	Feb. 1, 1973
Gates County						
Gates County Board of Education:						
(a) Buckland School	Gatesville	T-1117	II-1.3	May 13, 1971	Immediately	Dec. 31, 1973
(b) Central Junior High School.	do	T-1112	II-1.3	do	do	Do.
Do	do	T-1112	II-2.2 IV-1.10	do	do	Dec. 31, 1972
(c) T. S. Cooper School	do	T-1115	II-1.3	do	do	Dec. 31, 1973
Do	do	T-1115	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(d) Gates County High School.	do	T-1113	II-1.3	do	do	Dec. 31, 1973
Do	do	T-1113	II-2.2 IV-1.10	do	do	Dec. 31, 1972
(e) Gatesville School	do	T-1116	II-1.3	do	do	Dec. 31, 1973
Do	do	T-1116	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(f) Sunbury School	Sunbury	T-1114	II-1.3	do	do	Dec. 31, 1973
Do	do	T-1114	II-2.2 IV-1.10	do	do	Dec. 31, 1972
Ashton Lewis Lumber Co.	Gatesville	T-1859	II-1.3	July 28, 1972	do	Mar. 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Graham County						
Graham County Board of Education:						
(a) Mountain View Union School.	Tapuco	T-1494	II-1.3 II-2.2 IV-1.10	Nov. 4, 1971	Immediately	Dec. 31, 1973
(b) Robbinsville Elementary School.	Robbinsville	T-1498	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Robbinsville High School.	do	T-1495	II-1.3 II-2.2 IV-1.10	do	do	Do.
(d) Steoch Union School	do	T-1496	II-1.3 II-2.2 IV-1.10	do	do	Do.
Granville County						
Athol Manufacturing, Plymouth Division, Emhart Corp.	Butner	T-2010	IV-2.30	Dec. 15, 1972	Immediately	Nov. 1, 1973
Greene County						
Edge Brothers Lumber Co., Inc.	Snow Hill	T-1921	II-1.3	Dec. 11, 1972	Immediately	Jan. 1, 1973
Greene County Board of Education:						
(a) East Greene Elementary School.	Hookerton	T-177	II-1.3 II-2.2 IV-1.10	Dec. 9, 1970	do	June 30, 1973
(b) Greene Central High School.	Snow Hill	T-178	II-1.3	do	do	Jan. 31, 1973
(c) Maury Elementary School.	Maury	T-180	II-1.3	do	do	Do.
(d) North Greene School	Walstonburg	T-176	II-1.3 II-2.2 IV-1.10	do	do	Do.
(e) Walstonburg Elementary School.	do	T-181	II-1.3	do	do	Do.
(f) West Greene School	Snow Hill	T-179	II-1.3	do	do	Do.
Town of Hookerton	Hookerton	T-124	II-1.3	Nov. 6, 1970	do	July 31, 1973
Town of Snow Hill	Snow Hill	T-1689	II-1.3	May 19, 1972	do	June 30, 1973
Snow Hill Milling Co., Inc.	do	T-1194	II-1.3	May 28, 1971	do	Dec. 31, 1973
Guilford County						
A & T University	Greensboro		II-2.2 IV-1.10 IV-2.40	Apr. 10, 1973	Immediately	May 31, 1973
Cone Mills, Mineola Plant	do		II-2.2 IV-2.30	do	do	Aug. 31, 1973
Cone Mills, Power Plant	do		II-2.2 IV-1.10 IV-2.40	do	do	Do.
Hayworth Panel Co.	High Point		II-2.2 IV-2.00 IV-2.30	do	do	Feb. 15, 1973
USS Agri-Chemicals, division of United States Steel Corp.	Greensboro	T-1742	II-2.2 II-5.2 IV-1.30 IV-2.40	June 28, 1972	do	

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Halifax County						
Albemarle Paper Co.:						
(a) Units 4, 7, 8, 9, 10, 11, 12.	Roanoke Rapids	T-1632	IV-1.60 IV-2.40	May 8, 1972	Immediately	Oct. 1, 1972
(b) Lime kiln	do	T-1632	IV-1.60	do	do	May 4, 1974
(c) Power boiler No. 1	do	T-1632	IV-1.10 IV-2.40	do	do	Dec. 1, 1974
(d) Recovery boiler No. 7	do	T-1632	II-5.2 IV-1.60	do	do	Apr. 1, 1975
(e) Recovery boiler No. 8	do	T-1632	IV-1.60	do	do	Do.
(f) Recovery boiler No. 6	do	T-1632	IV-1.60	do	do	June 1, 1975
(g) Steam boiler No. 2	do	T-1632	IV-1.10 IV-2.40	do	do	Do.
(h) Recovery boilers No. 5 and No. 6; smelt dissolving vents.	do	T-1632	II-5.2 IV-1.60	do	do	Do.
Bunting Lumber Co.	Scotland Neck	T-2086	II-1.3	Mar. 2, 1973	do	July 31, 1973
Columbian Peanut Co.	Enfield	T-1835	II-1.3	Aug. 16, 1972	do	Oct. 1, 1973
Farmers Supply Co., Inc.	do	T-1824	II-1.3	July 3, 1972	do	Feb. 1, 1973
Halifax Gin Co.	Halifax	T-2154	II-2.2 IV-2.30	Mar. 2, 1973	do	Aug. 30, 1974
Harris Gin Co.	Enfield	T-1979	II-2.2 IV-2.30	Dec. 14, 1972	do	Oct. 1, 1973
Mitchell Lumber Co.	Weldon	T-1835	II-1.3	July 1, 1972	do	June 30, 1973
Roanoke Gin Co.	Tillery	T-1916	II-2.2 IV-2.30	Dec. 11, 1972	do	Oct. 1, 1973
Rosemary Gin Co.	Roanoke Rapids	T-1906	II-2.2 IV-2.30	do	do	Sept. 1, 1973
Town of Scotland Neck	Scotland Neck	T-286	II-1.3	Jan. 13, 1971	do	June 30, 1973
J. P. Stevens & Co., Inc., Roanoke Plant No. 1.	Roanoke Rapids	T-781	II-2.2 IV-1.10 IV-2.40	Apr. 15, 1971	do	July 15, 1973
J. P. Stevens & Co., Inc., Rosemary Plant.	do	T-783	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Weldon Gin Co.	Weldon	T-2149	II-2.2 IV-2.30	Mar. 2, 1973	do	Oct. 1, 1973
I. D. Wood Gin	Enfield	T-2053	II-2.2 IV-2.30	do	do	Sept. 1, 1973
Harnett County						
Angier Gin Co.	Angier	T-1994	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Oct. 1, 1973
Bien Jobe Foundations	Dunn	T-1982	II-1.3	Dec. 14, 1972	do	Apr. 30, 1973
Burlington Industries, Erwin Apparel Division.	Erwin	T-1624	II-2.2 IV-1.10 IV-2.40	May 30, 1972	do	Jan. 1, 1974
Coats Milling Co.	Coats	T-1983	II-2.2 IV-2.30	Dec. 14, 1972	do	May 30, 1973
General Utility Co.	Dunn	T-2078	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
Good Hope Hospital	Erwin	T-1314	II-1.3	July 15, 1971	do	Dec. 31, 1973
Hardwood Dimensions, Inc.	Dunn	T-1984	II-1.3	Dec. 14, 1972	do	May 1, 1973
Harnett County Board of Education:						
(a) Anderson Creek School.	Lillington	T-1215	II-1.3	June 8, 1971	do	June 30, 1973
(b) Angier School	Angier	T-1216	II-1.3	June 9, 1971	do	Do.
(c) Benhaven School	Lillington	T-1218	II-1.3	June 16, 1971	do	June 30, 1971
(d) Boone Trail School	do	T-1217	II-1.3	June 10, 1971	do	June 30, 1973
(e) Buies Creek School	Buies Creek	T-1219	II-1.3	June 16, 1971	do	Do.
(f) Coats School	Coats	T-1220	II-1.3	do	do	Do.
(g) Dunn High School	Dunn	T-1233	II-1.3 II-2.2 IV-1.10 IV-2.40	June 17, 1971	do	Do.
(h) Erwin High School	Erwin	T-1232	II-1.3	do	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Harnett County—Continued						
(f) Gentry School	Lillington	T-1221	II-1.3	June 16, 1971	do	Do.
(j) Harnett School	do	T-1222	II-1.3	do	do	Do.
(k) Johnsonville School	do	T-1223	II-1.3	do	do	Do.
(l) Lafayette School	do	T-1224	II-1.3	June 9, 1971	do	Do.
(m) Lillington High School.	do	T-1225	II-1.3	do	do	Do.
(n) Magnolia Avenue School.	do	T-1226	II-1.3	June 16, 1971	do	June 30, 1971
(o) North Harnett School	do	T-1228	II-1.3	June 17, 1971	do	June 30, 1973
(p) Shawtown School	do	T-1230	II-1.3	do	do	Do.
(q) South Harnett School	do	T-1229	II-1.3	do	do	June 30, 1971
(r) Mary Stewart School	do	T-1227	II-1.3	do	do	June 30, 1973
(s) Wayne Avenue School	do	T-1231	II-1.3	do	do	Do.
Johnson Brothers Utility & Paving.	do	T-1980	II-2.2 IV-1.40	Dec. 14, 1972	do	Apr. 30, 1973
Betsy Johnson Memorial Hospital.	Dunn	T-1981	II-2.2 IV-1.30	Dec. 14, 1972	do	Apr. 30, 1973
Josey Farm Services, Inc.	Lillington	T-1571	II-2.2 II-5.2 IV-2.30	Apr. 28, 1972	do	July 1, 1973
Morganite, Inc.	Dunn	T-1784	II-2.2 II-5.2 IV-2.30	June 29, 1972	do	July 1, 1974
Tilley Lumber Co.	Chalybeate	T-1066	II-1.3	May 10, 1971	do	June 30, 1973
Turlington Gin	Dunn	T-2072	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
Wimberly Feed Mill, Inc.	Angier	T-1985	II-2.2 IV-2.30	Dec. 14, 1972	do	May 30, 1973
J. E. Womble & Son, Inc.	Lillington	T-1986	II-2.2 II-5.2 IV-2.30	do	do	Do.
Haywood County						
Bi-Lo, Inc.	Waynesville		II-2.2 IV-1.30	Dec. 21, 1972	Immediately	June 30, 1973
Haywood County Board of Education:						
(a) Beaverdam Elementary School.	Haywood County		II-2.2 IV-1.10	do	do	Sept. 1, 1974
(b) Canton Junior High School.	Canton		II-2.2 IV-1.10	do	do	Sept. 1, 1973
(c) Clyde Elementary School.	Clyde		II-2.2 IV-1.10	do	do	Do.
(d) Crabtree Elementary School.	Haywood County		II-2.2 IV-1.10	do	do	Do.
(e) East Waynesville Elementary School.	do		II-2.2 IV-1.10	Dec. 21, 1973	do	Sept. 1, 1974
(f) Waynesville Junior High School.	Waynesville		II-2.2 IV-1.10	Dec. 21, 1972	do	
U.S. Plywood Champion Papers, Inc., Canton Mill:						
(a) Recovery furnaces Nos. 7, 8, 9.	Canton	T-1857	II-2.2 II-5.2 IV-1.60 IV-2.40	July 24, 1972	do	June 30, 1973
(b) Lime kilns Nos. 4 and 5.	do	T-1857	II-2.2 II-5.2 IV-1.60 IV-2.40	do	do	Feb. 28, 1975
(c) Sterling boilers	do	T-1857	II-2.2 II-5.2 IV-1.60 IV-2.40	do	do	June 1, 1975
Henderson County						
Basic Ceramics	Hendersonville	T-2561	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Dec. 31, 1973
Bi-Lo, Inc.	Fletcher	T-1981	II-1.3	Dec. 12, 1972	do	June 30, 1973
Community Mills, Inc.	Hendersonville	T-1945	II-2.2 IV-2.30	do	do	Do.
Fletcher Asphalt Co.	do	T-1933	II-2.2 II-5.2 IV-1.40	do	do	Do.
Hendersonville Block Co.	do	T-1934	II-1.3 IV-1.90 IV-2.30	do	do	Do.
City of Hendersonville	do	T-598	II-1.3	Apr. 9, 1971	do	Do.
Henderson County Board of Education:						
(a) Balfour School	Balfour	T-1328	II-1.3	July 19, 1971	do	Sept. 1, 1973
(b) Dana School	Dana	T-1327	II-1.3	do	do	Do.
(c) East Flat Rock School	East Flat Rock	T-1336	II-1.3	do	do	Sept. 31, 1973
(d) East Henderson School.	Flat Rock	T-1333	II-1.3	do	do	Sept. 1, 1973
(e) Edneyville Primary School.	Edneyville	T-1326	II-1.3	do	do	Do.
(f) Edneyville School	Hendersonville	T-1332	II-1.3	do	do	Do.
Do	do	T-1332	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(g) Etowah School	do	T-1334	II-1.3	do	do	Sept. 1, 1973
(h) Flat Rock School	Flat Rock	T-1331	II-1.3	do	do	Do.
Do	do	T-1331	II-2.2 IV-1.10	do	do	June 30, 1972
(i) Fletcher School	Hendersonville	T-1335	II-1.3	do	do	Sept. 1, 1973
(j) Hillandale School	East Flat Rock	T-1324	II-1.3	do	do	Sept. 31, 1973
Do	do	T-1324	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(k) Mills River School	Horse Shoe	T-1323	II-1.3	do	do	Sept. 31, 1973
Do	do	T-1323	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(l) Tuxedo School	Tuxedo	T-1325	II-1.3	do	do	Sept. 1, 1973
Do	do	T-1325	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(m) Valley Hill School	Hendersonville	T-1330	II-1.3	do	do	Sept. 1, 1973
(n) West Henderson School.	do	T-1329	II-1.3	do	do	Do.
Newman Concrete Works	do	T-1936	II-2.2 IV-1.90 IV-2.30	Dec. 12, 1972	do	May 1, 1973
Warren Brothers Co.	do	T-2055	II-2.2 IV-2.30	Mar. 2, 1973	do	July 1, 1973
Hertford County						
Hertford County Board of Education, H. L. Vann School.	Ahoskie	T-526	II-2.2 IV-1.10 IV-2.40	Mar. 8, 1971	Immediately	Sept. 1, 1973
Charles L. Revelle and Sons, Inc.	Murfreesboro	T-1964	II-2.2 IV-2.30	Dec. 11, 1972	do	Oct. 1, 1973
Vann Gin Co.	do	T-1963	II-2.2 IV-2.30	do	do	Sept. 1, 1973
Hoke County						
Burlington Industries, Inc., Raeford Plant.	Raeford	T-1690	II-2.2 IV-1.10 IV-2.40	May 19, 1972	Immediately	Jan. 1, 1974
Hoke County Board of Education:						
(a) Scurlock Elementary School.	do	T-413	II-1.3	Feb. 12, 1971	do	Dec. 31, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Hoke County—Continued						
(b) South Hoke School	do	T-411	II-1.3	Feb. 11, 1971	do	Dec. 31, 1972
(c) Upchurch School	do	T-414	II-1.3	Feb. 12, 1971	do	Dec. 31, 1973
(d) West Hoke School	do	T-410	II-1.3	Feb. 11, 1971	do	Do.
Hoke Oil and Fertilizer Co.	do	T-1440	II-2.2 IV-1.10 IV-2.40	Oct. 21, 1971	do	May 31, 1974
Raeford Lumber Co.	do	T-1465	II-1.3	Oct. 28, 1971	do	July 1, 1973
Hyde County						
Hyde County Schools:						
(a) Davis School	Engelhard	T-1989	II-1.3	Dec. 14, 1972	Immediately	Sept. 1, 1973
(b) Mattamuskeet School	Swan Quarter	T-1987	II-1.3	do	do	Do.
(c) O. A. Peay School	do	T-1988	II-1.3	Dec. 12, 1972	do	Do.
Iredell County						
Bernhardt Furniture Industries, Plant No. 4.	Statesville	T-1643	II-2.2 IV-1.10 IV-2.40	May 8, 1972	Immediately	Dec. 31, 1973
Dixie Seating Co.	do	T-714	II-1.3	Apr. 2, 1971	do	June 30, 1973
Mooresville Flour Mills	Mooresville	T-1646	II-2.2 II-8.2 IV-2.30 IV-2.40	May 8, 1972	do	Mar. 31, 1973
Statesville City Board of Education:						
(a) Northview Elementary School.	Statesville	T-1139	II-2.2 IV-1.10 IV-2.40	May 14, 1971	do	Sept. 1, 1973
(b) Avery Sherrill School	do	T-1140	II-2.2 IV-1.10 IV-2.40	do	do	Do.
J. C. Steele and Sons, Inc.	do	T-1820	II-2.2 IV-2.20 IV-2.30	Feb. 21, 1972	do	Do.
Troutman Foundry, Inc.	do	T-1836	II-2.2 II-8.2 IV-2.20 IV-2.30	July 3, 1972	do	June 30, 1974
Jackson County						
Cagle & Son Ford	Sylva	T-1938	II-2.2 IV-1.10 IV-2.40	Dec. 12, 1972	Immediately	June 30, 1973
Dillard Block Co.	Dillsboro	T-2047	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 31, 1974
Drexel Enterprises, Plant No. 51 of Champion International Corp.	Whittier	T-2059	II-2.2 IV-2.30	do	do	Nov. 30, 1973
W. C. Hennessee Lumber Co., Inc.	Sylva	T-1939	II-2.2 IV-1.10 IV-2.40	Dec. 12, 1972	do	June 30, 1973
Jackson County Board of Education:						
(a) Cashiers Elementary School.	Cashiers	T-1201	II-2.2 IV-1.10 IV-2.40	May 21, 1971	do	Dec. 31, 1973
(b) Glennville School	Glennville	T-1200	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) Log Cabin School	Whittier	T-1199	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(d) Qualla School	do	T-1197	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(e) Savannah School	Sylva	T-1198	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(f) Sylva Elementary School.	do	T-1196	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(g) Webster Elementary School.	Webster	T-1195	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Massie Furniture Co.	Sylva	T-2079	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	June 30, 1973
Mead Corp.	do		II-2.2 IV-1.10 IV-2.40	Nov. 17, 1972	do	Dec. 31, 1974
Southwestern Technical Institute.	do	T-1479	II-2.2 IV-1.10 IV-2.40	Nov. 4, 1971	do	Dec. 31, 1973
Transcarolina Concrete Co.	do	T-2045	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 1, 1974
Warren Brothers Co.	Dillsboro	T-2180	II-2.2 IV-2.30	do	do	July 1, 1973
Johnston County						
Benson Feed Mills	Benson	T-2093	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Aug. 30, 1973
Johnston County Board of Education:						
(a) Cleveland School	Smithfield	T-906	II-1.3	Apr. 28, 1971	do	June 30, 1972
Do.	do	T-906	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 1, 1973
(b) Cooper Junior High School.	Clayton	T-902	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) Meadows School	Meadows	T-907	II-1.3	do	do	June 30, 1972
Do.	do	T-907	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 1, 1973
(d) Micro School	Micro	T-908	II-1.3	do	do	June 30, 1972
Do.	do	T-908	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 1, 1973
(e) Wilson Mills School	Wilson Mills	T-909	II-1.3	do	do	June 30, 1972
Do.	do	T-909	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 1, 1973
Johnston Technical Institute.	Smithfield	T-1177	II-2.2 IV-1.10 IV-2.40	May 20, 1971	do	June 30, 1973
Overton Co.	Kenly	T-1428	II-2.2 IV-1.10 IV-2.40	Oct. 15, 1971	do	Do.
Town of Princeton	Princeton	T-600	II-1.3	Mar. 15, 1971	do	Dec. 31, 1973
Roy Strickland Lumber Co.	Smithfield	T-1466	II-1.3	Oct. 28, 1971	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Jones County						
Community Mills	Kinston	T-1266	II-1.3	June 23, 1971	Immediately	Dec. 31, 1973
Jones County Board of Education.	Trenton		II-1.3	Mar. 4, 1971	do	Sept. 30, 1971
(a) Maysville School	do	T-482	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(b) Trenton Middle School.	do	T-480	II-2.2 IV-1.10	do	do	Do.
(c) Trenton Primary School.	do	T-481	II-2.2 IV-1.10	do	do	Do.
(d) Alex H. White School	do	T-484	II-2.2 IV-1.10	do	do	Do.
(e) J. W. Wills School	do	T-483	II-2.2 IV-1.10	do	do	Do.
Jones County Feed Mill	do	T-1304	II-1.3	July 9, 1971	do	Dec. 31, 1973
Lee County						
Town of Broadway	Broadway	T-991	II-1.3	May 13, 1971	Immediately	Dec. 31, 1973
Brown Iron & Metal Co., Lee Aluminum Division.	Sanford	T-1538	II-1.3	Apr. 28, 1972	do	Do.
Dunning Limited	do	T-1849	II-2.2 II-5.2 IV-2.30 IV-2.40	July 28, 1972	do	Do.
Lee County Board of Education:						
(a) Broadway School	Broadway	T-847	II-1.3	Apr. 23, 1971	do	June 30, 1973
(b) Deep River School	Sanford	T-849	II-1.3	Apr. 26, 1971	do	Do.
Do.	do	T-849	II-2.2 IV-1.10	do	do	Sept. 1, 1971
(c) Greenwood School	Lemon Springs	T-848	II-1.3	do	do	June 30, 1973
Do.	do	T-848	II-2.2 IV-1.10	do	do	Sept. 1, 1971
Lee County Hospital	Sanford	T-764	II-2.2 IV-1.30	Apr. 13, 1971	do	July 31, 1973
Lee Paving Co	do	T-2088	II-2.2 IV-1.40	Mar. 2, 1973	do	May 15, 1973
Saco-Lowell	do	T-2073	II-2.2 IV-2.60	do	do	Sept. 1, 1973
Sanford City Board of Education:						
(a) Jonesboro Elementary School.	do	T-520	II-2.2 IV-1.10	Mar. 8, 1971	do	Dec. 31, 1973
(b) Jonesboro Middle School.	do	T-519	II-1.3	do	do	Sept. 1, 1971
Do.	do	T-519	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(c) W. B. Wicker School	do	T-521	II-2.2 IV-1.10	do	do	Do.
Lenoir County						
Davis Mills	Seven Springs	T-1293	II-1.3	June 25, 1971	Immediately	Dec. 31, 1973
Hardy Milling Co	La Grange	T-1303	II-1.3	July 9, 1971	do	Do.
Lenoir County Board of Education:						
(a) Banks Elementary School.	Kinston	T-556	II-1.3	Mar. 15, 1971	do	Dec. 31, 1971
Do.	do	T-556	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(b) La Grange Elementary School.	La Grange	T-546	II-1.3 II-2.2 IV-1.10	Mar. 9, 1971	do	Sept. 8, 1973
(c) Moss Hill School	Kinston	T-555	II-1.3	Mar. 15, 1971	do	Dec. 31, 1971
Do.	do	T-555	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(d) Pink Hill Elementary School.	Pink Hill	T-554	II-1.3	Mar. 12, 1971	do	Dec. 31, 1971
Do.	do	T-554	II-2.2 IV1.10	do	do	Sept. 30, 1973
Frank S. Love and Co	Kinston	T-2081	II-2.2 IV-1.30	Mar. 2, 1973	do	Dec. 31, 1973
P A B Publishing Co	La Grange	T-970	II-1.3	May 5, 1971	do	June 30, 1973
Parrott Hospital, Inc	Kinston	T-196	II-2.2 IV-1.10 IV-1.30 IV-2.40	Dec. 11, 1970	do	May 15, 1973
Town of Pink Hill	Pink Hill	T-1780	II-1.3	June 29, 1972	do	Dec. 31, 1973
Lincoln County						
Burris Industries	Lincolnton	T-2148	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	Immediately	Sept. 1, 1973
Cochrane Furniture Co	do	T-2023	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	June 30, 1973
Jarretts Laundry and Cleaners, Inc.	do	T-1940	II-2.2 IV-1.10 IV-2.40	Dec. 12, 1972	do	Do.
J. C. Wehunt Gin	Cherryville	T-2144	II-2.2 IV-2.30	Mar. 2, 1973	do	Oct. 1, 1973
School.						
Martin County						
Weyerhaeuser Co	Plymouth	T-2080	IV-1.10 IV-2.40	Mar. 2, 1973	Immediately	June 1, 1975
McDowell County						
American Thread Co., Sevier Plant.	Marion	T-408	II-1.3	Feb. 11, 1971	Immediately	Oct. 15, 1973
Do.	do	T-1819	II-2.2 IV-1.10 IV-2.40	Aug. 25, 1972	do	Sept. 1, 1974
C. D. Blanton, bldg. No. 2	do	T-1575	II-2.2 IV-1.10 IV-2.40	May 1, 1972	do	Oct. 1, 1973
C. D. Blanton, bldg. No. 3	do	T-1576	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 1, 1974
Broyhill Furniture Industries, Marion Plant.	do	T-1505	II-2.2 II-5.2 IV-1.10 IV-2.40	Dec. 15, 1971	do	July 1, 1973
Burlington Industries	do	T-2159	II-2.2 IV-1.30 IV-2.40	Mar. 2, 1973	do	Dec. 31, 1974
Drexel Enterprises, Plant No. 2 of Champion International Corp.	do	T-2157	II-2.2 II-5.2 IV-2.30 IV-2.60	Mar. 8, 1973	do	Dec. 31, 1973
Explosives Supply Co	do	T-2020	II-2.2 IV-2.30	Dec. 15, 1972	do	May 1, 1973
International Musical Instruments, Inc.	do	T-2019	II-2.2 II-5.2 IV-1.10 IV-2.40	do	do	Sept. 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
McDowell County—Continued						
McDowell Cement Products Co., Inc.	do	T-1816	II-2.2 II-5.2 IV-1.90 IV-2.30	Aug. 25, 1972	do	Mar. 1, 1973
Old Fort Cleaners	Old Fort	T-2187	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	Aug. 30, 1973
TriCounty Block Co., Inc.	Marion	T-1815	II-2.2 II-5.2 IV-1.90 IV-2.30	Aug. 25, 1972	do	Mar. 1, 1973
United Merchants and Manufacturers, Inc., Old Fort Finishing Plant.	Old Fort	T-2186	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	do	Dec. 31, 1973
Do	do	T-467	II-2.2 IV-1.10 I-2.40	Feb. 24, 1971	do	June 30, 1974
Macon County						
Franklin Stone Co.	Franklin	T-2179	II-2.2 IV-1.80 IV-2.30	Mar. 2, 1973	Immediately	June 30, 1973
Macon County Board of Education:						
(a) Cartoogechaye Elementary School.	do	T-1284	II-1.3	June 24, 1971	do	Dec. 18, 1973
Do	do	T-1284	II-2.2 IV-1.10	do	do	Dec. 18, 1971
(b) Cowee Elementary School.	do	T-1285	II-1.3 II-2.2 IV-1.10	do	do	Dec. 31, 1973
(c) Cullasaja School	do	T-1286	II-1.3	do	do	Do.
Do	do	T-1286	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(d) Iotla Elementary School.	do	T-1287	II-1.3	do	do	Dec. 31, 1973
Do	do	T-1287	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(e) Nantahala School	Topton	T-1282	II-1.3	do	do	Dec. 31, 1973
(f) Otto Elementary School.	Otto	T-1281	II-1.3	do	do	Do.
(g) Union Elementary School.	Franklin	T-1283	II-1.3	do	do	Do.
Do	do	T-1283	II-2.2 IV-1.10	do	do	Dec. 31, 1971
Macon Furniture Mart	do	T-2077	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	June 30, 1973
Peakline Furniture Co.	do	T-2166	II-2.2 IV-2.00 IV-2.30	Mar. 8, 1973	do	Do.
Do	do	T-2166	II-2.2 IV-2.60	do	do	Dec. 31, 1973
West Building Materials	do	T-2181	II-2.2 IV-1.10 IV-2.40	do	do	June 1, 1973
Madison County						
Mars Hill College	Mars Hill	T-1175	II-1.3 II-2.2 IV-1.1	May 20, 1971	Immediately	Dec. 31, 1973
Martin County						
Town of Hamilton	Hamilton	T-185	II-1.3	Feb. 11, 1970	Immediately	July 1, 1973
Martin County Board of Commissioners:						
(a) Martin County Agricultural Bldg.	Williamston	T-1906	II-2.2 IV-1.10 IV-2.40	Dec. 14, 1972	do	Dec. 31, 1973
(b) Martin County Courthouse.	do	T-1352	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	Do.
Martin County Board of Education:						
(a) Bear Grass School	do	T-884	II-1.3 II-2.2 IV-1.10	Apr. 27, 1971	do	Sept. 30, 1973
(b) F. J. Hayes School	do	T-883	II-1.3	do	do	June 30, 1972
Do	do	T-883	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(c) Jamesville School	Jamesville	T-881	II-1.3 II-2.2 IV-1.10	do	do	Do.
(d) Jamesville Township School.	do	T-877	II-1.3 II-2.2 IV-1.10	do	do	Do.
(e) North Everetts School.	Everetts	T-886	II-1.3 II-2.2 IV-1.10	do	do	Do.
(f) Robersonville High School.	Robersonville	T-887	II-1.3 II-2.2 IV-1.10	do	do	Do.
(g) Rodgers School	Williamston	T-882	II-1.3 II-2.2 IV-1.10	do	do	Do.
(h) West Martin School	Oak City	T-888	II-1.3 II-2.2 IV-1.10	do	do	Do.
(i) Williamston High School.	Williamston	T-876	II-1.3 II-2.2 IV-1.10	do	do	Do.
Town of Robersonville	Robersonville	T-603	II-1.3	Mar. 17, 1971	do	June 30, 1973
Mecklenburg County						
Academy Steel Drum Co.	Matthews		II-2.2 II-5.2 IV-1.30	Feb. 13, 1973	Immediately	May 31, 1973
C & T Refinery	Charlotte		II-2.2 IV-1.10 IV-2.60	do	do	Dec. 31, 1973
Charlotte Pipe and Foundry Co.	do		II-2.2 IV-2.20 IV-2.30 IV-2.60	do	do	Feb. 28, 1974
Cone Mills Corp., Pineville Plant.	Pineville		II-2.2 IV-1.10 IV-2.40	do	do	Sept. 1, 1974
Queen City Foundry, Inc.	Charlotte		II-2.2 IV-2.20 IV-2.30	do	do	Mar. 31, 1974
Nello L. Teer Co., Flylite Plant.	do		II-2.2 IV-1.90 IV-2.30	do	do	May 1, 1974
Union Carbide Corp.	do		II-2.2 IV-2.30 IV-2.60	do	do	Sept. 1, 1974

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Mitchell County						
Burleson Bldgs.	Spruce Pine	T-2022	II-2.2 IV-1.10 IV-2.40	Dec. 15, 1972	Immediately	June 28, 1973
Diamond Mica Co.	do	T-2021	II-2.2 IV-1.10 IV-1.70 IV-2.30 IV-2.40	do	do	Dec. 31, 1973
Felts Furniture Co.	do	T-2013	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	Sept. 31, 1973
Henredon Furniture Industries, Inc.	do	T-2178	II-2.2 IV-2.00 IV-2.30 IV-2.60	Mar. 2, 1973	do	Dec. 31, 1973
Do.	do	T-1970	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	Sept. 3, 1973
International Minerals & Chemical Corp., Kona Plant.	Bakersville	T-2184	II-2.2 IV-1.70 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1974
Lawson United Feldspar & Mineral Co.	Spruce Pine	T-1781	II-2.2 IV-1.70 IV-2.30	Aug. 23, 1972	do	June 15, 1973
Montgomery County						
Candor Cotton Co.	Candor	T-2151	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Oct. 1, 1973
Foundry Service	Biscoe	T-1423	II-1.3 II-2.2 IV-1.10 IV-2.20 IV-2.30 IV-2.40	Oct. 6, 1971	do	June 30, 1974
Montgomery Board of Education:						
(a) Candor Elementary School.	Candor	T-894	II-2.2 IV-1.10	Apr. 29, 1971	do	May 1, 1973
(b) Highland Elementary School.	Mount Gilead	T-890	II-1.3	Apr. 27, 1971	do	Sept. 30, 1971
Do.	do	T-890	II-2.2 IV-1.10	do	do	June 30, 1973
(c) Star Elementary School.	Star	T-892	II-2.2 IV-1.10	Apr. 29, 1971	do	Do.
Texfi Corp.	Mount Gilead	T-1487	II-2.2 IV-1.10 IV-2.40	Oct. 21, 1971	do	Dec. 31, 1973
Moore County						
Carolina Galvanizing & Gate Corp.	Aberdeen	T-1759	II-2.2 II-5.2 IV-2.30 IV-2.60	June 28, 1972	Immediately	July 31, 1973
Crucedale Cleaners	do	T-1967	II-2.2 IV-1.10 IV-2.40	Dec. 13, 1972	do	Oct. 1, 1973
Futrell Brothers Lumber Co., Inc.	Vass	T-726	II-1.3	Apr. 5, 1971	do	Aug. 31, 1973
Lee Paving Co.	Aberdeen	T-1965	II-2.2 IV-1.40	Dec. 13, 1972	do	Oct. 1, 1973
Moore Memorial Hospital, Inc.	Pinehurst	T-1966	II-1.3	do	do	Sept. 30, 1973
SCM Proctor-Silex, Inc.	Southern Pines	T-1909	II-2.2 II-5.2 IV-2.30 IV-2.40 IV-2.60	do	do	Sept. 1, 1973
Moore County—Continued						
Stanley Furniture Co., The Mead Corp.	West End	T-2085	II-5.2 IV-2.60	Mar. 2, 1973	do	Nov. 30, 1973
Trimble Products, Inc.	Southern Pines	T-2117	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	July 1, 1973
Nash County						
Bass Gin Co.	Red Oak	T-1925	II-2.2 IV-2.30	Dec. 11, 1972	Immediately	Sept. 1, 1973
M. C. Braswell Agriservices:						
(a) Corn Processing Facility.	Battleboro	T-1726	II-2.2 II-5.2 IV-2.30 IV-2.40	May 24, 1973	do	June 1, 1973
(b) Cotton Ginning Facility.	do	T-1728	II-2.2 II-5.2 IV-2.30 IV-2.40	do	do	Do.
(c) Peanut Processing Facility.	do	T-1727	II-2.2 II-5.2 IV-2.30 IV-2.40	do	do	Do.
Dortch Gin Co.	Rocky Mount	T-1568	II-2.2 II-5.2 IV-2.30 IV-2.40	Apr. 28, 1972	do	Mar. 31, 1973
Kaiser Agricultural Chemicals Gin.	Nashville	T-1912	II-2.2 IV-2.30	Dec. 11, 1972	do	Sept. 1, 1973
Nash County Board of Education:						
(a) Bailey School System:						
(1) Primary Bldg.	Bailey	T-500	II-2.2 IV-1.10	Feb. 26, 1971	do	Sept. 30, 1972
(2) Gymnasium	do	T-500	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(b) Coopers School:						
(1) Main Bldg.	Nashville	T-495	II-2.2 IV-1.10	do	do	Sept. 30, 197
(2) Cafeteria	do	T-495	II-2.2 IV-1.10	do	do	Sept. 30, 1972
(3) Gymnasium	do	T-495	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(c) W. L. Greene Middle School:						
(1) Agricultural Bldg.	Nashville	T-496	II-2.2 IV-1.10	Feb. 26, 1971	do	Do.
(2) Primary Bldg.	do	T-496	II-2.2 IV-1.10	do	do	Sept. 30, 1972
(d) Middleser Elementary School:						
(1) Main Bldg.	Middleser	T-499	II-2.2 IV-1.10	do	do	Sept. 30, 1971
(2) Gymnasium	do	T-499	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(e) Red Oak School:						
(1) Main Bldg.	Nashville	T-497	II-2.2 IV-1.10	do	do	Sept. 30, 1971
(2) Gymnasium	do	T-497	II-2.2 IV-1.10	do	do	Sept. 30, 1973
(f) Spaulding Middle School.	do	T-494	II-2.2 IV-1.10	do	do	Do.
(g) Spring Hope Elementary School.	Spring Hope	T-498	II-2.2 IV-1.10	do	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Nash County—Continued						
(h) Stony Creek School (Nash Technical Institute).	Rocky Mount	T-485	II-1.3 II-2.2 IV-1.10	do	do	Do.
(i) Swift Creek Elementary School:						
(1) Gymnasium	Nashville	T-498	II-2.2 IV-1.10	do	do	Do.
(2) Primary School Bldg.	do	T-498	II-2.2 IV-1.10	do	do	Sept. 30, 1971
Rocky Mount Feed & Farm Supply, Inc.	Rocky Mount	T-1880	II-2.2 II-5.2 IV-2.30 IV-2.40	Sept. 11, 1972	do	June 30, 1973
D. J. Rose & Son, Inc.	do	T-1541	II-2.2 II-5.2 IV-2.30 IV-2.40	Apr. 28, 1972	do	July 1, 1973
Snipes Stave Co.	Spring Hope	T-1166	II-1.3	May 18, 1971	do	Dec. 31, 1973
Superlock Manufacturing Co.	Rocky Mount	T-2051	IV-2.60	Mar. 2, 1973	do	Nov. 15, 1973
H. F. Ward Metal Salvage, Inc.	Nashville	T-788	II-1.3	Apr. 16, 1971	do	Dec. 31, 1973
New Hanover County						
Carolina Power & Light Co., unit No. 1	Wilmington	T-1847	IV-1.10 IV-2.40	July 20, 1972	Immediately	June 1, 1973
Corbett Lumber Corp.	do	T-2084	II-2.2 IV-1.10	Mar. 2, 1973	do	June 30, 1973
Corbett Package Co.	do	T-1290	II-1.3 II-2.2 IV-1.10	June 25, 1971	do	Do.
General Electric Co.	do	T-2083	IV-2.60	Mar. 2, 1973	do	Feb. 1, 1974
Humble Oil & Refining Co.	do	T-2060	IV-2.60	do	do	Sept. 1, 1973
New Hanover County Board of Education, College Park School.	do	T-1004	II-1.3	May 6, 1971	do	Jan. 31, 1974
Northampton County						
Blyth & Carpenter, Inc.	Margrettesville	T-2080	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Sept. 1, 1973
Town of Conway	Conway	T-793	II-1.3	Apr. 19, 1971	do	Dec. 31, 1973
Farmers Gin Co.	Jackson	T-1910	II-2.2 IV-2.30	Dec. 11, 1972	do	Sept. 1, 1973
Johnson Manufacturing Co., Inc.	Pendleton	T-2008	IV-2.60	Dec. 15, 1972	do	Nov. 1, 1973
W. P. Morris Lumber Co.	Jackson	T-2052	II-1.3	Mar. 2, 1973	do	July 1, 1973
Northampton County School System:						
(a) Conway School	Conway	T-2101	II-2.2 IV-1.10 IV-2.60	do	do	Oct. 1, 1973
(b) W. S. Creecy School	Rich Square	T-2109	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(c) Garysburg School	Garysburg	T-2102	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(d) Gaston School	Gaston	T-2103	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(e) Gumberry School	Gumberry	T-2104	II-2.2 IV-1.10 IV-2.60	do	do	Do.
Northampton County—Continued						
(f) Jackson School	Jackson	T-2105	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(g) Northampton County High School.	Conway	T-2106	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(h) Rich Square School	Rich Square	T-2107	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(i) Seaboard School	Seaboard	T-2108	II-2.2 IV-1.10 IV-2.60	do	do	Do.
(j) Woodland Olney School.	Woodland	T-2110	II-2.2 IV-1.10 IV-2.60	do	do	Do.
Town of Rich Square	Rich Square	T-787	II-1.3	Apr. 16, 1971	do	Dec. 31, 1973
Rich Square Gin Co.	do	T-1902	II-2.2 IV-2.30	Dec. 11, 1972	do	July 1, 1973
Severn Peanut Co., Inc.	Severn	T-747	II-1.3	Apr. 7, 1971	do	Mar. 31, 1973
Superior Ginning Co., Inc.	Seaboard	T-1644	II-2.2 II-5.2 IV-2.30 IV-2.40	May 8, 1972	do	June 30, 1973
Woodland Gin Co.	Woodland	T-1901	II-2.2 IV-2.30	do	do	July 1, 1973
Onslow County						
Ray Brown & Son, Inc.	Jacksonville	T-1189	II-1.3	May 24, 1971	Immediately	Dec. 31, 1973
Do.	Richlands	T-1190	II-1.3	do	do	Do.
Coastal Carolina Community College.	Jacksonville	T-708	II-1.3	Apr. 1, 1971	do	May 30, 1973
Do.	do	T-708	II-2.2 IV-1.10	do	do	Dec. 31, 1973
Onslow County Board of Education:						
(a) Bell Fork Elementary School.	do	T-469	II-2.2 IV-1.10	Feb. 24, 1971	do	Sept. 1, 1973
(b) Blue Creek School	do	T-476	II-2.2 IV-1.10	Feb. 25, 1971	do	Dec. 31, 1973
(c) Clyde Erwin School	do	T-470	II-2.2 IV-1.10	Feb. 24, 1971	do	Sept. 1, 1973
(d) Jacksonville Junior High School.	do	T-471	II-2.2 IV-1.10	do	do	Do.
(e) Northwoods Elementary School.	do	T-472	II-2.2 IV-1.10	do	do	Do.
(f) Swansboro High School.	Swansboro	T-475	II-2.2 IV-1.10	Feb. 25, 1971	do	Dec. 31, 1973
(g) Tabernacle Elementary School.	Maysville	T-474	II-2.2 IV-1.10	do	do	Do.
Onslow County Memorial Hospital.	Jacksonville	T-1653	II-2.2 IV-1.30	May 24, 1972	do	Dec. 31, 1974
Onslow County Workshop	do	T-609	II-1.3	Mar. 18, 1971	do	Dec. 31, 1973
Quality Cleaners & Laundry.	do	T-2082	IV-2.60	Mar. 2, 1973	do	June 1, 1973
Orange County						
Hines Liner Co. Sawmill	Hillsborough	T-1917	II-1.3	Dec. 11, 1972	Immediately	July 31, 1973
Melville Furniture Manufacturing.	Mebane	T-2006	II-2.2 IV-2.60 IV-2.30	Dec. 15, 1972	do	Apr. 30, 1973
William Muirhead Construction Co., Inc.	Carrboro	T-1927	II-2.2 IV-1.40 IV-2.30	Dec. 12, 1972	do	June 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Orange County—Continued						
Orange County Board of Education:						
(a) G. A. Brown School	Hillsborough	T-1135	II-2.2 IV-1.10	May 13, 1971	do	Sept. 1, 1973
(b) Cameron Park School	do	T-1134	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Central Kindergarten	do	T-1133	II-1.3 II-2.2 IV-110	do	do	Do.
(d) Efland Elementary School.	Efland	T-1132	II-1.3 II-2.2 IV-1.10	do	do	Do.
(e) Efland-Cheeks School	Hillsborough	T-1130	II-1.3 II-2.2 IV-1.10	do	do	Do.
(f) Orange High School	do	T-1131	II-1.3 II-2.2 IV-1.10	do	do	Do.
Orange Ready-Mix Concrete, Inc.	do	T-1950	II-2.2 IV-1.90 IV-2.30	Dec. 12, 1972	do	May 1, 1973
Piedmont Minerals Co., Inc.	do		II-2.2 II-5.2 IV-1.90	Feb. 21, 1972	do	June 30, 1973
University of North Carolina at Chapel Hill.	Chapel Hill	T-412	II-2.2 IV-1.10	Feb. 12, 1971	do	Apr. 30, 1973
White Furniture Co	Hillsborough	T-2089	IV-2.60	Jan. 5, 1973	do	Sept. 15, 1973
Pasquotank County						
Elizabeth City-Pasquotank Board of Education:						
(a) J. C. Sawyer Elementary School.	Elizabeth City	T-1320	II-2.2 IV-1.10	July 15, 1971	Immediately	Dec. 31, 1973
(b) H. L. Twigg Elementary School.	do	T-1322	II-2.2 IV-1.10	do	do	Do.
(c) Weeksville Elementary School.	Weeksville	T-1317	II-2.2 IV-1.10	do	do	Jan. 31, 1973
A. H. Johnson & Sons Lumber Co.	Elizabeth City	T-1169	II-2.2 IV-2.30	May 19, 1971	do	Sept. 30, 1973
Sanders Co., Inc	do	T-1694	II-2.2 IV-1.10 IV-2.40	May 22, 1972	do	Mar. 31, 1973
Pender County						
C. H. Clark & Son, Inc	Rocky Point	T-265	II-1.3	Jan. 8, 1971	Immediately	June 30, 1973
J. H. Lea & Sons	Hampstead	T-1828	II-1.3	Aug. 28, 1972	do	Do.
Lewis Sausage Co	Burgaw	T-739	II-1.3	Apr. 7, 1971	do	June 30, 1974
Perquimans County						
Perquimans County Board of Education, Perquimans Union School.	Windall	T-514	II-2.2 IV-1.10	Mar. 3, 1971	Immediately	Dec. 31, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Persons County						
Pat Brown Lumber Co	Roxboro	T-3005	II-1.3	Dec. 15, 1972	Immediately	May 10, 1973
Carolina Power & Light Co., Roxboro Steam Plant:	do	T-1821	II-2.2 IV-1.10 IV-2.40	Aug. 25, 1972	do	
(a) Unit No. 1	do	T-1821	II-2.2 IV-1.10 IV-2.40	do	do	Nov. 1, 1973
(b) Unit No. 2	do	T-1821	II-2.2 IV-1.10 IV-2.40	do	do	May 1, 1974
Crown Aluminum Industries Corp., division of Whittaker Corp.	do	T-1635	II-2.2 IV-2.30	May 8, 1972	do	Dec. 1, 1974
Do	do	T-1635	II-5.2	do	do	Feb. 29, 1972
Pitt County						
Abbott Milling Co	Winterville	T-1881	II-1.3	Sept. 11, 1972	Immediately	Dec. 31, 1973
Bethel Manufacturing Co., Inc.	Bethel	T-2004	II-2.2 IV-2.30	Dec. 15, 1972	do	Sept. 1, 1973
Cox Trailers, Inc	Grifton	T-4189	II-1.3	Oct. 28, 1971	do	June 30, 1973
East Carolina University	Greenville	T-969	II-2.2 IV-1.10	Mar. 25, 1971	do	Dec. 31, 1973
Town of Farmville	Farmville	T-294	II-1.3	Jan. 19, 1971	do	June 30, 1973
Town of Fountain	Fountain	T-133	II-1.3	Nov. 16, 1970	do	Do.
Town of Grimesland	Grimesland	T-228	II-1.3	Dec. 28, 1970	do	Do.
L. N. James Corn House	Bethel	T-1187	II-1.3	May 21, 1971	do	Dec. 31, 1973
King Brothers Farm Center, Inc.	Ayden	T-1490	II-1.3	Nov. 4, 1971	do	Do.
Lisa's, Inc	Grifton	T-1915	II-1.3	Dec. 11, 1972	do	July 30, 1973
Pitt County Board of Education:						
(a) Ayden Elementary School.	Ayden	T-1236	II-2.2 IV-1.10	June 16, 1971	do	Oct. 1, 1973
(b) Ayden High School	do	T-1244	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Belvoir Grammar School.	Greenville	T-1249	II-1.3 IV-2.2 IV-1.10	do	do	Do.
(d) Belvoir Primary School.	do	T-1250	II-1.3 II-2.2 IV-1.10	do	do	Do.
(e) Bethel Middle School	Bethel	T-1252	II-1.3 II-2.2 IV-1.10	do	do	Do.
(f) Bethel Primary School	do	T-1251	II-1.3 II-2.2 IV-1.10	do	do	Do.
(g) Sam D. Bundy Elementary School.	Farmville	T-1239	II-2.2 IV-1.10	do	do	Do.
(h) Falkland Grammar School.	Falkland	T-1253	II-1.3 II-2.2 IV-1.10	do	do	Do.
(i) Farmville High School	Farmville	T-1241	II-2.2 IV-1.10	do	do	Do.
(j) H. B. Sugg School	Greenville	T-1240	II-2.2 IV-1.10	do	do	Do.
Tri-County Feed Mills	Bethel	T-1186	II-1.3	May 21, 1971	do	Dec. 31, 1973
Fred Webb Grain Elevators	Greenville	T-2068	II-2.2 IV-2.30	Dec. 15, 1972	do	Aug. 15, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Polk County						
Polk County Board of Education:						
(a) Green Creek Elementary School.	Tryon	T-1277	II-1.3 II-2.2 IV-1.10	July 8, 1971	Immediately	Dec. 31, 1973
(b) Mill Spring Elementary School.	Mill Spring	T-1275	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Polk Central High School.	do	T-1278	II-1.3 II-2.2 IV-1.10	do	do	Do.
(d) Saluda School	Saluda	T-1276	II-1.3 II-2.2 IV-1.10	do	do	Do.
(e) Sterns Elementary School.	Columbus	T-1280	II-1.3 II-2.2 IV-1.10	do	do	Do.
(f) Sunny View Elementary School.	Mill Spring	T-1279	II-1.3 II-2.2 IV-1.10	do	do	Do.
(g) Unit No. 3	Lumberton	T-1830	II-2.2 IV-1.10 IV-2.40	Aug. 25, 1972	do	Dec. 1, 1974
DeVane Lumber Co.	Fairmont	T-766	II-1.3	Apr. 13, 1971	do	June 30, 1973
FCX, Inc., Fertilizer Plant.	Lumberton	T-1637	II-2.2 II-5.2 IV-1.50 IV-2.40	May 2, 1972	do	Feb. 1, 1974
J. G. Hughes, Inc	Parkton	T-3068	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
Liberty Manufacturing Co.	Red Springs	T-1669	II-2.2 IV-2.30	May 15, 1972	do	Dec. 31, 1973
Maxton Oil & Fertilizer Co.	Maxton	T-2115	II-2.2 II-5.2 IV-1.10 IV-2.30 IV-2.40	Mar. 2, 1973	do	Oct. 1, 1973
Midway Gin Co.	do	T-1837	II-2.2 IV-2.30	Aug. 16, 1972	do	July 1, 1973
Moldingcraft, Inc.	Fairmont	T-1913	II-1.3	Dec. 11, 1972	do	Do.
North Carolina Cancer Institute.	Lumberton	T-683	II-1.3	Mar. 26, 1971	do	Dec. 31, 1973
North Carolina State Highway Commission.	Rowland	T-1995	II-2.2 IV-1.40	Dec. 14, 1972	do	Mar. 31, 1973
Town of Parkton	Parkton	T-321	II-1.3	Jan. 27, 1971	do	Dec. 31, 1973
J. Q. Parnell Cotton Gin	do	T-2095	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
Pates Supply Co., Inc.	Pembroke	T-2080	II-2.2 IV-2.30	Dec. 14, 1972	do	Sept. 15, 1973
Red Springs Board of Education, Red Springs Senior High.	Red Springs	T-674	II-2.2 IV-1.10	Mar. 25, 1971	do	Oct. 1, 1973
Robeson Technical Institute.	St. Pauls	T-789	II-1.3 II-2.2 IV-1.10	Apr. 16, 1971	do	Dec. 31, 1973
Town of St. Pauls	do	T-315	II-1.3	Jan. 22, 1971	do	Do.
Randolph County						
Ashe Frame Co.	Trinity	T-1919	II-1.3	Dec. 11, 1972	Immediately	Sept. 1, 1973
Asheboro City Board of Education:						
(a) Asheboro High School.	Asheboro	T-1146	II-1.3	May 14, 1971	do	June 30, 1973
(b) Asheboro Junior High School.	do	T-1150	II-1.3	do	do	Do.
(c) Balfour School	do	T-1148	II-1.3	do	do	Do.
(d) North Asheboro Junior High School.	do	T-1149	II-1.3	do	do	Do.
(e) Guy B. Teachey School	do	T-1147	II-1.3	do	do	Do.
Asheboro Hosiery Mills	do	T-968	II-1.3	May 5, 1971	do	Dec. 31, 1973
Burgess Garbage Service	Ramseur	T-679	II-1.3	Mar. 26, 1971	do	Oct. 1, 1973
Doug's of High Point	Trinity	T-2132	II-1.3	Mar. 2, 1973	do	July 1, 1973
Town of Franklinville	Franklinville	T-773	II-1.3	Apr. 15, 1971	do	Apr. 30, 1973
Town of Liberty	Liberty	T-108	II-1.3	Nov. 2, 1970	do	Do.
Liberty Chair Corp.	do	T-1645	II-2.2 II-5.2 IV-1.10	May 8, 1972	do	July 1, 1973
Liberty Hosiery Mills, Inc.	do	T-1464	II-1.3	Oct. 28, 1971	do	Do.
Town of Ramseur	Ramseur	T-259	II-1.3	Jan. 7, 1971	do	June 30, 1973
City of Randleman	Randleman	T-1174	II-1.3	May 20, 1971	do	Sept. 1, 1974
Weiman Co.	Ramseur	T-1070	II-2.2 IV-1.10	May 10, 1971	do	June 30, 1973
Do.	do	T-2057	IV-2.60	Mar. 2, 1973	do	Jan. 4, 1974
Richmond County						
Town of Ellerbe	Ellerbe	T-2002	II-1.3	Dec. 15, 1972	Immediately	Mar. 30, 1973
Hudson Paving, Inc.	Rockingham	T-1432	II-2.2 IV-1.10 IV-1.40 IV-2.40	Oct. 15, 1971	do	Jan. 1, 1974
Ms Leck Woodcrafts, Inc.	do	T-1874	II-1.3	Sept. 11, 1972	do	June 1, 1973
Richmond County Board of Education, Hamlet Junior High School.	Hamlet	T-289	II-2.2 IV-1.10	Jan. 18, 1971	do	Aug. 1, 1973
Southern Products and Silica Co., Inc.	Lilesville	T-790	II-2.2 IV-1.80	Apr. 16, 1971	do	Jan. 31, 1973
Standard Foundry & Manufacturing Co.	Rockingham	T-1841	II-2.2 II-5.2 IV-2.20 IV-2.30 IV-2.40	July 19, 1972	do	June 30, 1973
J. P. Stevens & Co., Inc.	do	T-248	II-2.2 IV-1.10 IV-2.60	Jan. 6, 1971	do	June 1, 1974
Robeson County						
Ashpole Trading Co.	Fairmont	T-2112	II-2.2 II-5.2 IV-2.30	Mar. 2, 1973	Immediately	Mar. 30, 1973
Carolina Footwear Co.	Lumberton	T-2015	IV-2.60	Jan. 5, 1973	do	Nov. 15, 1973
Carolina Grain & Feed Co.	do	T-2038	II-2.2 IV-2.30	Mar. 2, 1973	do	Aug. 15, 1973
Carolina Power & Light Co., W. H. Weatherspoon Steam Electric Plant:						
(a) Unit No. 1	do	T-1877	II-2.2 IV-1.10 IV-2.40	Sept. 11, 1972	do	May 1, 1973
(b) Unit No. 2	do	T-1877	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 11, 1974

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Rockingham County						
Cone Mills Corp., Edna Plant.	Reidsville	T-2142	II-2.2 IV-1.10	Mar. 2, 1973	Immediately	Nov. 1, 1973
Eden City Board of Education:						
(a) Douglass School	Eden	T-997	II-2.2 IV-1.10	May 6, 1971	do	Oct. 1, 1973
(b) Lakeside School	do	T-998	II-2.2 IV-1.10	do	do	Do.
(c) Leaksville-Spray Intermediate School.	do	T-999	II-2.2 IV-1.10	do	do	Do.
Golden Belt Manufacturing Co.	Reidsville	T-1960	IV-2.60	Jan. 5, 1973	do	June 1, 1974
Madison-Mayodan City Board of Education:						
(a) Dillard Elementary School.	Madison	T-1264	II-2.2 IV-1.10	Jun 21, 1971	do	Dec. 31, 1973
(b) Madison-Mayodan Junior High School.	do	T-1263	II-2.2 IV-1.10	do	do	Do.
(c) Madison-Mayodan Senior High School.	do	T-1265	II-2.2 IV-1.10	do	do	Do.
(d) Scott Elementary School.	do	T-1262	II-2.2 IV-1.10	do	do	Do.
Stoneville Furniture Co., Inc.	Stoneville	T-1546	II-2.2 IV-1.10	Mar. 23, 1972	do	July 1, 1973
Rowan County						
Carolina Stalite Co	Salisbury		II-2.2 IV-1.90	Feb. 28, 1973	Immediately	Sept. 30, 1974
Goodman Lumber Co	do		II-2.2 IV-2.30	do	do	June 30, 1975
Rutherford County						
Burlington Industries, Inc., Henrietta Plant.	Henrietta	T-1687	II-2.2 II-5.2 IV-1.10 IV-2.60	May 19, 1972	Immediately	July 1, 1974
Burlington Industries, Caroleen Plant.	Caroleen	T-2185	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	Dec. 31, 1974
Collar Gin	Ellenboro	T-2167	II-2.2 IV-2.30	do	do	Oct. 1, 1973
Cone Mills Corp., Cliffside Division.	Cliffside	T-2183	II-2.2 II-5.2 IV-1.10 IV-2.30 IV-2.40	do	do	Dec. 31, 1974
N. C. Display Fixture Co., Inc.	Forest City	T-2168	II-2.2 II-5.2 IV-2.60	do	do	Dec. 31, 1973
Do	do	T-1530	II-1.3	Feb. 24, 1972	do	Mar. 1, 1973
Parton Lumber Co., Inc.	Rutherfordton	T-2024	II-2.2 IV-1.10 IV-2.40	Dec. 15, 1972	do	Dec. 31, 1973
Reeves Bros., Inc., Grace Plant.	do	T-1926	II-2.2 II-5.2 IV-2.30 IV-2.60	Dec. 11, 1972	do	Do.
Robbins Dry Cleaners	Spindale	T-1631	II-2.2 IV-1.10 IV-2.40	May 8, 1972	do	Apr. 1, 1973
Rutherford Hospital, Inc.	Rutherfordton	T-2158	II-1.3	Mar. 2, 1973	do	Sept. 30, 1973
Rutherford Furniture Co. of Broyhill, Inc.	do	T-2177	II-2.2 IV-2.30	Mar. 2, 1972	do	Oct. 1, 1974
Rutherford County—Continued						
Rutherford County Board of Education:						
(a) Bostic Elementary School.	Bostic	T-1677	II-2.2 IV-1.10 IV-2.40	May 18, 1972	do	Oct. 15, 1973
(b) Carver Elementary School.	Spindale	T-1686	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) Gilkey Elementary School.	Gilkey	T-1678	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(d) Green Hill Elementary School.	Rutherfordton	T-1675	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(e) Oakland Elementary School.	Spindale	T-1680	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(f) Schoolbus garage	do	T-1685	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(g) Union Mills School	Union Mills	T-1683	II-2.2 IV-1.10 IV-2.40	do	do	
Spindale Isothermal Community College.	Spindale	T-668	II-1.3	Mar. 25, 1971	do	July 31, 1973
Stonecutter Mills Corp	do	T-1846	II-2.2 IV-1.10 IV-2.40	June 10, 1972	do	June 30, 1973
Tower Concrete Co., Inc.	Forest City	T-1626	II-2.2 II-5.2 IV-1.90 IV-2.30	May 3, 1972	do	May 1, 1973
Transcarolina Concrete Co	do	T-2046	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 31, 1974
Wright Veneer Co., Inc.	Spindale	T-1878	II-2.2 IV-1.10 IV-2.40	Sept. 11, 1972	do	Apr. 1, 1973
Sampson County						
ABJ Enterprises, Inc	Dunn	T-1341	II-1.3	July 23, 1971	Immediately	June 30, 1974
Do.	do	T-1905	II-2.2 IV-2.30	Nov. 11, 1972	do	July 1, 1973
C. A. Brown Lumber Co.	Ivanhoe	T-2113	II-2.2 IV-1.10	Mar. 2, 1973	do	Dec. 31, 1973
Kenner Lumber Co., Inc.	Clinton	T-1756	II-1.3	June 28, 1972	do	June 30, 1973
B. E. Lockamey Gin	do	T-2116	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
Plainview Gin Co	Dunn	T-1900	II-2.2 IV-2.30	Dec. 11, 1972	do	Do.
Sampson County Board of Education:						
(a) Bland Elementary School.	Harrells	T-2120	II-1.3	Mar. 2, 1973	do	Do.
(b) Chas E. Perry School.	Roseboro	T-2121	II-1.3	do	do	Do.
(c) Clear Run School	Garland	T-2122	II-1.3	do	do	Do.
(d) Clement School	Autryville	T-2123	II-1.3	do	do	Do.
(e) Garland Elementary School.	Garland	T-2124	II-1.3	do	do	Do.
(f) Garland High School	do	T-2125	II-1.3	do	do	Do.
(g) Halls Piney Grove School.	Clinton	T-2126	II-1.3	do	do	Do.
(h) Hargrove School	Faison	T-2127	II-1.3	do	do	Do.
(i) Hobbton Elementary School.	Newton Grove	T-2128	II-1.3	do	do	Do.
(j) Hobbton High School	do	T-2129	II-1.3	do	do	Do.
(k) Midway Elementary School.	Dunn	T-2130	II-1.3	do	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Sampson County—Continued						
(l) Midway High School	do	T-2131	II-1.3	do	do	Do.
(m) Mingo School	do	T-2132	II-1.3	do	do	Do.
(n) Plainview School	do	T-2133	II-1.3	do	do	Do.
(o) Roseboro-Salemburg School.	Roseboro	T-2134	II-1.3	do	do	Do.
(p) Salemburg Elementary School.	Salemburg	T-2135	II-1.3	do	do	Do.
(q) Turkey Elementary School.	Turkey	T-2136	II-1.3	do	do	Do.
(r) Union Elementary School.	Clinton	T-2137	II-1.3	do	do	Do.
(s) Union High School	do	T-2138	II-1.3	do	do	Do.
(t) Sampson County Board of Education.	do	T-2139	II-1.3	do	do	Do.
Sampson Technical Institute.	do	T-732	II-2.2 IV-1.10	Apr. 6, 1971	do	Dec. 31, 1973
Scovill, Hamilton Beach Division.	do	T-2092	II-5.2 IV-2.60	Mar. 2, 1973	do	July 31, 1974
Scotland County						
Covington Redi-Mix	Laurinburg	T-1997	II-2.2 IV-2.30	Dec. 14, 1972	Immediately	Apr. 1, 1973
Eaton Corp., Molded Products Division.	do	T-2090	II-5.2 IV-2.60	Mar. 2, 1973	do	Dec. 31, 1973
Town of Gibson	Gibson	T-151	II-1.3	Nov. 19, 1969	do	Mar. 31, 1973
J. T. John Co	Laurinburg	T-1534	II-2.2 II-5.2 IV-2.30 V-2.40	July 3, 1972	do	Dec. 1, 1973
Johns-Manville Corp	do	T-1998	IV-2.60	Dec. 14, 1972	do	Do.
Langley Gin	do	T-2064	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
City of Laurinburg	do	T-657	II-1.3	Mar. 24, 1971	do	Dec. 31, 1973
Laurinburg-Scotland County Board of Education:						
(a) Carver School	do	T-974	II-1.3	May 5, 1971	do	Do.
(b) Carver School	do	T-974	II-2.2 IV-1.10	do	do	Dec. 31, 1972
(c) Gibson School	Gibson	T-975	II-1.3	do	do	Dec. 31, 1973
(d) Gibson School	do	T-975	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(e) Johnson School	Laurinburg	T-976	II-1.3	do	do	Dec. 31, 1973
(f) Johnson School	do	T-976	II-2.2 IV-1.10	do	do	Dec. 31, 1971
(g) Laurel Hill School	Laurel Hill	T-977	II-1.3 II-2.2 IV-1.10	do	do	Dec. 31, 1973
(h) Pate-Gardner School	Laurinburg	T-978	II-1.3 II-2.2 IV-1.10	do	do	Do.
(i) Oak Grove School	do	T-979	II-1.3 II-2.2 IV-1.10	do	do	Do.
(j) South Scotland School	do	T-981	II-1.3 II-2.2 IV-1.10	do	do	Do.
(k) Wagram School	Wagram	T-982	II-1.3	do	do	Do.
(l) Wagram School	do	T-982	II-2.2 IV-1.10	do	do	Do.
(m) Shaw School	Laurinburg	T-980	II-1.3	do	do	Do.
(n) Shaw School	do	T-980	II-2.2 IV-1.10	do	do	Dec. 31, 1972
(o) Laurinburg Junior High School	do	T-983	II-2.2 IV-1.10	do	do	Dec. 31, 1973
Laurinburg Oil Co	do	T-1982	II-2.2 IV-2.30	Dec. 12, 1972	do	Sept. 1, 1973
Lumbee Timber Co., Inc.	do	T-1980	II-1.3	do	do	June 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Scotland County—Continued						
Neill McKay Gin Co	Wagram	T-1999	II-2.2 IV-2.30	Dec. 14, 1972	do	Sept. 15, 1973
Z. V. Pate, Inc., Gin	Gibson	T-1842	II-2.2 IV-2.30	Aug. 11, 1972	do	July 1, 1973
Planters Gin Corp	Laurinburg	T-1853	II-2.2 II-5.2 IV-2.30 IV-2.40	Aug. 16, 1972	do	Sept. 15, 1973
Raymond Gin	do	T-1931	II-2.2 IV-2.30	Dec. 12, 1972	do	Sept. 1, 1973
Ritz-Craft Homes	Maxton	T-128	II-1.3	Apr. 6, 1971	do	Dec. 31, 1973
Scotland Memorial Hospital, Inc.	Laurinburg	T-2098	II-1.3	Mar. 2, 1973	do	Dec. 1, 1973
W. A. Simmons Lumber Co.	Wagram	T-2119	II-1.3	do	do	Nov. 1, 1973
Sinclair Lumber Co., Inc.	Laurinburg	T-1929	II-1.3	Dec. 12, 1972	do	June 1, 1973
Southern Gin & Fertilizer Co.	Gibson	T-1748	II-2.2 II-5.2 IV-2.30 IV-2.40	June 28, 1972	do	Sept. 1, 1973
Springs Mill, Inc., Patricia Plant.	Wagram	T-503	II-1.3	Mar. 2, 1971	do	Mar. 31, 1973
Stanly County						
Albemarle City Board of Education, South Albemarle School Plant.	Albemarle	T-774	II-2.2 IV-1.10	Apr. 15, 1971	Immediately	June 30, 1973
Builder Mart of Albemarle, Inc.	do	T-2143	II-2.2 IV-1.10 IV-2.40	Mar. 2, 1973	do	Do.
Carolina Solite Corp:						
(a) Kiln No. 1	Aquadale	T-2147	II-2.2 IV-2.30 IV-2.40	do	do	June 1, 1973
(b) Kiln No. 2	do	T-2147	II-2.2 IV-2.30 IV-2.40	do	do	Jan. 1, 1974
(c) Kiln No. 3	do	T-2147	II-2.2 IV-2.30 IV-2.40	do	do	Feb. 28, 1974
(d) Kiln No. 4	do	T-2147	II-2.2 IV-2.30 IV-2.40	do	do	Mar. 1, 1974
(e) Kiln No. 5	do	T-2147	II-2.2 IV-2.30 IV-2.40	do	do	Apr. 1, 1974
(f) Kilns Nos. 6, 7, and 8	do	T-2147	II-2.2 IV-2.30 IV-2.40	do	do	May 1, 1974
Stokes County						
Stokes-Reynolds Memorial Hospital.	Danbury	T-1476	II-1.3	Oct. 28, 1971	Immediately	Dec. 31, 1973
Surry County						
Chatham Manufacturing Co.	Elkin	T-1523	II-2.2 IV-1.10 IV-2.40	Feb. 21, 1972	Immediately	July 31, 1973
Moody Franklin Apartments.	Mount Airy	T-1718	II-2.2 IV-1.10 IV-2.40	May 23, 1972	do	Sept. 15, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Surry County—Continued						
Mount Airy City Board of Education:						
(a) Bannertown School	do	T-1882	II-2.2 IV-1.10 IV-2.40	Sept. 11, 1972	do	Dec. 31, 1973
(b) Rockford Street School	do	T-1883	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) South Main School	do	T-1884	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Mount Airy Furniture Co.	do	T-1668	II-2.2 IV-1.10 IV-2.40	May 15, 1972	do	Do.
Mount Airy Table Co.	do	T-1714	II-2.2 IV-1.10 IV-2.40	May 19, 1972	do	Do.
National Furniture Co.	do	T-1711	II-2.2 IV-1.10 IV-2.40	May 24, 1972	do	Mar. 1, 1973
W. S. Simpson Mill, Inc.	Pilot Mountain	T-1585	II-2.2 II-5.2 IV-2.30 IV-2.40	May 1, 1972	do	June 30, 1973
Surry County Board of Education:	Dobsin		II-1.3	Apr. 28, 1972	do	June 1, 1972
(a) Copeland Elementary School	do	T-1537	II-2.2 II-5.2 IV-1.10 IV-2.40	do	do	Sept. 1, 1973
(b) Flat Rock Elementary School	Mount Airy	T-1558	II-2.2 II-5.2 IV-1.10 IV-2.40	do	do	Do.
(c) Low Gap Elementary School	Low Gap	T-1553	II-2.2 II-5.2 IV-1.10 IV-2.40	do	do	Do.
(d) Pilot Mountain Elementary School	Pilot Mountain	T-1554	II-2.2 II-5.2 IV-1.10 IV-2.40	do	do	Do.
(e) Shoals Elementary School	Pinnacle	T-1555	II-2.2 II-5.2 IV-1.10 IV-2.40	do	do	Do.
Swain County						
Bryson City Coal & Lumber	Bryson City	T-1942	II-2.2 IV-1.10 IV-2.40	Dec. 12, 1972	Immediately	June 30, 1973
Bryson City Town Hall	do	T-1943	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Consolidated Furniture Inc.	do	T-615	II-2.2 IV-1.10 IV-2.00	Mar. 18, 1971	do	Do.
Nantahala Talc & Limestone Co., Inc.	Hewitts	T-2176	II-2.2 IV-1.80	Mar. 2, 1973	do	Dec. 31, 1973
North Carolina State Highway Commission, Asphalt Mix Plant.	Bryson City	T-1869	II-2.2 IV-1.40	Aug. 25, 1972	do	Dec. 31, 1972
Swain County—Continued						
Swain County Board of Education:						
(a) Swain County High School	do	T-1352	II-1.3 II-2.2 IV-1.10	Sept. 24, 1971	do	Sept. 1, 1973
(b) Bryson City Elementary	do	T-1351	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Almond School	do	T-1350	II-1.3 II-2.2 IV-1.10	do	do	Do.
(d) Alarka School	do	T-1349	II-1.3 II-2.2 IV-1.10	do	do	Do.
Swain County Hospital, Inc.	do	T-1944	IV-1.30	Dec. 12, 1972	do	June 1, 1973
Transcarolina Concrete Co.	do	T-2044	II-2.2 IV-1.90 IV-2.30	Mar. 2, 1973	do	Jan. 31, 1974
Transylvania County						
McCrary Sand & Concrete	Brevard	T-1928	II-2.2 IV-1.80	Dec. 12, 1972	Immediately	June 1, 1973
Olin Corp.:						
(a) Boilers 5, 6, 7	Pisgah Forest	T-1311	II-2.2 IV-1.20 IV-1.60 IV-2.40	Dec. 14, 1971	do	Oct. 1, 1973
(b) Boilers 1, 2, 3, 4, 8	do	T-1311	II-2.2 IV-1.20 IV-1.60 IV-2.40	do	do	Oct. 15, 1974
Olin Corp., Econa Fine Paper & Film Divisions.	do	T-2170	II-2.2 II-5.2 IV-2.60	Mar. 9, 1973	do	June 1, 1973
Transylvania County Board of Education, Penrose Elemenary School.	Brevard	T-1383	II-2.2 IV-1.10 II-1.3	Aug. 6, 1971	do	Jan. 1, 1973
Union County						
Atlantic Lumber Co., Inc.	Indian Trail	T-1080	II-2.2 IV-2.30	May 11, 1971	Immediately	Nov. 30, 1973
J. W. Broom & Sons Gin & Mill.	Monroe	T-1179	II-2.30	May 20, 1971	do	Sept. 1, 1973
Carolina Timber Co., Inc.	Marshville	T-1797	II-1.3	June 29, 1972	do	Dec. 31, 1972
Carriker Church Furniture Co.	Monroe	T-1564	II-1.3	May 1, 1972	do	Jan. 31, 1973
City of Monroe, Winchester Avenue neighborhood facility.	do	T-1701	II-2.2 IV-1.10 IV-2.40	May 24, 1972	do	Apr. 30, 1973
Helms Brothers Gin	Marshville	T-2018	II-2.2 IV-2.30	Jan. 5, 1973	do	Oct. 1, 1973
Ma Leck Woodcrafts, Inc.	Wingate	T-2025	II-1.3	Dec. 15, 1972	do	June 1, 1973
Manetta Mills, Inc.	Monroe	T-2149	II-2.2 IV-1.10	Mar. 2, 1973	do	Dec. 31, 1973
Union County Board of Education:						
(a) Marshville Elementary School.	Marshville	T-579	II-2.2 IV-1.10	Mar. 17, 1971	do	Sept. 1, 1973
(b) Wingate Elementary	Wingate	T-575	II-2.2 IV-1.10	Mar. 16, 1971	do	Do.
(c) Mineral Springs School	Mineral Springs	T-580	II-2.2 IV-1.10	Mar. 17, 1971	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Vance County						
Americal Corp.	Henderson	T-1992	IV-2.60	Dec. 14, 1972	Immediately	Sept. 1, 1973
Burkart Carolina Plant	do	T-1623	II-2.2 II-5.2 IV-1.10 IV-2.40 IV-2.30	May 3, 1972	do	Mar. 31, 1973
Henderson Laundry, Inc.	do	T-1991	II-2.2 IV-1.10 IV-2.40	Dec. 14, 1972	do	July 1, 1973
Home Bldg. Supply Co.	do	T-308	IV-2.30	Jan. 22, 1971	do	Jan. 31, 1973
Perry Lumber Co.	do	T-1879	II-1.3	Sept. 11, 1972	do	Dec. 1, 1974
Vance County Board of Education:						
(a) Clarke Street School	do	T-1729	II-2.2 IV-1.10 IV-2.40	June 9, 1972	do	Oct. 1, 1973
(b) Eaton-Johnson Junior High School.	do	T-1730	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) New Hope School	do	T-1731	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(d) North Henderson	do	T-1732	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(e) Rollins Annex	do	T-1733	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Wake County						
Athey Products Corp.	Raleigh	T-1071	II-1.3	May 10, 1971	Immediately	Mar. 31, 1973
Carolina Builders Corp.	do	T-2099	II-2.2 IV-2.30	Mar. 2, 1973	do	June 1, 1973
Fisher Bakery & Sandwich Co., Inc.	do	T-1183	II-1.3	May 20, 1971	do	June 30, 1973
Gelder & Associates, Inc.	Garner	T-1431	II-2.2 IV-2.30 IV-2.40	Oct. 15, 1971	do	Mar. 1, 1973
Johnson Lumber Co.	do	T-2071	II-1.3	Mar. 2, 1973	do	June 1, 1973
Kings Department Store No. 49.	Raleigh	T-1955	II-1.3	Dec. 13, 1972	do	Jan. 1, 1973
Kopper's Co., Inc.	Morrisville	T-1416	II-1.3 II-2.2 IV-1.10	Sept. 24, 1971	do	June 30, 1973
Lufkin Division, Cooper Ind., Inc.						
(a) Degreasing process	Apex	T-2111	II-5.2 IV-2.60	Mar. 2, 1973	do	July 15, 1973
(b) Steel painting process	do	T-2111	II-5.2 IV-2.60	do	do	Dec. 31, 1973
(c) Wood lathe coating process.	do	T-2111	II-5.2 IV-2.60	do	do	June 30, 1974
Scovill Manufacturing Co., Scovill Fluid Power Division.	Wake Forest	T-2091	II-5.2 IV-2.60	do	do	Aug. 1, 1973
Town of Wake Forest	do	T-794	II-1.3	Apr. 19, 1971	do	June 30, 1973
Wake County Board of Education:						
(a) Apex Elementary School.	Apex	T-1885	IV-1.10 IV-2.40	Sept. 12, 1972	do	Oct. 15, 1973
(b) Apex High School	do	T-1886	IV-1.10 IV-2.40	do	do	Do.
(c) A. V. Banzom School	do	T-1887	IV-1.10 IV-2.40	do	do	Do.
(d) Brentwood School	Raleigh	T-1888	IV-1.10 IV-2.40	do	do	Do.
(e) Cary Elementary School.	Cary	T-1889	IV-1.10 IV-2.40	do	do	Do.
(f) Cary Senior High School.	do	T-1890	IV-1.10 IV-2.40	do	do	Do.
(g) Garner High School	Garner	T-1891	IV-1.10 IV-2.40	do	do	Do.
(h) Vandora Springs School.	do	T-1894	IV-1.10 IV-2.40	do	do	Do.
(i) Vera Wilburn School	Raleigh	T-1895	IV-1.10 IV-2.40	do	do	Do.
(j) Wake Forest Elementary School.	Wake Forest	T-1896	IV-1.10 IV-2.40	do	do	Do.
(k) Wake Forest-Rolesville Junior High School.	do	T-1897	IV-1.10 IV-2.40	do	do	Do.
(l) Wake Forest-Rolesville Senior High School.	do	T-1898	IV-1.10 IV-2.40	do	do	Do.
(m) West Cary Junior High School.	Cary	T-1899	IV-1.10 IV-2.40	do	do	Do.
Warren County						
Warren Cotton & Fertilizer Co.	Warrenton	T-1900	II-2.2 IV-1.50	Dec. 14, 1972	Immediately	Sept. 1, 1973
Warren County Schools:						
(a) North Warren School	Wise	T-1812	II-1.3	Aug. 16, 1972	do	Oct. 31, 1973
(1) Main building	do	T-1812	IV-1.10 IV-2.40	do	do	Do.
(2) Lunchroom and vocational building.	do	T-1812	IV-1.10 IV-2.40	do	do	Do.
(b) John Hawkins School	Warrenton	T-1810	IV-1.10 IV-2.40	do	do	Do.
(1) Elementary building.	do	T-1810	IV-1.10 IV-2.40	do	do	Do.
(2) Gymnasium and vocational school.	do	T-1810	IV-1.10 IV-2.40	do	do	Do.
Washington County						
North Carolina State Highway Commission, Asphalt Mix Plant.	Creswell	T-1860	IV-1.40 IV-2.2	Aug. 25, 1972	Immediately	Dec. 31, 1972
Plymouth Fertilizer Co., Inc.	Plymouth	T-1302	II-1.3	July 6, 1971	do	June 30, 1973
Town of Roper	Roper	T-256	II-1.3	Jan. 19, 1971	do	Jan. 1, 1973
Williams Lumber Co., Inc.	Mackeys	T-1421	II-2.2 IV-1.30 V-2.40	Oct. 6, 1971	do	Dec. 1, 1973
Watauga County						
Town of Boone	Boone	T-2026	II-2.2 IV-1.10 IV-2.40	Dec. 19, 1972	Immediately	Sept. 1, 1973
Daniel Boone Hotel	do	T-2027	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 1, 1973
Lee Barnett Chevrolet-Oldsmobile.	do	T-2029	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	July 1, 1973
Lowe's Food Store, Inc., Store No. 18.	do	T-2028	II-1.3	Dec. 19, 1972	do	Sept. 1, 1973
Vermont American Corp.	do	T-2037	IV-2.60	Mar. 2, 1973	do	Jan. 1, 1974

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Watauga County—Continued						
Watauga County Board of Education:						
(a) Bethel Elementary School.	Sugar Grove	T-1208	II-1.3 II-2.2 IV-1.10	May 27, 1971	do	Sept. 1, 1973
(b) Green Valley Elementary School.	Boone	T-1209	II-1.3 II-2.2 IV-1.10	do	do	Do.
(c) Mabel Elementary School.	Zionville	T-1210	II-1.3 II-2.2 IV-1.10	do	do	Do.
(d) Valle Crucis Elementary School.	Valle Crucis	T-1211	II-1.3 II-2.2 IV-1.10	do	do	Do.
Watauga County Library	Boone	T-1954	II-2.2 IV-1.10 IV-2.40	Dec. 13, 1972	do	June 30 1973
Wayne County						
Carolina Power & Light Co., H. F. Lee Steam Electric Plant:						
(a) Unit No. 1	Goldsboro	T-1822	II-2.2 IV-1.10 IV-2.40	Aug. 25, 1972	Immediately	Nov. 1, 1974
(b) Unit No. 2	do	T-1826	II-2.2 IV-1.10 IV-2.40	Sept. 11, 1972	do	Mar. 1, 1975
(c) Unit No. 3	do	T-1822	II-2.2 IV-1.10 IV-2.40	Aug. 25, 1972	do	June 1, 1974
Duplin Face Veneer Co., Inc.	Mount Olive	T-1586	II-2.2 IV-1.10 IV-2.40	May 1, 1972	do	June 30, 1973
Goldsboro City Board of Education:						
(a) Greenleaf School	Goldsboro	T-510	II-2.2 IV-1.10	Mar. 2, 1971	do	Sept. 30, 1973
(b) Virginia Street School	do	T-509	II-2.2 IV-1.10	do	do	Do.
Hotel Holding Co., Inc., of the Goldsboro Motor Hotel.	do	T-1075	II-2.2 IV-1.10 II-2.2	May 10, 1971	do	June 30, 1973
North Carolina Department of Mental Health, Cherry Hospital.	do	T-1758	IV-1.10 IV-2.40	June 28, 1972	do	Sept. 30, 1973
Wayne County Board of Education:						
(a) Eureka Elementary School.	Eureka	T-1042	II-1.3	May 7, 1971	do	Sept. 1, 1972
Do	do	T-1042	II-2.2 IV-1.10	do	do	Sept. 1, 1973
(b) Grantham Elementary School.	Goldsboro	T-1038	II-1.3	do	do	Sept. 1, 1972
Do	do	T-1038	II-2.2 IV-1.10	do	do	Sept. 1, 1973
(c) Rosewood Elementary School.	do	T-1040	II-1.3	do	do	Sept. 1, 1972
Do	do	T-1040	II-2.2 IV-1.10	do	do	Sept. 1, 1973
(d) Seven Springs Elementary School.	Seven Springs	T-1039	II-1.3	do	do	Sept. 1, 1972
Do	do	T-1039	II-2.2 IV-1.10	do	do	Sept. 1, 1973
(e) Wahunta Elementary School.	Pikeville	T-1041	II-1.3	do	do	Sept. 1, 1972
Do	do	T-1041	II-2.2 IV-1.10	do	do	Sept. 1, 1973
Wayne Grain Co.	Goldsboro	T-2062	II-2.2 IV-2.30	Mar. 2, 1973	do	July 31, 1973
Wilkes County						
Abitibi Corp	Roaring River	T-2160	II-1.3	Mar. 8, 1973	Immediately	June 1, 1973
Do	do	T-2160	II-2.2 II-5.2 IV-2.60	do	do	Dec. 31, 1974
American Drew, Inc., American No. 1 Plant.	North Wilkesboro	T-1851	II-2.2 II-5.2 IV-2.30	Aug. 29, 1972	do	Dec. 1, 1973
Benchmark Furniture, Inc.	Wilkesboro	T-2172	II-2.2 II-5.2 IV-2.00 IV-2.60	Mar. 2, 1973	do	Dec. 31, 1973
Carolina Mirror Corp.	North Wilkesboro	T-1958	IV-2.60	Dec. 13, 1972	do	June 30, 1974
Gardner Mirror Corp., Inc.	do	T-2175	II-2.2 IV-2.30 IV-2.60	Mar. 2, 1973	do	July 1, 1974
Hamby Brothers Ready Mix	do	T-1945	II-2.2 IV-1.90 IV-2.30	Dec. 12, 1972	do	Mar. 30, 1973
Hammary Furniture, division of United States Industries, Plant No. 3.	do	T-1968	II-2.2 IV-2.00 IV-2.30	Jan. 5, 1973	do	Mar. 30, 1974
Shaver Howard, Inc.	do	T-1967	II-2.2 IV-1.10 IV-2.40	Dec. 11, 1972	do	June 1, 1973
Lineberry Foundry & Machine Co., Inc.	do	T-1969	II-2.2 II-5.2 IV-2.20 IV-2.30	do	do	Dec. 1, 1973
Lowe's Food Stores, Inc.:						
(a) Store No. 1	do	T-1920	II-1.3	do	do	Sept. 1, 1973
(b) Store No. 2	do	T-1947	II-1.3	do	do	Do.
(c) Store No. 3	do	T-1948	II-1.3	do	do	Do.
Modern Globe, Inc.	do	T-2171	II-1.3	Mar. 9, 1973	do	May 31, 1973
North Carolina State Highway Commission, Asphalt Mix Plant.	do	T-1898	II-2.2 IV-1.40	Aug. 28, 1972	do	Dec. 31, 1972
W. E. Sales & Sons, Inc.	Ronda	T-2031	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	do	Jun 30, 1973
Wilkes Laundry & Cleaners.	North Wilkesboro	T-1854	II-2.2 IV-1.10 IV-2.40	Aug. 28, 1972	do	Do.
Yancey County						
Diamond Mica Co.	Micaville	T-1993	II-2.2 IV-1.70	Dec. 14, 1972	Immediately	July 1, 1973
Deneen Mica Co., Inc.	Newdale	T-2030	II-2.2 IV-1.70	Jan. 5, 1973	do	Dec. 30, 1973
NuWray Inn, Inc.	Burnsville	T-2174	II-2.2 IV-1.40 IV-2.40	Mar. 2, 1973	do	Aug. 1, 1973
Styles & Co.	do	T-2173	II-2.2 IV-1.10 IV-2.40	do	do	Do.

Subpart MM—Oregon

17. Section 52.1972 is revised to read as follows:

§ 52.1972 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oregon's plan for the attainment and maintenance of the national standards.

18. A new section 52.1975 is added as follows:

§ 52.1975 Compliance schedules.

(a) The requirements of § 51.15(c) are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart OO—Rhode Island

19. In § 52.2070 paragraph (c) is revised to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) Supplemental information was submitted on February 9 and February 29, 1972; and on April 24, 1973 by the Rhode Island Department of Health.

20. A new § 52.2077 is added as follows:

§ 52.2077 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Rhode Island

Source	Location	Regulation involved	Date of adoption
Providence Municipal Incinerator	Providence	12.2.2(c)	Apr. 24, 1973
Pawtucket Municipal Incinerator	Pawtucket	12.2.2(c)	Apr. 23, 1973
Woonsocket Municipal Incinerator	Woonsocket	12.2.2(c)	Apr. 24, 1973
Newport Municipal Incinerator	Newport	12.2.2(c)	Do.

Subpart PP—South Carolina

21. In § 52.2120, paragraph (c) is revised to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the South Carolina Pollution Control Authority.

(2) July 21 and August 23, 1972, and

(3) February 16, 1973.

22. A new § 52.2123, is added as follows:

§ 52.2123 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

South Carolina

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Bowaters Carolina Corp., Emission Points 3 and 4.	Catawba	S5A-II R4A-II R4A-III	Jan. 5, 1973	Immediately	July 12, 1973
Burlington Industries, Inc., Batesburg Plant.	Batesburg	S2A-I R4A-II R4A-III	Jan. 8, 1973	do	Dec. 31, 1973
Carolina Power & Light Co., H. B. Robinson Unit No. 1.	Hartsville	S2A-I R4A-II R4A-III	Jan. 15, 1973	do	July 1, 1974
Celanese Fibers Co., Celriver Plant	Rock Hill	S2A-I R4A-II R4A-III	Jan. 19, 1973	do	July 12, 1973
Cone Mills Corp., American Spinning Plant.	Greenville	S2A-I R4A-II R4A-III	Jan. 12, 1973	do	July 1, 1974
Dan River, Inc., Easley Plant	Easley	S2A-I R4A-II R4A-III	Jan. 11, 1973	do	Do.
Dan River, Inc., Woodside Division	Fountain Inn	S2A-I R4A-II R4A-III	do	do	Do.
Eastern Carolina Steel	Darlington	S5A-VII R4A-II R4A-III	Jan. 15, 1973	do	July 12, 1973
Georgetown Steel Corp.	Georgetown	S5A-VII R4A	June 27, 1972	do	Dec. 14, 1973
Giant Portland Cement Co., Kiln No. 1.	Harleyville	S5A-IV R4A	Sept. 26, 1972	do	Mar. 30, 1974
Giant Portland Cement Co., Kiln No. 2.	do	S5A-IV R4A	do	do	Jan. 15, 1973
Giant Portland Cement Co., Kiln No. 3.	do	S5A-IV R4A	do	do	Mar. 15, 1973
Industrial Minerals, Inc.	York	S5A-VII R4A-II R4A-III	Jan. 18, 1973	do	May 11, 1973
International Paper Co., Inc., recovery boiler and evaporator No. 1.	Georgetown	S5A-II R4A	Dec. 5, 1972	do	Aug. 15, 1973
International Paper Co., Inc., Lime kilns Nos. 1, 2, and 3.	do	S5A-II R4A	do	do	Jul. 15, 1974
Marion Lumber Co., Inc.	Marion	S2A-I R4A-II R4A-III	Jan. 2, 1973	do	Jul. 1, 1974
Santee Portland Cement Corp., kiln	Santee	S5A R4A	Sept. 26, 1972	do	Mar. 30, 1974
Santee Portland Cement Corp., marl dryer.	do	S5A-III S5A-Iv R4A	do	do	Do.
South Carolina Industries Inc., existing lime kiln, new lime kiln and new recovery boiler.	Florence	S5A-II R4A-II R4A-III	Feb. 1, 1973	do	Jul. 1, 1975
South Carolina Public Service Authority, Grainger Plant Units Nos. 1 and 2.	Conway	S2A-1 R4A	Jan. 29, 1973	do	Do.
South Carolina Public Service Authority, Jeffries Plant Unit No. 3.	Moncks Corner	S2A-I R4A	Dec. 29, 1972	do	Apr. 13, 1973
Spring Mills, Inc., foundry and machine shop.	Lancaster	S5A-VII R4A-II R4A-III	Jan. 10, 1973	do	Sept. 15, 1973
Spring Mills, Inc., Grace Steam Plant Units Nos. 1, 2, 3, and 4.	do	S2A-I R4A	Feb. 15, 1973	do	Jul. 1, 1974
Vulcan Materials Co.	Blacksburg	S5A-III R4A-II R4A-III	Jan. 15, 1973	do	Do.
Waterloo Lumber Co.	Laurens	S1A-I R4A	May 29, 1972	do	Dec. 8, 1972

Subpart RR—Tennessee

23. In § 52.2220, paragraph (c) is revised to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

* * * * *

(2) February 3 and 10, April 13, and May 3, 8, and 12, 1972, from the Division of Air Pollution Control of the Tennessee Department of Public Health, and

(3) August 17, 1972, and

(4) March 23, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health, and April 16, 1973, by the Knox County Division of Air Pollution Control.

24. A new § 52.2223 is added as follows:

§ 52.2223 Compliance schedules.

* * * * *

(b) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State or those of a local air pollution control agency as noted.

(1) State compliance schedules:

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Tennessee Valley Authority, Allen Steam Plant (State order No. 21-0073).	Shelby County, Tenn.	Ch. 6, sec. 2.	Mar. 20, 1973	Immediately...	Mar. 31, 1973
Tennessee Valley Authority, Cumberland Steam Plant (State order No. 22-0073).	Stewart County, Tenn.	do	do	do	Oct. 31, 1973
Tennessee Valley Authority, John Sevier Steam Plant (State order No. 14-0073).	Hawkins County, Tenn.	do	do	do	Oct. 31, 1974
Tennessee Valley Authority, Watts Bar Steam Plant (State order No. 11-0073).	Rhea County, Tenn.	do	do	do	July 1, 1975

(2) Knox County compliance schedules:

Source	Location	Knox County regulation involved	Date of adoption	Effective date	Final compliance date
Burkhart Quarry & Knoxville, Supplies.	Tenn.	Secs. 17, 14, 22, 24...	Oct. 2, 1972	Immediately...	Mar. 15, 1973
J. F. G. Coffee	do	Secs. 17, 19, 21	Dec. 12, 1972	do	July 1, 1973
Keller Foundry Co	do	Secs. 17, 19	Mar. 28, 1973	do	June 1, 1973
Shallte Corp.	do	Secs. 19, 22	do	do	Dec. 31, 1973
Southern Railway Systems	do	Sec. 19	Oct. 2, 1972	do	Sept. 30, 1973
Tom Foods, Ltd	do	do	Mar. 28, 1973	do	Dec. 1, 1973

(d) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State or those of a local air pollution control agency as noted.

(1) State compliance schedules:

Source	Location	State regulation involved	Date of adoption
Burlington Industries, Inc. (State order No. 7-0073)	Washington County, Tenn.	Ch. 6, sec. 4	Mar. 20, 1973
Monsanto Co., kilns Nos. 1 and 2 (State order No. 8-0073)	Maury County, Tenn.	Ch. 7, sec. 8	Do.
Monsanto Co., kiln No. 3 (State order No. 29-0073)	do	do	Do.
Stauffer Chemical Co.	do	do	Do.
Tennessee Eastman Co.:			
(a) Bldg. 267: Chem. A, vent 1-A (State order No. 15-0073).	Sullivan County, Tenn.	do	Do.
(b) Bldg. 267: Chem. B, vent 1-A (State order No. 25-0073).	do	do	Do.
(c) Bldg. 267: Chem. C, vent 1-A (State order No. 26-0073).	do	do	Do.
(d) Bldg. 267: Chem. D, vent 1-A (State order No. 17-0073).	do	do	Do.
(e) Bldg. 267: Chem. E, vent 1-A (State order No. 18-0073).	do	do	Do.
(f) B3A-1 (State order No. 18-0073)	do	do	Do.
(g) B13-1 (State order No. 19-0073)	do	do	Do.
(h) B13-3 (State order No. 24-0073)	do	do	Do.

Subpart WW—Washington

25. In § 52.2470 paragraph (c) is revised to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) January 28, May 5, July 19, September 11, and December 12, 1972, and February 15, 1973.

26. Section 52.2473 is revised to read as follows:

§ 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington's plan for the attainment and maintenance of the national standards.

27. A new § 52.2481 is added as follows:

§ 52.2481 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Washington Administrative Code (WAC), title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance
Georgia-Pacific Corp.	Bellingham	WAC 18-38-030	Dec. 18, 1972	Immediately...	Dec. 18, 1972
Kaiser Aluminum & Chemical Corp.	Tacoma	WAC 18-52-030	do	do	Sept. 1, 1974
Intalco Aluminum Corp.	Ferndale	WAC 18-52-030	do	do	July 1, 1975
Martin-Marietta Aluminum	Goldendale	WAC 18-52-030	Feb. 9, 1973	do	Sept. 30, 1973
Witco Chemical Corp.	Quincy	WAC 18-04-060 (2)	do	do	Feb. 28, 1974
Shell Oil Co.	Anacortes	NWAPA 2.12	do	do	Sept. 1, 1973

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Washington Administrative Code (WAC), title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Crown Zellerbach Co	Camas	WAC 18-38-030	Dec. 18, 1972
ITT Rayonier, Inc	Port Angeles	WAC 18-38-030	Do.
Weyerhaeuser Co	Longview	WAC 18-38-030	Do.
Do	Cosmopolis	WAC 18-38-030	Do.
ITT Rayonier, Inc	Hoquiam	WAC 18-38-030	Do.
Weyerhaeuser Co	Everett	WAC 18-38-030	Feb. 9, 1973
Scott Paper Co	do	WAC 18-38-030	Do.
Crown Zellerbach Corp	Port Townsend	WAC 18-36-030	Dec. 18, 1972
Weyerhaeuser Co	Everett	WAC 18-36-030	Do.
St. Regis Paper Co	Tacoma	WAC 18-36-030	Do.
Weyerhaeuser Co	Longview	WAC 18-36-030	Do.
Longview Fibre Co	do	WAC 18-36-030	Do.
Crown Zellerbach Corp	Camas	WAC 18-36-030	Do.
Boise Cascade Papers	Wallula	WAC 18-36-030	Do.
Reynolds Metal Co	Longview	WAC 18-52-030	Do.
Aluminum Co. of America	Wenatchee	WAC 18-52-030	Do.
Do	Vancouver	WAC 18-52-030	Do.
Kaiser Aluminum & Chemical Corp	Mead	WAC 18-52-030	Jan. 22, 1973
Texaco Oil Refinery	Anacortes	NWAPA 2.12 A(1)/E	Feb. 9, 1973
Lehigh Cement Co	Metaline Falls	WAC 18-04-040(9)(b)	Do.

Subpart XX—West Virginia

28. Section 52.2522 is revised to read as follows:

§ 52.2522 Approval status.

With the exceptions set forth below in this subpart, the Administrator approves West Virginia's plan for the attainment and maintenance of the national standards.

29. A new § 52.2524 is added as follows:

§ 52.2524 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

Subpart YY—Wisconsin

30. A new § 52.2578 is added as follows:

§ 52.2578 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

[FR Doc.73-11938 Filed 6-19-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR, Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Compliance Schedules

Environmental Protection Agency regulations in 40 CFR, pt. 51 required States to submit certain compliance schedules by February 15, 1973, as part of the requirements for completion of State implementation plans for the attainment and maintenance of national ambient air quality standards under section 110 of the Clean Air Act. Compliance schedules establish a date or dates for the completion of specified actions toward compliance with applicable emission control regulations. Compliance schedules establishing adequate increments of progress were required to be submitted by February 15 where the final date for compliance, as previously approved or promulgated in the plan, is later than January 31, 1974, and the schedule extends for more than 1 year from the date of its adoption.

The Administrator is required by section 110 of the act to approve or disapprove any portion of an implementation plan submitted by a State within 4 months of its submittal. Where the Administrator determines that a State plan or portion thereof does not meet the requirements of the act and 40 CFR, pt. 51, he is directed by section 110(c) of the act to propose and subsequently promulgate regulations setting forth a substitute implementation plan or portion thereof.

Included in this issue of the FEDERAL REGISTER, beginning on page 16144, are the approvals and disapprovals relating to the compliance schedules which were required to be submitted by February 15, 1973. Set forth below are substitute regulations proposed to correct deficiencies where the compliance schedule portions of implementation plans were disapproved.

In most cases, the proposed schedules are categorical in nature, covering all sources subject to a particular regulation. The schedules are consistent with the previously approved or promulgated final compliance dates and ambient air quality attainment dates in the plan and they generally are based upon information provided by the State affected and other technical data available to the Administrator. The increments of progress generally are those which are specified in §§ 51.15(c) and 51.1(q) as being required.

To provide for unusual circumstances, the categorical schedules allow a source to submit an alternative schedule which, if approved by the Administrator, would supersede the categorical schedule as to that source. Similarly, the promulgation of a categorical schedule would not preclude the Administrator from adopting a different schedule for any source where the application of the categorical schedule fails to satisfy the requirements of § 51.15 (b) and (c).

In a few instances, in New Hampshire, and Rhode Island, individual schedules are being proposed for specified sources rather than categorical schedules. These schedules are identical to those adopted by the respective States and, as explained in the preamble to the approval/disapproval regulations, they are being proposed only because it appears that the State schedules are not legally enforceable. Copies of proposed individual schedules are available for public inspection at the regional office for region I in Boston at the address given below.

Many of the regulations for which schedules are being proposed relate to sulfur oxides emissions from fuel-burning operations. States with such regulations covered by these proposals are Colorado, District of Columbia, Florida, Illinois, Kentucky, Maryland, Michigan, New York, South Carolina, and West Virginia. In these cases, the proposed regulation is limited to fuel-burning facilities of more than 250 million Btu per hour heat input, even though the emission limitation may be applicable to smaller sources as well. This in no way relieves smaller sources of the requirement to comply with the emission limitation by the prescribed compliance date. It merely reflects the judgment that increments of progress are meaningful and practicable only for sources which might elect to install stack gas desulfurization devices or for large sources which need to make arrangements for the procurement of low-sulfur fuel well in advance of the final compliance date. Sources of approximately 250 million Btu per hour heat input are the smallest sources for which either of these criteria might be met.

The schedules relating to sulfur oxides emissions from fuel-burning sources would require each source to notify the Administrator whether it intends to meet the applicable emission limitation through stack gas desulfurization or fuel-switching. If the source elects to use stack gas desulfurization, a schedule is specified for the installation of necessary control equipment. If the source elects to meet the emission limitation by fuel-switching, a schedule is specified for contracting for delivery of low-sulfur fuel and for making any boiler modifications, if necessary. In this regard, it should be noted that a contract to provide fuel on an "as-available" basis will not satisfy the requirements for contracting.

It should be noted that, for the State of Michigan, a compliance schedule for sources of sulfur oxides was promulgated on October 28, 1972 (37 FR 23089). That schedule, which is unaffected by this proposal, only covers sources in priority I and priority II air quality control regions. The schedule proposed below would apply only to sources in priority III air quality control regions.

Other major source categories for which regulations are being proposed are as follows:

New Hampshire: Pulp and paper manufacturing.
Rhode Island: Incinerators.
New York: Coke ovens, petroleum refineries.
West Virginia: Process SO_2 sources, sulfuric acid plants, process sources.
West Virginia: Kraft pulp mills, Portland cement plants, sulfur recovery plants.
South Carolina: Sulfuric acid plants, asphalt plants, pulp and paper manufacturing, primary and secondary metals plants, Portland cement plants, cotton gins.
Tennessee:
- Knox County: nonprocess sources, process sources, incinerators, gasoline storage tanks.
- Memphis: Shelby County: SO_2 sources.
- Hamilton County: Process sources, all SO_2 sources.

Illinois: Coke manufacturing processes, corn wet milling processes, fuel combustion emission sources.
Wisconsin: Gasoline storage tanks and other hydrocarbon sources.
Colorado: Process SO_2 sources.
Alaska: Incinerators, pulp mills, industrial processes.
Washington: Process sources, all sources of SO_2, kraft pulp mills, sulfite pulp mills, primary aluminum plants, petroleum refineries, incinerators.
Idaho: Kraft pulp mills, sulfuric acid plants.
Oregon: Sulfite pulp mills, kraft pulp mills, primary aluminum plants, ferronickel plants, gasoline storage tanks.

For five of the States covered by this proposal, a different compliance schedule had been proposed previously. These States are Washington (June 14, 1972, 37 FR 11846), Idaho (July 27, 1972, 37 FR 15098), New York (Sept. 22, 1972, 37 FR 19836), the District of Columbia (Sept. 22, 1972, 37 FR 19835), and Tennessee (May 10, 1973, 38 FR 12238). The proposals set forth below supersede the earlier proposals for Washington, New York, and the District of Columbia, and those earlier proposals are withdrawn. The proposal below also supersedes the earlier proposed schedule in § 52.677 for Idaho, except to the extent that such schedule applies to sources subject to § 52.676(b). The earlier Tennessee proposed schedule is not affected by this proposal. Further, no other compliance schedule approved, adopted, or proposed by the Administrator is affected by this notice of proposed rulemaking.

The proposal of these schedules does not affect the ability of States to develop schedules for any or all sources covered by the schedules proposed herein. In fact, they are encouraged to do so. If a State submits approvable schedules for all sources before the final promulgation of the Federal schedule, the State schedules will be approved and the Federal proposal withdrawn. After promulgation of a Federal schedule, any schedule submitted by the State and approved by the Administrator will supersede the categorical schedule for the affected source or sources.

Public hearings will be held on all proposed compliance schedules in order to provide the general public the fullest opportunity to comment. Public hearings will be held in accordance with the notice of public hearings published in this issue of the FEDERAL REGISTER and at the dates, times, and places specified therein.

Interested persons may also participate in this rulemaking by submitting written comments in triplicate to the appropriate

regional office at the address listed below. All comments received on or before July 20, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. All comments received, as well as copies of the applicable implementation plan, will be available for inspection during normal business hours at the appropriate regional office.

Addresses of the regional offices, and the States covered by each region, are as follows:

Region	Address	States covered by proposal
I	John F. Kennedy, Federal Bldg., Boston, Mass. 02203. Attention: Mr. John Bramblett.	New Hampshire and Rhode Island.
II	26 Federal Plaza, New York, N.Y. 10007. Attention: Mr. Gus Bennett.	New York.
III	Sixth and Walnut Sts., Curtis Bldg., Philadelphia, Pa. 19106. Attention: Mr. William Riley.	District of Columbia, Maryland, and West Virginia.
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309. Attention: Mr. Paul Traina.	Florida, Kentucky, South Carolina, and Tennessee.
V	1 North Wacker Dr., Chicago, Ill. 60606. Attention: Mr. David Kee, Mr. Ronald Ganim, Mr. Gabriel Steinberg.	Illinois, Wisconsin, and Michigan.
VIII	Lincoln Tower, 1860 Lincoln St., Denver, Colo. 80203. Attention: Mr. Leonard Campbell.	Colorado.
X	1200 Sixth Ave., Seattle, Wash. 98101. Attention: Mr. Mark Stutsman, Mr. Peter Odabashian.	Alaska, Oregon, Idaho, and Washington.

(Sec. 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.)

Dated June 12, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend part 52 of chapter I, title 40 of the Code of Federal Regulations as follows:

Subpart C—Alaska

1. Section 52.84 is amended by adding a new paragraph (b), as follows:

§ 52.84 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (10) of this paragraph, the owner or operator of any incinerator subject to the following emission-limiting regulation shall comply with the compliance schedule in subparagraph (2) of this paragraph: Alaska Administrative Code, Title 18, § 50.040 (appendix 1, section III, of the Alaska Implementation Plan).

(2) Compliance schedule for incinerators.

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *October 29, 1973.*—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *August 5, 1974.*—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) *September 2, 1974.*—Achieve compliance with applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by September 2, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (10) of this paragraph, the owner or operator of any pulpmill subject to the following emission-limiting regulation and permit regulation in the Alaska Implementation Plan shall comply with the compliance schedules in subparagraphs (4), (5), and (6) of this paragraph: Alaska Administrative Code, Title 18, § 50.060(a)(1) (sulfur oxides) and (2) (particulate matter), § 50.120(a) (permits) (appendix, section III, 1, of the Alaska Implementation Plan).

(4) Any owner or operator of a recovery system or other source within a pulpmill subject to the sulfur oxide emission limitation of subparagraph (3) who elects to utilize a process modification not requiring installation of additional control equipment shall be subject to the following compliance schedule:

(i) *September 3, 1973.*—Notify the Administrator of the intent to utilize a process modification.

(ii) *November 16, 1973.*—Negotiate contract for achieving desired modification.

(iii) *July 1, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(iv) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(5) Any owner or operator of a recovery system or other source within a pulpmill subject to the sulfur oxide emission limitation of subparagraph (3) who elects to utilize a control system requiring installation of additional control equipment shall be subject to the following compliance schedule:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 20, 1974.*—Negotiate and sign all necessary contracts for emission-control systems, or issue orders for the purchase of component parts to accomplish emission control.

(iii) *December 31, 1974.*—Complete onsite construction or installation of emission control equipment.

(iv) *July 1, 1975.*—Achieve compliance with the applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(6) Any owner or operator of a recovery system or other source within a pulpmill subject to the particulate matter emission limitation of subparagraph (3) of this paragraph shall be subject to the folowing compliance schedule:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 1, 1974.*—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *April 1, 1975.*—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) *July 1, 1975.*—Achieve compliance with the applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(7) Except as provided in subparagraph (10) of this paragraph, the owner or operator of any industrial process or fuel-burning equipment subject to the following emission-limiting regulation and permit regulation in the Alaska Implementation Plan shall comply with the compliance schedules in subparagraphs (8) and (9) of this paragraph: Alaska Administrative Code, title 18, § 50.050 (industrial processes and fuel-burning equipment) and § 50.120 (a) and (c) (permits), (appendix, section III, 1, of the Alaska Implementation Plan).

(8) Compliance schedule for industrial processes or fuel-burning equipment except woodwaste boilers.

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 18, 1973.*—Negotiate and sign all necessary contracts for emission-control systems or process modifications, or issue orders for the purchase of compondent parts to accomplish emission control or process modification.

(iii) *May 31, 1975.*—Complete onsite construction or installation of emission-control equipment or process modification.

(iv) *July 1, 1975.*—Achieve compliance with the applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(9) Compliance schedule for wood-waste boilers.

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 20, 1974.*—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *December 31, 1974.*—Complete on-site construction or installation of emission-control equipment or process modification.

(iv) *July 1, 1975.*—Achieve compliance with the applicable regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(10) Subparagraphs (1) through (9) of this paragraph shall not apply:

(i) To a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after the final compliance date in the applicable emission regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(11) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraphs (2), (4), (5), (6), (8), and (9) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart G—Colorado

2. Section 52.327 is amended by adding a new paragraph (b), as follows:

§ 52.327 **Compliance schedules.**

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any fuel-burning equipment subject to the requirements of regulation 1, § III.B.3, shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack-gas desulfurization to meet these requirements.

(2) The owner or operator of any equipment, other than fuel-burning equipment, subject to the requirements of regulation 1, § III.B.3, shall comply with the schedule prescribed in subparagraph (4) of this paragraph.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after January 1, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements..

(iii) *February 15, 1974.*—Let contracts for necessary boiler modification, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *December 1, 1974.*—Complete on-site modifications, if applicable.

(vi) *January 1, 1975.*—Final compliance with the low-sulfur fuel requirements of regulation 1, § III.B.3.

(4) Any owner or operator of a stationary source subject to paragraph (1) of this section who elects to utilize stack-gas desulfurization or any owner or operator of a stationary source subject to subparagraph (2) of this paragraph shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Let necessary contracts for construction.

(ii) *January 1, 1974.*—Initiate onsite construction.

(iii) *December 1, 1974.*—Complete on-site construction.

(iv) *January 1, 1975.*—Final compliance with the requirements of regulation 1, § III.B.3.

(5) Any owner or operator subject to the compliance schedule in either subparagraph (3) or (4) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(6)(i) Subparagraph (1) through (5) of this paragraph shall not apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (3) or (4) of this paragraph may submit by no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (3) or (4) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart J—District of Columbia

3. Section 52.476 is amended by adding a new paragraph (b), as follows:

§ 52.476 **Compliance schedules.**

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of section 8-2:704 of the Air Quality Control Regulations of the District of Columbia shall be subject to the compliance schedule contained in subparagraph (3) of this paragraph.

(2) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low sulfur fuel or to install stack-gas desulfurization to meet the requirements of said regulation. Any such owner or operator who elects to utilize low-sulfur fuel to meet the requirements of said regulation shall be subject to the compliance schedule contained in subparagraph (3) of this paragraph. Any such owner or operator who elects to install stack-gas desulfurization to meet the requirements of said regulation shall be subject to the

compliance schedule contained in subparagraph (4) of this paragraph.

(3) The low-sulfur fuel compliance schedule is as follows:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1975, as well as a statement as to whether equipment modifications will be required.

If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *January 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *May 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *March 1, 1975.*—Complete onsite modifications, if applicable.

(vi) *July 1, 1975.*—Final compliance with the low-sulfur fuel requirements of either section 8-2:704 or section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(4) The stack-gas desulfurization compliance schedule is as follows:

(i) *October 15, 1973.*—Let necessary contracts for construction.

(ii) *March 1, 1974.*—Initiate onsite construction.

(iii) *March 1, 1975.*—Complete onsite construction.

(iv) *July 1, 1975.*—Final compliance with the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(5) Any owner or operator subject to the compliance schedule in either subparagraph (3) or (4) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(6) (i) The requirements of subparagraphs (1) through (7) of this paragraph shall not apply to any source which is presently in compliance with the requirements of section 8-2:704 or section 8-2:705 of the Air Quality Control Regulations of the District of Columbia and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (3) or (4) of this paragraph may submit to the Administrator, no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (3) or (4) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart K—Florida

4. Section 52.524 is amended by adding a new paragraph (b), as follows:

§ 52.524 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Florida implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Rules of the State of Florida, Department of Pollution Control, Air Pollution, subsections 17-2.04(2); 17-2.04(3); 17-2.04(6)(a); 17-2.04(6)(b); 17-2.04(6)(d); 17-2.04(6)(e)2.a; 17-2.04(6)(e)3.b.; 17-2.04(6)(f); and 17-2.04(6)(h).

(2) Compliance schedule.

(i) *October 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 1, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *January 1, 1974.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *May 1, 1975.*—Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 1, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments in subdivisions (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (6) of this paragraph, the owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of Air Pollution Rules of the State of Florida, Department of Pollution Control, subsections 17-2.04(6)(e)2. c. and d. shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack-gas desulfurization to meet these requirements.

(4) Any owner or operator of a stationary source subject to subparagraph (3) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate on-site modifications, if applicable.

(v) *March 31, 1975.*—Complete on-site modifications, if applicable.

(vi) *July 31, 1975.*—Final compliance with the requirements of Florida Air Pollution Rules subsections 17-2.04(6)(e)2. c. and d.

(5) Any owner or operator subject to subparagraph (3) of this paragraph who elects to utilize stack-gas desulfurization shall be subject to the compliance schedule in subparagraph (2) of this paragraph.

(6) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit by no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (3) or (4) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart N—Idaho

5. Section 52.677(b) is revised to read as follows:

§ 52.677 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.676(b) shall comply with such regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with § 52.676(b) on the effective

date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.676(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.676(b) as expeditiously as practicable but no later than July 31, 1977.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance tests; and submittal of performance test analysis and results.

(ii) Any compliance schedule for any stationary source subject to § 52.676(b) which extends beyond July 31, 1975, shall provide for interim measures of control designed to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any Kraft pulp mill subject to the following emission limiting regulation in the Idaho Implementation Plan shall comply with the compliance schedules in subparagraphs (5) and (6) of this paragraph: rules and regulations for the control of air pollution in Idaho, regulation 0, section 3, subsection E, and regulation 0, section 3, subsection F (chapter VII of the Idaho Implementation Plan).

(5) Compliance schedule for recovery furnaces.

(i) *July 1, 1973.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(ii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by August 1, 1973. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(6) Compliance schedule for lime kilns.

(i) *January 1, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(ii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by January 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(7) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any sulfuric acid plant subject to the following emission limiting regulation in the Idaho implementation plan shall comply with the compliance schedule in subparagraph (8) of this paragraph: Rules and regulations for the control of air pollution in Idaho, regulation R, section 2, subsection A (chapter VII of the Idaho implementation plan).

(8) Compliance schedule for sulfuric acid plants.

(i) *January 1, 1974.*—Equip both sulfuric acid plants with new catalyst as recommended by the manufacturer and complete a performance test to determine new emission rate.

(ii) *February 1, 1974.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(iii) *April 1, 1974.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iv) *June 1, 1975.*—Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 31, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 31, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(9) Subparagraphs (4) through (8) of this paragraph shall not apply:

(i) To a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after the final compliance date in the applicable emission regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraphs (5), (6), and (8) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart O—Illinois

6. Section 52.730 is amended by adding a new paragraph (b), as follows:

§ 52.730 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Illinois air pollution control regulations rule 203(d)(4), 203(d)(6)(B)(ii)(bb), 204(c)(1)(A), 204(c)(2), 204(d) and 204(e).

(2) Compliance schedules. (i) All owners and operators of sources subject to Illinois air pollution control regulations rule 203(d)(4) are required to take the following actions with respect to their plants no later than the date specified.

(*a*) August 30, 1973—advertise for bids for purchase and construction or installation of equipment, or for materials requisite for process modification sufficient to control particulate emissions from the source.

(*b*) October 30, 1973—award contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(*c*) May 30, 1974—initiate onsite construction or installation of emission control system or process modification.

(*d*) March 30, 1975—complete onsite constrruction or installation of emission control system or process modification.

(*e*) May 30, 1975—complete shakedown operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with State agency regulation.

(*f*) Ten days prior to conduct of the required performance test, give notice of such test to the Administrator to afford him the opporunity to have an observer present.

(*g*) Five days after the deadline for completing each of the above milestones, certify to the Administrator whether the milestone has been met.

(ii) All owners or operators of sources subject to 203(d)(6)(B)(ii)(bb) are required to take the following actions with respect to the source no later than the date specified.

(*a*) August 31, 1973—advertise for bids for purchase and construction or for modification of equipment sufficient to control particulate emissions from the source.

(*b*) October 31, 1973—award contracts for emissions control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification

(c) March 31, 1973—initiate onsite construction or installation of emission control system.

(d) October 31, 1974—complete onsite construction or installation of emission control system.

(e) December 31, 1974—achieve final compliance with Illinois air pollution control regulations rule 203(d)(6)(B)(ii)(bb).

(f) Five days after the deadline for completing each of the above milestones, certify to the Administrator whether the milestone has been met.

(iii) (a) The owner or operator of any fuel-burning facility of more than 250-million Btu per hour heat input subject to the requirements of Illinois Air Pollution Control regulations rules 204(c)(1)(A), 204(c)(2), 204(d), and 204(e), shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(b) Any owner or operator of a stationary source subject to subparagraph (2)(iii)(a) of this paragraph who elects to utilize low sulfur fuel shall be subject to the following compliance schedule:

(1) October 15, 1973—submit to the Administrator a projection of the types and amount of fuel to be burned on and after May 30, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(2) December 31, 1973—sign contracts with fuel suppliers for projected fuel requirements.

(3) February 15, 1974—initiate onsite modifications, if applicable.

(4) June 15, 1974—initiate onsite modifications, if applicable.

(5) March 31, 1975—complete onsite modifications, if applicable.

(6) May 30, 1975—final compliance with the emission limitation of rules 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(c) Any owner or operator of a stationary source subject to subparagraph (2)(iii)(a) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(1) October 15, 1973—let necessary contracts for construction.

(2) March 31, 1974—initiate onsite construction.

(3) March 31, 1975—complete onsite construction.

(4) May 30, 1975—complete shakedown operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with rules 204(c)(1)(A), 204(c)(2), 204(d) and 204(e).

(5) Ten days prior to conduct of the required performance test, give notice of such test to the Administrator to afford him the opportunity to have an observer present.

(3)(i) Subparagraphs (1) and (2) of this paragraph shall not apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirement of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator, no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(iv) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraph (2) of this paragraph fail to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart S—Kentucky

7. Section 52.927 is amended by adding a new paragraph (b), as follows:

§ 52.927 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of Kentucky Air Pollution Control Commission Regulation No. AP-4, § 1.(2), shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *March 31, 1975.*—Complete onsite modifications, if applicable.

(vi) *July 31, 1975.*—Final compliance with requirements of Kentucky Air Pollution Control Commission Regulation No. AP-4, § 1.(2).

(3) Any owner or operator subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) *November 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *May 1, 1974.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *November 1, 1974.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *May 1, 1977.*—Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 1, 1977.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1977. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments in subdivisions (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(4) Except as provided in subparagraphs (7) and (13) of this paragraph, the owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of Kentucky Air Pollution Control Commission Regulation No. AP-4, § 1.(3) shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low sulfur fuel or stack gas desulfurization to meet these requirements.

(5) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects to utilize low sulfur fuel shall be subject to the following compliance schedule:

(i) *November 1, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1978, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *May 1, 1975.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *May 1, 1976.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *January 1, 1977.*—Initiate onsite modifications, if applicable.

(v) *May 1, 1978.*—Complete onsite modifications, if applicable.

(vi) *July 1, 1978.*—Final compliance with the requirements of Kentucky Air Pollution Control Commission Regulation No. AP-4, § 1.(3).

(6) Any owner or operator subject to subparagraph (4) of this paragraph who elects to utilize stack-gas desulfurization

shall be subject to the following compliance schedule:

(i) *November 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *May 1, 1975.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 1, 1976.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *May 1, 1978.*—Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 1 1978.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments in subdivisions (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(7) Except as provided in subparagraph (14) of this paragraph, the owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input located in the metropolitan Cincinnati Interstate Air Quality Control Region and subject to the requirements of Kentucky Air Pollution Control Commission Regulation No. AP–4 § 1.(3) shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low sulfur fuel or stack gas desulfurization to meet these requirements.

(8) Any owner or operator of a stationary source subject to subparagraph (4) of this paragraph who elects to utilize low sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 31, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *March 31, 1975.*—Complete onsite modifications, if applicable.

(vi) *July 31, 1975.*—Final compliance with the requirements of Kentucky Air Pollution Control Commission Regulation No. AP–4, § 1(3).

(9) Any owner or operator subject to subparagraph (7) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(ii) *March 31, 1974.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iii) *March 31, 1975.*—Complete onsite construction or instaallation of emission control equipment or process modification.

(iv) *July 31, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 31, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(10) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any fuel-burning facility subject to the requirements of Kentucky Air Pollution Control Commission Regulation No. AP–4, § 1.(4), shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low sulfur fuel or stack gas desulfurization to meet these requirements.

(11) Any owner or operator of a stationary source subject to subparagraph (10) of this paragraph who elects to utilize low sulfur fuel shall be subject to the following compliance schedule:

(i) *November 1, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1979, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *May 1, 1976.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *May 1, 1977.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *January 1, 1978.*—Initiate onsite modifications, if applicable.

(v) *May 1, 1979.*—Complete onsite modifications, if applicable.

(vi) *July 1, 1979.*—Final compliance with the requirements of Kentucky Air Pollution Control Commission Regulation No. AP–4, §§ 1.(4) and 6.(1)(c).

(12) Any owner or operator subject to subparagraph (10) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) *November 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *May 1, 1976.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 1, 1977.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *May 1, 1979.*—Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 1, 1979.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1979. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments in subdivisions (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(13) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph or the affected source.

(14) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart V—Maryland

8. Section 52.1080 is amended by adding a new paragraph (b), as follows:

§ 52.1080 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any fuel-burning facility of more than 250 million

Btu per hour heat input subject to the requirements of regulation 10.03.36.04B (3), 10.03.37.04B(3), 10.03.38.04B(3), 10.03.39.04B(3), 10.03.40.04B(3) or 10.-03.41.04B(3) of the Maryland State Department of Health and Mental Hygiene, whichever is applicable in the air quality control region in which the source is located, shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack-gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *January 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *May 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *March 1, 1974.*—Complete onsite modifications, if applicable.

(vi) *July 1, 1975.*—Final compliance with the low-sulfur fuel requirement of subsection .04B(3) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph.

(3) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack gas desulfurization, as specified in subsection .04D(1) of the applicable Maryland regulation referred to in subparagraph (1) of this paragraph, shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Let necessary contracts for construction.

(ii) *March 1, 1974.*—Initiate onsite construction.

(iii) *March 1, 1975.*—Complete onsite construction.

(iv) *July 1, 1975.*—Final compliance with the requirements of subsections .04B(3) and .04D(1) of the applicable Maryland regulations referred to in subparagraph (1) of this paragraph.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(5) (i) The requirements of subparagraphs (1) through (6) of this paragraph shall not apply to any source which is presently in compliance with the requirements of subsections .04B(3) and .04D(1) of the Maryland regulations referred to in subparagraph (1) of this paragraph and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph may submit to the Administrator, no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (3) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart X—Michigan

9. Section 52.1175 is amended by adding a new paragraph (d), as follows:

§ 52.1175 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Michigan implementation plan shall comply with the compliance schedule in paragraph (2) of this paragraph: Air Pollution Control Commission, Department of Public Health, Michigan Rule 336.49.

(2) *Compliance schedules.*—(i) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of rule 336.49 and located in Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the SO_2 emission limitation effective July 1, 1975.

(ii) Any owner or operator of a stationary source subject to subparagraph (2) (i) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(a) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(b) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(c) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(d) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(e) *March 31, 1975.*—Complete onsite modifications, if applicable.

(f) *July 1, 1975.*—Final compliance with the July 1, 1975, SO_2 emission limitation of rule 336.49.

(iii) Any owner or operator of a stationary source subject to subparagraph (2) (i) of this paragraph who elects to ultilize stack gas desulfurization shall be subject to the following compliance schedule:

(a) *October 15, 1973.*—Let necessary contracts for construction.

(b) *March 1, 1974.*—Initiate onsite construction.

(c) *March 31, 1975.*—Complete onsite construction.

(d) *July 1, 1975.*—Final compliance with the July 1, 1975, SO_2 emission limitation of rule 336.49.

(iv) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of rule 336.49 and located in Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than January 31, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the SO_2 emission limitation effective on July 1, 1978.

(v) Any owner or operator of a stationary source subject to subparagraph (2) (iv) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(a) *October 15, 1976.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1978, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(b) *December 31, 1976.*—Sign contracts with fuel suppliers for projected fuel requirements.

(c) *February 15, 1977.*—Let contracts for necessary boiler modifications, if applicable.

(d) *June 15, 1977.*—Initiate onsite modifications, if applicable.

(e) *March 31, 1978.*—Complete onsite modifications, if applicable.

(f) *July 1, 1978.*—Final compliance with the July 1, 1978, SO_2 emission limitation of rule 336.49.

(vi) Any owner or operator of a stationary source subject to paragraph (2) (iv) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(a) *October 15, 1976.*—Let necessary contracts for construction.

(b) *March 1, 1977.*—Initiate onsite construction.

(c) *March 31, 1978.*—Complete onsite construction.

(d) *July 1, 1978.*—Final compliance with the July 1, 1978, SO_2 emission limitation of rule 336.49.

(3) (i) Subparagraphs (1) and (2) of this paragraph shall not apply to a source which is presently in compliance with ap-

plicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator by no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable regulation. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(iv) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart EE—New Hampshire

10. Section 52.1524 is amended by adding a new paragraph (d) as follows:

§ 52.1524 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Brown Co.:				
(a) No. 11 Kraft recovery	Berlin, N.H.	15	Immediately	January 1973.
(b) No. 11 Kraft recovery	do	15	do	January 1974.
(c) No. 8 Kraft recovery boiler main stack	do	15	do	July 1974.
(d) No. 8 Kraft recovery smelt tank vent	do	15	do	December 1974.
(e) Heavy black liquor oxidation	do	15	do	June 1974.
(f) No. 1 lime kiln stack	do	15	do	January 1973.
(g) No. 2 lime kiln stack	do	15	do	December 1974.

Subpart HH—New York

11. Section 52.1677 is amended by adding a new paragraph (d), as follows:

§ 52.1677 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour of heat input subject to the requirements of §§ 225.3(c) and 230.2(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Except as provided in subparagraph (15) of this paragraph, any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after June 30, 1975, and October 1, 1975, for sources subject to §§ 225.3(c) and 230.2(c), respectively, of the codes, rules, and regulations cited in subparagraph (1) of this paragraph as well as a statement as to whether boiler modifications will be required. If such boiler modifications will be required, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *February 28, 1975.*—Complete on-site modifications if applicable.

(vi) (*a*) *June 30, 1975.*—Final compliance with the low-sulfur fuel requirements of § 225.3(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(*b*) *October 1, 1975.*—Final compliance with the low-sulfur fuel requirements of § 230.2(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(3) Except as provided in subparagraph (15) of this paragraph, any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects to utilize stack-gas desulfurization shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Let necessary contracts for construction.

(ii) *March 31, 1974.*—Initiate onsite construction.

(iii) *February 28, 1975.*—Complete on-site construction.

(iv) (*a*) *June 30, 1975.*—Final compliance with the requirements of § 225.3(c) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(*b*) *October 1, 1975.*—Final compliance with the requirements of § 230.2(c) of subchapter A, title 6 of New York State's official compilation of codes, rules, and regulations.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (2) or (3) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(5) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of § 230.2(d) of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(6) Except as provided in subparagraph (15) of this paragraph, any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elected to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after October 1, 1974, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *September 3, 1974.*—Complete on-site modifications, if applicable.

(vi) *October 1, 1974.*—Final compliance with the low-sulfur fuel requirements of § 230.2(d) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(7) Except as provided in subparagraph (15) of this paragraph, any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Let necessary contracts for construction.

(ii) *December 31, 1973.*—Initiate on-site construction.

(iii) *September 1, 1974.*—Complete on-site construction.

(iv) *October 1, 1974.*—Final compliance with the requirements of § 230.2(d) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(8) Any owner or operator subject to the compliance schedule in either subparagraph (6) or (7) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(9) Except as provided in subparagraph (15) of this paragraph the owner

or operator of any petroleum refinery subject to the requirements of § 223.1 (a) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations shall comply with the compliance schedule in subparagraph (10) of this paragraph.

(10) Any owner or operator of a petroleum refinery subject to subparagraph (9) of this paragraph shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit final control plan to the Administrator.

(ii) *February 28, 1974.*—Let necessary contracts for construction or installation of emission control equipment.

(iii) *June 30, 1974.*—Initiate onsite construction or installation of emission control equipment.

(iv) *November 30, 1974.*—Complete onsite construction or installation of emission control equipment.

(v) *December 31, 1974.*—Final compliance with the requirements of § 223.1 (a) of subchapter A, chapter III, title 6 of New York State's official compilation of codes, rules, and regulations.

(11) Any owner or operator subject to the compliance schedule in subparagraph (10) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(12) Except as provided in subparagraph (15) of this paragraph, the owner or operator of any coke oven battery subject to the requirements of part 214, §§ 214.2 and 214.4, of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations for a system with an environmental rating B as determined by part 212 of subchapter A, chapter III, title 6 of the New York State official compilation of codes, rules, and regulations, shall comply with the compliance schedule in subparagraph (13) of this paragraph.

(13) Any owner or operator of a coke oven battery subject to subparagraph (12) of this paragraph shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit final control plan to the Administrator.

(ii) *February 1, 1974.*—Let necessary contract for construction or installation of control equipment.

(iii) *April 15, 1974.*—Initiate onsite construction or installation of control equipment.

(iv) *September 30, 1974.*—Complete onsite construction or installation of control equipment.

(v) *October 28, 1974.*—Final compliance with the requirements of part 214, §§ 214.2 and 214.4, of subchapter A, chapter III, title 6 of the New York State's official compilation of codes, rules, and regulations.

(14) Any owner or operator subject to the compliance schedule in subparagraph (13) of this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(15) Subparagraphs (1) through (14) of this paragraph shall not apply:

(i) To a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after the final compliance date in the applicable emission regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(16) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraphs (2), (3), (6), (7), (10), and (13) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart MM—Oregon

12. Section 52.1975 is amended by adding a new paragraph (b), as follows:

§ 52.1975 **Compliance schedules.**

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any Kraft pulpmill subject to the following emission limiting regulation in the Oregon Implementation plan shall comply with the compliance schedules in subparagraphs (2) and (3) of this paragraph: Oregon Administrative rules, chapter 340, section 25–170(2) (a) (recovery furnaces) and (b) (lime kilns) (app. 2–A of the Oregon Implementation plan).

(2) Compliance schedule for recovery furnaces:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 17, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 26, 1975.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *July 1, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Compliance schedule for lime kilns:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *October 29, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *July 29, 1974.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *August 26, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by August 26, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(4) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any sulfite pulpmill subject to the following emission-limiting regulation in the Oregon Implementation plan shall comply with the compliance schedule in subparagraph (5) or (6), as applicable, of this paragraph: Oregon Administrative rules, chapter 340, section 25–360 (app. 2–A of the Oregon Implementation plan).

(5) Compliance schedule for sulfite mills of 110 tons or greater of air dried unbleached pulp per day:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *October 1, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 20, 1974.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *July 1, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether com-

pliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(6) Compliance schedule for sulfite mills of less than 110 tons of air dried unbleached pulp per day:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *February 1, 1974.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *August 1, 1974.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *November 1, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by November 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(7) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any primary aluminum plant subject to the following emission limiting regulation in the Oregon Implementation plan shall comply with the compliance schedule in subparagraph (8) of this paragraph: Oregon Administrative rules, chapter 340, section 25–265 (app. 2–A of the Oregon Implementation plan).

(8) Compliance schedule for primary aluminum plants:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 14, 1974.*—Negotiate and sign all necessary contracts for emission control systems or process modifications or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *December 9, 1974.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *January 1, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by January 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(9) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any facility for laterite ore production of ferronickel subject to the following emission limiting regulation in the Oregon Implementation plan shall comply with the compliance schedule in subparagraph (10) of this paragraph: Oregon Administrative rules, chapter 340, section 25–415 (app. 2–A of the Oregon Implementation plan).

(10) Compliance schedule:

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 1, 1974.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *June 1, 1974.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *July 1, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(11) Except as provided in subparagraph (13) of this paragraph, the owner or operator of a gasoline tank subject to the following regulation in the Oregon implementation plan shall comply with the compliance schedule in subparagraph (12) of this paragraph: Rules and regulations of the Lane Regional Air Pollution Authority, article 2–5, section 2–5.13 (app. 2–E of the Oregon implementation plan).

(12) Compliance schedule for gasoline tanks:

(i) *September 14, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) *December 14, 1973.*—Negotiate and sign all necessary contracts for emission control systems or issue orders for the purchase of component parts to accomplish emission control.

(iii) *February 15, 1974.*—Initiate onsite construction or installation of emission control equipment.

(iv) *November 15, 1974.*—Complette onsite construction or installation of emission control equipment.

(v) *January 1, 1975.*—Achieve compliance with the applicable regulation and certify such compliance to the Administrator.

(vi) Five days after the deadline for completing increments in subdivisions (ii), (iii), and (iv) in this subparagraph certify to the Administrator whether the increment has been met.

(13) Subparagraphs (1) through (12) of this paragraph shall not apply:

(i) To a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after the final compliance date in the applicable emission regulation.

If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(14) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraphs (2), (3), (5), (6), (8), (10), and (12) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart OO—Rhode Island

13. Section 52.2077 is amended by adding a new paragraph (c), as follows:

§ 52.2077 Compliance schedules.

* * * * *

(c) *Federal compliance schedules.*—The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Providence Municipal Incinerator	Providence, R.I.	12.2.2(c)	Immediately	Jan. 31, 1974
Pawtucket Municipal Incinerator	Pawtucket, R.I.	12.2.2(c)	do	May 31, 1975
Woonsocket Municipal Incinerator	Woonsocket, R.I.	12.2.2(c)	do	Do.
Newport Municipal Incinerator	Newport, R.I.	12.2.2(c)	do	Dec. 31, 1973

Subpart PP—South Carolina

14. Section 52.2123 is amended by adding a new paragraph (c) as follows:

§ 52.2123 Compliance schedules.

* * * * *

(c) *Federal compliance schedules.*—(1) Except as provided in subparagraph (13) of this paragraph, the owner or operator of any stationary source subject to emission limiting regulations of the South Carolina implementation plan shall comply with the applicable compliance schedule in subparagraphs (2) through (10) of this paragraph.

(2) Compliance schedule for sources in the Charleston Intrastate Region subject to standard 5A, section I of the air pollution control regulations and standards for the State of South Carolina:

(i) *November 1, 1973.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) *May 1, 1974.* Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 1, 1975.* Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *May 1, 1977.* Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 1, 1977.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) The owner or operator of any fuel burning facility of more than 250 million Btu per hour heat input subject to the requirements of South Carolina standard 2A, section II B and C shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(4) Any owner or operate of a stationary source in the Charleston Intrastate Region subject to subparagraph (3) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *November 1, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1977, as well as a statement as to whether boiler modification will be required. If so, final plans must be submitted for such modification.

(ii) *May 1, 1974.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *May 1, 1975.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *January 1, 1976.*—Initiate onsite modifications, if applicable.

(v) *May 1, 1977.*—Complete onsite modifications, if applicable.

(vi) *July 1, 1977.*—Final compliance with the requirements of South Carolina standard 2A, section II B and C.

(5) Any owner or operator of a stationary source outside the Charleston Intrastate Region subject to subparagraph (3) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 31, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *March 31, 1975.*—Complete onsite modifications, if applicable.

(vi) *July 31, 1975.*—Final compliance with requirements of South Carolina standard 2A, section II B and C.

(6) Any owner or operator in the Charleston Intrastate Region subject to subparagraph (3) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the compliance schedule in subparagraph (2) of this paragraph.

(7) Any owner or operator outside the Charleston Intrastate Region subject to subparagraph (3) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(ii) *March 31, 1974.*—Initiate on-site construction or installation of emission control equipment or process modification.

(iii) *March 31, 1975.*—Complete on-site construction or installation of emission control equipment or process modification.

(iv) *July 31, 1975.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(8) Compliance schedule for sources subject to standard 5A, sections II and VI B and C of the air pollution control regulations and standards for the State of South Carolina.

(i) *October 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 1, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *January 1, 1974.*—Initiate on-site construction or installation of emission control equipment or process modification.

(iv) *May 1, 1975.*—Complete on-site construction or installation of emission control equipment or process modification.

(v) *July 31 1975.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(9) Compliance schedule for primary and secondary metals plants subject to standard 5A, section VII of the air pollution control regulations and standards for the State of South Carolina:

(i) *October 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 1, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *January 1, 1974.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *March 1, 1975.*—Complete on site construction or installation of emission control equipment or process modification.

(v) *May 1, 1975.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(10) Compliance schedule for sources subject to standard 2A, section I and standard 5A, sections III, IV, and V of the air pollution control regulations and standards for the State of South Carolina:

(i) *September 15, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *November 1, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *December 1, 1973.*—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) *June 1, 1974.*—Complete onsite construction or installation of emission control equipment or process modification.

(v) *July 1, 1974.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(11) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before the final compliance dates listed in each subparagraph (2) through (10) of this paragraph. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(12) Five days after the deadline for completing increments (ii) through (v) in subparagraphs (2) through (10) certification as to whether the increments were met shall be made to the Administrator.

(13) (i) None of the above subparagraphs shall apply to source which is presently in compliance with the applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(14) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart RR—Tennessee

15. Section 52.2223 is amended by adding a new paragraph (e), as follows:

§ 52.2223 Compliance schedules.

* * * * *

(e) *Federal compliance schedules.*—(1) Except as provided in subparagraph (8) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations of the Knox County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Knox County Air Pollution Control Regulations, sections 18.2C; 19.4B; 20.1D; and 23.1; city of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code, sections 3-24(d); Hamilton County Air Pollution Control Regulations, rules 10.4 and 13.6.

(2) Compliance schedule.

(i) *October 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 1, 1973.*—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *January 1, 1974.*—Initiate onsite construction or installation of emission-control equipment or process modification.

(iv) *May 1, 1975.*—Complete onsite construction or installation of emission-control equipment or process modification.

(v) *July 1, 1975.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Except as provided in subparagraph (8) of this paragraph, the owner or operator of any stationary source subject to the following emission-limiting regulations of the Knox County Air Pollution Control Regulations shall comply with the compliance schedule in subparagraph (4) of this paragraph: Knox County Air Pollution Control Regulations, section 19.2C.

(4) Compliance schedule:

(i) *October 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 1, 1973.*—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *January 1, 1974.*—Initiate onsite construction or installation of emission equipment or process modification.

(iv) *May 1, 1975.*—Complete onsite construction or installation of emission-control equipment or process modification.

(v) *June 1, 1975.*—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by June 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this subparagraph, certify to the Administrator whether the increment has been met.

(5) The owner or operator of any fuel-burning facility subject to the requirements of Knox County Air Pollution Control Regulations, section 18.4B, City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code section 3-24(b) and Hamilton County Air Pollution Control Regulations, rules 10.4 and 13.6, shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(6) Any owner or operator of a stationary source subject to subparagraph (5) of this paragraph who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) *October 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after July 1, 1975, as well as a statement as to whether boiler modification will be required. If so, final plans must be submitted for such modification.

(ii) *December 31, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements.

(iii) *February 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *June 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *March 31, 1975.*—Complete onsite modifications, if applicable.

(vi) *July 1, 1975.*—Final compliance with the requirements of Knox County Air Pollution Control Regulations, section 18.4B and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code section 3-24(b).

(7) Any owner or operator subject to subparagraph (5) of this paragraph who elects to utilize stack gas desulfurization shall be subject to the compliance schedule in subparagraph (2) of this paragraph.

(8) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(9) The compliance schedules in subparagraphs (2), (4), and (6) of this para-

graph shall not excuse a source from complying with any interim emission limitation on the date prescribed in a Knox County, Shelby County or city of Memphis or Hamilton County Air Pollution Control Regulation listed in subparagraphs (1), (3), and (5) of this paragraph.

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in the above subparagraphs of this paragraph fail to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart WW—Washington

16. Section 52.2481 is amended by adding a new paragraph (d), as follows:

§ 52.2481 Compliance schedules.

* * * * *

(d) *Federal compliance schedules.*—(1) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any Kraft pulp mill subject to the following emission limiting regulation in the Washington implementation plan shall comply with the compliance schedules in subparagraphs (2) and (3) of this paragraph: Washington administrative code 18-36-030 (3) and (5) (recovery furnaces) and 18-36-030 (6) (lime kilns) (appendix E of the Washington implementation plan).

(2) Compliance schedule for recovery furnaces.

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *December 17, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 26, 1975.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *July 21, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 21, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) Compliance schedule for lime kilns.

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *October 29, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *July 29, 1974.*—Complete on-site construction or installation of emission control equipment or process modification.

(iv) *August 26, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by August 26, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(4) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any sulfite pulp mill subject to the following emission limiting regulation in the Washington implementation plan shall comply with the compliance schedule in subparagraph (5) of this paragraph: Washington administrative code 81-38-030 (1), (2), (3), (4) and (5) (appendix E of the Washington implementation plan).

(5) Compliance schedule for sulfite pulp mills.

(i) *September 3, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *October 1, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 20, 1974.*—Complete on-site construction or installation of emission control equipment or process modification.

(iv) *July 1, 1974.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(6) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any primary aluminum reduction plant subject to the following emission limiting regulation in the Washington implementation plan shall comply with the compliance schedule in subparagraph (7) of this paragraph: Washington administrative code 18-52-030(2) (appendix E of the Washington implementation plan).

(7) Compliance schedule for primary aluminum reduction plants.

(i) *September 3, 1973.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 14, 1974.* Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *December 9, 1974.* Complete onsite construction or installation of emission control equipment or process modification.

(iv) *January 1, 1975.* Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by January 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(8) Except as provided in subparagraphs (10), (12), and (16) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Washington implementation plan shall comply with the compliance schedule in subparagraph (9) of this paragraph: Washington administrative code 18-04-040(6)(b); 18-04-050(2); 18-04-060(2) (appendix E of the Washington implementation plan).

(9) Compliance schedule for all combustion and incineration sources, general process sources, and sources of sulfur oxide emissions.

(i) *September 28, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *November 16, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *February 28, 1975.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *June 30, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by June 30, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(10) Except as provided in subparagraph (16) of this paragraph the owner or operator of any stationary source in the Puget Sound Air Quality Control Region subject to the following emission limiting regulation in the Washington implementation plan shall comply with the compliance schedule in subparagraph (11) of this paragraph: Washington administrative code 18-04-040(6)(b) (appendix E of the Washington implementation plan).

(11) Compliance schedule for sources of sulfur oxide emissions in the Puget Sound Air Quality Control Region.

(i) *October 1, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *January 1, 1974.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *December 2, 1974.*—Complete on-site construction or installation of emission control equipment or process modification.

(iv) *January 31, 1975.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by January 31, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph certify to the Administrator whether the increment has been met.

(12) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any stationary source in the Puget Sound Air Quality Control Region subject to the following emission limiting regulations in the Washington Implementation Plan shall comply with the compliance schedule in subparagraph (13) of this paragraph: Washington administrative code 18-04-050 (2); 18-04-060 (2).

(13) Compliance schedule for combustion and incineration sources, and general process sources in the Puget Sound Air Quality Control Region.

(i) *September 17, 1973.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *November 5, 1973.*—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *December 1, 1973.*—Complete onsite construction or installation of emission control equipment or process modification.

(iv) *December 31, 1973.*—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by December 31, 1973. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(14) Except as provided in subparagraph (16) of this paragraph, the owner or operator of any petroleum refinery subject to the following emission limiting regulation in the Washington implementation plan shall comply with the compliance schedule in subparagraph (15) of this paragraph: Northwest Air Pollution Authority, Regulation II, section 2.12, Paragraph A(1) and/or section 2.12, Paragraph E, where applicable (appendix B of the Washington implementation plan).

(15) Compliance schedule for petroleum refineries.

(i) *September 3, 1973.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) *November 3, 1973.* Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *May 1, 1974.* Complete on-site construction or installation of emission control equipment or process modification.

(iv) *July 1, 1974.* Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vi) Five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(16) Subparagraphs (1) through (15) of this paragraph shall not apply:

(i) To a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after the final compliance date in the applicable emission regulation. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(17) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in subparagraphs (2), (3), (5), (7), (9), (11), (13), and (15) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart XX—West Virginia

17. Section 52.2524 is amended by adding a new paragraph (b) as follows:

§ 52.2524 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) The owner or operator of any fuel-burning facility of more than 250 million Btu per hour heat input subject to the requirements of West Virginia Administrative Regulations, Chapter 16-20, Series X (hereinafter regulation X), section 3.01 or section 3.03, shall notify the Administrator, no later than September 15, 1973, of his intent to elect one of the following options: (i) Utilize low-sulfur fuel in accordance with the recommendation set forth in regulation X, section 9.02, to meet both the June 30, 1975, and June 30, 1978, requirements of said regulation; (ii) utilize low-sulfur fuel in accordance with the recommendation set forth in regulation X, section 9.02, to meet the June 30, 1975, requirements of said regulation and utilize stack gas desulfurization to meet the June 30, 1978, requirements of said regulation; (iii) utilize stack gas desulfurization to meet both the June 30, 1975, and June 30, 1978, requirements of said regulation; or (iv) utilize stack gas desulfurization to meet the June 30, 1975, requirements of said regulation and utilize a combination of stack gas desulfurization and low-sulfur fuel to meet the June 30, 1978, requirements of said regulation.

(2) Any owner or operator of a stationary source who elects option (i) of subparagraph (1) of this paragraph shall be subject to compliance schedule A, subdivisions (i) through (xii), in subparagraph (7) of this paragraph.

(3) Any owner or operator of a stationary source who elects option (ii) of

subparagraph (1) of this paragraph shall be subject to compliance schedule A, increments (i) through (vi), in subparagraph (7) of this paragraph and compliance schedule B, increments in subdivisions (v) through (ix), in subparagraph (8) of this paragraph.

(4) Any owner or operator of a stationary source who elects option (iii) of subparagraph (1) of this paragraph shall be subject to compliance schedule B, increments in subdivisions (i) through (ix), in subparagraph (8) of this paragraph.

(5) Any owner or operator of a stationary source who elects option (iv) of subparagraph (1) of this paragraph shall be subject to compliance schedule B, increments in subdivisions (i) through (iv), in subparagraph (8) of this paragraph and compliance schedule A, increments in subdivisions (vii) through (xii), in subparagraph (7) of this paragraph.

(6) Any owner or operator of a stationary source subject to the requirements of regulation X, section 3.05, shall be subject to compliance schedule B, increments in subdivisions (i) through (iv), in subparagraph (8) of this paragraph.

(7) Compliance schedule A:

(i) *September 15, 1973.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after June 30, 1975, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(ii) *November 30, 1973.*—Sign contracts with fuel suppliers for projected fuel requirements on and after June 30, 1975.

(iii) *January 15, 1974.*—Let contracts for necessary boiler modifications, if applicable.

(iv) *May 15, 1974.*—Initiate onsite modifications, if applicable.

(v) *February 28, 1975.*—Complete onsite modifications, if applicable.

(vi) *June 30, 1975.*—Final compliance with the requirements of regulation X, section 3.01(a) or section 3.03(a).

(vii) *August 31, 1975.*—Submit to the Administrator a projection of the types and amount of fuel to be burned on and after June 30, 1978, as well as a statement as to whether boiler modifications will be required. If so, final plans must be submitted for such modification.

(viii) *October 31, 1975.*—Sign contracts with fuel suppliers for projected fuel requirements on and after June 30, 1978.

(ix) *December 31, 1975.*—Let contracts for necessary boiler modifications, if applicable.

(x) *April 30, 1976.*—Initiate onsite modifications, if applicable.

(xi) *April 30, 1977.*—Complete onsite modifications, if applicable.

(xii) *June 30, 1978.*—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(8) Compliance schedule B:

(i) *October 15, 1973.*—Let necessary contracts for construction.

(ii) *February 28, 1974.*—Initiate onsite construction.

(iii) *February 28, 1975.*—Complete onsite construction.

(iv) *June 30, 1975.*—Final compliance with the requirements of regulation X, section 3.01(a), section 3.03(a), or section 3.05.

(v) *October 30, 1975.*—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(vi) *February 28, 1976.*—Let necessary contracts for construction.

(vii) *August 31, 1976.*—Initiate onsite construction.

(viii) *December 31, 1977.*—Complete onsite construction.

(ix) *June 30, 1978.*—Final compliance with the requirements of regulation X, section 3.01(b), or section 3.03(b).

(9) Any owner or operator subject to compliance schedule A or compliance schedule B shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(10) (i) The requirements of subparagraphs (1) through (11) of this paragraph shall not apply to any source which is presently in compliance with the requirements of regulation X, section 3.01, section 3.03, or section 3.05 and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to compliance schedule A or compliance schedule B may submit to the Administrator, no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after June 30, 1975, or June 30, 1978, whichever is applicable. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(11) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of compliance schedule A or compliance schedule B of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

Subpart YY—Wisconsin

18. Section 52.2578 is amended by adding a new paragraph (b), as follows:

§ 52.2578 Compliance schedules.

* * * * *

(b) *Federal compliance schedules.*—(1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulation in the Wisconsin implementation plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Wisconsin Air Pollution Control Regulation NR 154.13.

(2) *Compliance schedule.*—Any owner or operator of a source subject to Wisconsin Air Pollution Control Rule NR 154.13 shall take the following actions with respect to the source no later than the following dates as specified.

(i) *September 1, 1973.*—Advertise for bids for purchase and construction of equipment or purchase of requisite material for process modification sufficient to control hydrocarbon emissions from the source.

(ii) *November 1, 1973.*—Award contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) *April 1, 1974.*—Initiate onsite construction or installation of emission control or process modification.

(iv) *November 1, 1974.*—Complete onsite construction or installation of emission-control system or process modification.

(v) *January 1, 1975.*—Achieve final compliance with Wisconsin Air Pollution Control Rule NR 154.13.

(vi) Five days after the deadline for completing each milestone in this subparagraph, certify to the Administrator whether the milestone has been met.

(3) (i) Subparagraphs (1) and (2) of this paragraph shall not apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in subparagraph (2) of this paragraph may submit to the Administrator no later than September 15, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[FR Doc.73-11939 Filed 6-19-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

STATE COMPLIANCE SCHEDULES

Notice of Public Hearing

Section 110(c) of the Clean Air Act, as amended (42 U.S.C. 1857c–5), directs the Administrator of the Environmental Protection Agency to publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if the State fails to submit a portion within the time prescribed, or if a portion is determined by the Administrator not to be in accordance with the requirements of section 110 of the act. In order to satisfy the requirements of section 110(a)(2)(B) of the act, States were directed by 40 CFR 51.15(a)(2) to submit certain compliance schedules by February 15, 1973, as a portion of their implementation plans. States failed to submit all of the schedules required by that date, and submitted schedules not in accordance with the requirements of section 110 of the act. The Administrator has therefore disapproved the deficient plans and specific schedules involved and has proposed schedules as required. These disapprovals and proposed schedules are published in this issue of the FEDERAL REGISTER starting at pages 16144, and 16171, respectively.

The public is encouraged to participate in this rulemaking by submitting comments in accordance with the conditions specified in the notice of proposed rulemaking in this issue of the FEDERAL REGISTER at page 16171. In addition, public hearings will be held on the proposed schedules in order to provide the general public a greater opportunity to comment. Accordingly, notice of public hearings concerning the proposed schedules is given as indicated below.

A compliance schedule consists of intermediate and final dates by which actions are to be taken by an air pollution source toward meeting applicable State emission limiting regulations. Generally, the proposed compliance schedules are designed to apply to air pollution sources by category. In the cases of Rhode Island and New Hampshire, however, the proposed schedules are designed for specific sources. All proposed schedules are designed to require compliance with EPA-approved State emission limiting regulations in a time and manner that satisfy the requirements of 40 CFR 51.15.

A presiding officer has been or will soon be designated for each hearing. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intention to make a statement no later than 15 days prior to the hearing, and not later than 10 days prior to the hearing, if practicable, to submit five copies of the proposed statement to the Administrator of the Environmental Protection Agency, attention: Presiding Officer (address as indicated in the appropriate notice). All other inquiries and comments prior to and after the hearing should be addressed to the same.

Notice of the following hearings on proposed compliance schedules is hereby given:

ALASKA

A hearing on proposed compliance schedules for the State of Alaska will be held on Thursday, July 19, 1973, at 7:30 p.m., in room 117 of the Federal Building, 709 West Ninth Street, Juneau, Alaska. The Presiding Officer will be designated by the Regional Administrator at a later date. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Alaska, 1200 Sixth Avenue, Seattle, Wash. 98101.

COLORADO

A hearing on proposed compliance schedules for the State of Colorado will be held on Wednesday, July 18, 1973, at 9:30 a.m., at the U.S. Post Office Building, 19th and Stout Streets, room 269, Denver, Colo. Mr. Leonard W. D. Campbell is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Colorado, 916 Lincoln Towers, 1860 Lincoln Street, Denver, Colo. 80203.

DISTRICT OF COLUMBIA

A hearing on proposed compliance schedules for the District of Columbia will be held on Thursday, July 19, 1973, at 9:30 a.m. in the Departmental Auditorium on Constitution Avenue between 12th and 14th Streets. William J. Riley is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the District of Columbia, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

FLORIDA

A hearing on proposed compliance schedules for the State of Florida will be held on Tuesday, July 24, 1973, at 10 a.m. in the Kahler Plaza Inn, 151 East Washington Street, Orlando, Fla. 32801. Mr. Paul J. Traina is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Florida, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

IDAHO

A hearing on proposed compliance schedules for the State of Idaho will be held on Monday, July 16, 1973, at 1 p.m. in the meeting room of the Fish and Game Building, 600 South Walnut Street, Boise, Idaho. The Presiding Officer will be designated by the Regional Administrator at a later date. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Idaho, 1200 Sixth Avenue, Seattle, Wash. 98101.

ILLINOIS

A hearing on proposed compliance schedules for the State of Illinois will be held on Wednesday, July 18, 1973, at 1:30 p.m. in the Holiday Inn—East, 3100 South 31st Street, Springfield, Ill. Mr. David A. Kee is hereby designated Presiding Officer for that hearing. A second hearing on proposed schedules for Illinois will be held on Thursday, July 26, 1973, at 9:30 a.m. in the Sheraton-Chicago, San Juan—Kingston Room, 505 North Michigan, Chicago, Ill. Mr. James O. McDonald is hereby designated Presiding Officer for that hearing. All correspondence concerning the hearings should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer (If one is appropriate, specify that officer by name), Hearing on Compliance Schedules for the State of Illinois, 1 North Wacker Drive, Chicago, Ill. 60606.

KENTUCKY

A hearing on proposed compliance schedules for the State of Kentucky will be held on Thursday, July 26, 1973, at 10 a.m. in the auditorium of the Kentucky State Department of Health, 275 East Main Street, Frankfort, Ky. 40601. Mr. Paul J. Traina is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Kentucky, 1421 Peachtree Street, NE., Atlanta, Ga. 30309.

MARYLAND

A hearing on proposed compliance schedules for the State of Maryland will be held on Wednesday, July 18, 1973, at 10 a.m. in Courtroom No. 1, at the U.S. Courthouse, Post Office Building, 111 North Calvert Street, Baltimore, Md. Mr. William J. Riley is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Maryland, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

MICHIGAN

A hearing on proposed compliance schedules for the State of Michigan will

be held on Friday, July 20, 1973, at 1:30 p.m., in the Holiday Inn-East, 3121 East Grand River Road, Lansing, Mich. Mr. Gabriel N. Steinberg is hereby designated presiding officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Michigan, 1 North Wacker Drive, Chicago, Ill. 60606.

NEW YORK

A hearing on proposed compliance schedules for the State of New York will be held on Thursday, July 19, 1973, at 10a.m., in room 914 of the Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202. Mr. Gus Bennett is hereby designated presiding officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of New York, 26 Federal Plaza, New York, N.Y. 10007.

OREGON

A hearing on proposed compliance schedules for the State of Oregon will be held on Tuesday, July 17, 1973, at 7:30 p.m. in room 690 of the U.S. Forest Service Building, 319 Southwest Pine Street, Portland, Oreg. The Presiding Officer will be designated by the Regional Administrator at a later date. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Oregon, 1200 Sixth Avenue, Seattle, Wash. 98101.

RHODE ISLAND

A hearing on proposed compliance schedules for the State of Rhode Island will be held on Tuesday, July 17, 1973, at 10 a.m. in the auditorium of the Rhode Island, Department of Health, Providence, R.I. Ms. Sunny Dupree is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Rhode Island, JFK Federal Building, Boston, Mass. 02203.

SOUTH CAROLINA

A hearing on proposed compliance schedules for the State of South Carolina will be held on Tuesday, July 17, 1973, at 10 a.m. in the Sheraton Columbia Inn, 630 Assembly Street, Columbia, S.C. 29210. Mr. Paul J. Traina is hereby designated presiding officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of South Carolina, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

TENNESSEE

A hearing on proposed compliance schedules for the State of Tennessee will be held on Thursday, July 19, 1973, at 10 a.m. in the Sheraton Inn, Executive Park, I-40 Cedar Bluff exit, Knoxville, Tenn. Mr. Paul J. Traina is hereby designated presiding officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Tennessee, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

WASHINGTON

A hearing on proposed compliance schedules for the State of Washington will be held on Wednesday, July 18, 1973, at 7:30 p.m. in the Blakely Room, Coliseum Northcourt, Seattle Center, Seattle, Wash. The Presiding Officer will be designated by the Regional Administrator at a later date. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Washington, 1200 Sixth Avenue, Seattle, Wash. 98101.

WEST VIRGINIA

A hearing on proposed compliance schedules for the State of West Virginia will be held on Tuesday, July 17, 1973, at 10 a.m. at the Daniel Boone Hotel, parlors A, B, and C, Washington and Capitol Streets, Charlestown, W. Va. 25328. Mr. William J. Riley is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of West Virginia, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

WISCONSIN

A hearing on proposed compliance schedules for the State of Wisconsin will be held on Thursday, July 19, 1973, at 1:30 p.m. in Park Motor Inn, 22 South Carroll Street, Madison, Wis. Mr. Ronald J. Ganim is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Wisconsin, 1 North Wacker Drive, Chicago, Ill. 60606.

Dated: June 12, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-11940 Filed 6-19-73; 8:45 am]