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PROCLAMATION 4227

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products, Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees and Providing for Gradual Reduction of Levels of Imports of Crude Oil, Unfinished Oils and Finished Products

By the President of the United States of America

A Proclamation

The Chairman of the Oil Policy Committee, after consultation with the committee, has advised me that Proclamation No. 3279,[1] as amended by Proclamation No. 4210 of April 18, 1973, requires a number of technical changes which include, among others, revisions in the definitions of certain terms, the correction of inadvertent omissions, and provisions relating to the application of the oil import program to certain imports from foreign trade zones and the territories of American Samoa, Guam, and the Virgin Islands.

The Chairman has advised me that none of these changes will adversely effect the national security.

I agree with the foregoing recommendations and findings of the Chairman.

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[1] 24 FR 1781; 3 CFR, 1959–1963 Comp., p. 11.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of this date, Proclamation No. 3279, as amended by Proclamation No. 4210 of April 18, 1973, is hereby amended as follows:

1. Subparagraph (1) of paragraph (a) of section 2 thereof is amended to read as follows:

"(1) for Districts I–IV, 1,992,000 average barrels per day per calendar year; *Provided,* That, in addition to the foregoing, there may be imported into District I an average of 50,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere under allocations made by the Secretary, pursuant to regulations of the Secretary, to deepwater terminal operators who do not have crude oil import allocations into Districts I–V or Puerto Rico and who, in the allocation period beginning prior to January 1, 1973, had received, from the Secretary, an allocation of imports into District I of No. 2 fuel oil; *Provided Further,* That the Secretary may, by regulation, provide that a holder of an allocation for the importation of No. 2 fuel oil, may import crude oil produced in the Western Hemisphere in lieu of No. 2 fuel oil, barrel for barrel, and exchange such crude oil for No. 2 fuel oil. Whenever the Chairman of the Oil Policy Committee, after consultation with the committee, finds that, because of supply, price, or other considerations, the requirement that No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere is unduly restricting the availability of such oil for importation into District I and is not required for the national security, he shall so advise the Secretary who shall then suspend such requirement for such period of time as he shall deem compatible with the purposes of this proclamation."

2. Subparagraph (i) of paragraph (d)(1) of section 2 thereof is amended to read as follows:

"(i) for Districts I–IV, 960,000 average barrels per day per calendar year; *Provided,* That the Secretary may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil and unfinished oils, which may be imported from Canada so long as such increase is, in his judgment, consonant with the purposes of this proclamation."

3. Subparagraph (ii) of paragraph (d)(1) of section 2 thereof is amended to read as follows:

"(ii) for District V, 280,000 average barrels per day per calendar year; *Provided,* That, the Secretary may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil and unfinished oils which may be imported from Canada, so long as such increase is, in his judgment, consonant with the purposes of this proclamation."

4. Paragraph (a) of section 3 thereof is hereby amended to read as follows:

"SEC. 3(a)(1) Effective May 1, 1973, the Secretary shall, by regulation, establish a system of fees for licenses issued under allocations of imports of crude oil, unfinished oils, and finished products, over the above levels of imports established by section 2 of this proclamation. Such regulation shall require, among other appropriate provisions, that (i) with respect to imports, other than imports from Canada of motor gasoline and finished products, such fees shall be:

Fee Schedule

[Cents per barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Motor gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt)	15.0	20.0	30.0	42.0	52.0	63.0

and,

(ii) that, with respect to imports from Canada of motor gasoline and finished products, such fees shall be:

Fee Schedule

[Cents Per Barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975	May 1, 1976	Nov. 1, 1976
Motor gasoline	0	0	5.7	6.0	12.6	12.6	22.1	22.1
Other finished products (but not including ethane, propane, butanes, or asphalt)	0	0	3.0	4.2	10.4	12.6	22.1	22.1
	May 1, 1977	Nov. 1, 1977	May 1, 1978	Nov. 1, 1978	May 1, 1979	Nov. 1, 1979	May 1, 1980	Nov. 1, 1980
Motor gasoline	31.5	31.5	41.0	41.0	50.4	50.4	63.0	63.0
Other finished products (but not including ethane, propane, butanes, or asphalt)	31.5	31.5	41.0	41.0	50.4	50.4	63.0	63.0

"(2) License fees payable for imports of motor gasoline or other finished products or unfinished oils, manufactured in American Samoa, Guam, or the Virgin Islands or in a foreign trade zone and transported to the Customs territory of the United States by overland means or by vessel or vessels under United States registry, shall be at the rate applicable to the feedstock from which such motor gasoline or other finished product or unfinished oil was manufactured: *Provided*, That such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Secretary that he made a good faith attempt to arrange shipment by vessel under United States registry and that no such vessel was available for the purpose at the time this shipment was made.

"(3) The Secretary is authorized to refund fees, whether in whole or in part, where (i) the licensee failed to use, wholly or in part, the license issued to him; (ii) refunds of license fees, whether in whole or in part, are ordered by the Oil Import Appeals Board; (iii) refund of a license fee, whether in whole or in part, is called for by reason of a person having exported finished products or petrochemicals; (iv) crude oil

imported by virtue of a license for which a fee was paid has been manufactured into asphalt; (v) refund of a license fee is called for by reason of the same having been improperly charged."

5. Paragraph (b) of section 3 thereof is amended to read as follows:

"(b) Except for allocations and licenses to which a license fee is not applicable, applications for allocations and licenses for imports subject to fee under the preceding paragraph shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to this section or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Accounts, Department of the Treasury, in a sum not less than the amount chargeable pursuant to this section, conditioned upon payment to the order of the Treasurer of the United States, within thirty (30) calendar days from the date of entry or withdrawal from warehouse for consumption of the commodities for the importation of which a license or licenses have issued, in the amount chargeable pursuant to this section. Applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Applications by or for the account of a department, establishment, or agency of the United States need not be accompanied by a certified check or a cashier's check or a bond as required by this paragraph."

6. Subparagraph (1) of paragraph (c) of section 3 thereof is hereby amended to read as follows:

"(c) (1) All monies received by the Secretary under the terms of paragraph (b) of this section shall be held by the Secretary in a suspense account and may be drawn upon by the Secretary (i) for the payment of refundable license fees; (ii) for the payment to Puerto Rico of sums equal to the sums collected by way of license fees for imports into Puerto Rico (other than imports from the Virgin Islands) and not otherwise refundable; and (iii) for the payment to American Samoa, Guam, or the Virgin Islands, as the case may be, of sums equal to the sums collected by way of license fees and not otherwise refundable for imports therefrom into the Customs territory of the United States of crude oil or motor gasoline, other finished products, or unfinished oils, manufactured in American Samoa, Guam, or the Virgin Islands. Balances remaining in such suspense account and not required to be reserved for payments hereinabove provided shall be deposited at the end of each fiscal year in the Treasury of the United States and credited to miscellaneous receipts. Whenever the Chairman of the Oil Policy Committee, after consultation with the committee, determines that any such payments to Puerto Rico, American Samoa, Guam, or the Virgin Islands are not consonant with the purposes of this proclamation, he shall so advise the Secretary who shall then amend the applicable regulations accordingly."

7. Subparagraph (1) of paragraph (b) of section 4 thereof is hereby amended by adding the following at the end thereof:

"In respect of the territories of American Samoa, Guam, the Virgin Islands, and foreign trade zones, the Secretary may make such regulations as he deems consonant with the purposes of this proclamation to

the end that persons having refineries and petrochemical plants located in such territories or zones shall participate to the fullest practicable extent, upon terms not less favorable, so far as possible, than those accorded to persons in the Customs territory of the United States in all appropriate aspects of the programs authorized by this proclamation."

8. Subparagraph (2) of paragraph (b) of section 4 is hereby amended by deleting the proviso therein contained.

9. Subparagraph (5) of paragraph (b) of section 4 thereof is hereby amended to read as follows:

"(5) With respect to the allocation of imports to which license fees are not applicable of residual fuel oil to be used as fuel in Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into Puerto Rico during all or part of the calendar year 1958. In addition, the Secretary by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Secretary, (i) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who in a base period to be established by the Secretary had inputs of that product to deepwater terminals located in the respective districts or Puerto Rico and (ii) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have throughput agreements (warehouse agreements) with deepwater terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations, shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who in a base period to be established by the Secretary had inputs of that product to deepwater terminals located in District I; (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have throughput agreements (warehouse agreements) with deepwater terminal operators; and (iii) notwithstanding the levels established in section 2 of this proclamation, during the allocation year commencing in 1973, the Secretary may make allocations of imports of residual fuel oil to be used as fuel into District I to persons in District I who own and operate newly constructed deepwater terminal facilities, based upon estimated deepwater terminal inputs during a base period to be established by the Secretary. For the allocation period commencing in 1974 and subsequent allocation periods, the Secretary may make allocations of imports of residual fuel oil to be used as fuel into District I based upon estimated deepwater terminal inputs during a base period to be established by the Secretary to persons in District I who own and operate newly constructed deepwater terminal facilities; *Provided,* That such allocations shall be included within the levels established by subparagraph (4) of paragraph (a) of section 2 of this proclamation, as amended."

10. Paragraph (b) of section 5 thereof is hereby amended to read as follows:

"(b) The Appeals Board may be empowered, subject to the general direction of the Chairman of the Oil Policy Committee, without regard to the limits of the maximum levels of imports established in section 2 of this proclamation: (1) to reverse or modify on grounds of error actions taken by the Secretary on applications for allocations of imports under such regulations; (2) to modify, on the grounds of exceptional hardship, any allocation made to any person under such regulations; (3) to grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; (4) to grant allocations of imports of finished products on grounds of exceptional hardship; (5) to grant allocations of imports of crude oil, unfinished oils, and finished products to independent refiners or established independent marketers who are experiencing exceptional hardship or in emergencies in order to assure, insofar as practicable, that adequate supplies are available; (6) to review the revocation or suspension of any allocation or license; (7) to review the denial by the Secretary of refunds of license fees, whether in whole or in part, theretofore paid by a person; and (8) to grant refunds, in whole or in part, of license fees paid by persons to whom licenses were issued for imports which they subsequently became entitled to make under allocations made by the Board. Except with respect to its function to review applications for allocations of imports to which license fees are applicable, licenses issued pursuant to Board allocations shall be fee exempt."

11. The first paragraph of section 11 thereof is amended to read as follows:

"SEC. 11 Annually, beginning May 1, 1974, the maximum levels of imports subject to allocation and license, to which license fees shall not be applicable, except allocations made and licenses issued by reason of new, expanded, or reactivated refinery capacity and petrochemical plants in Districts I–IV and District V allocations and licenses issued to persons who manufacture in such Districts finished products or petrochemicals from crude oil and unfinished oils and who export finished products or petrochemicals, subject to such designations as the Secretary may make, shall be reduced as follows:"

12. Paragraph (a) of section 12 thereof is amended to read as follows:

"SEC. 12(a) Commitments and obligations contained in long-term allocations heretofore made of imports of crude oil and unfinished oils into Puerto Rico shall be unimpaired by this proclamation or regulations issued thereunder."

13. Subparagraph (2) of paragraph (g) of section 15 thereof is amended to read as follows:

"(2) 'Gasoline' means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, orthoxylene or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure from 80° to 400°F."

14. Subparagraph (4) of paragraph (g) of section 15 thereof is amended to read as follows:

"(4) 'Distillate fuel oil' means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure from 550° to 1200°F."

15. Subparagraph (1) of paragraph (h) of section 15 thereof is amended to read as follows:

"(1) By distillation with a resulting yield of at least two distinct finished products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such unfinished oils to a distillation unit. Different grades or specifications of finished products or unfinished oils will not constitute distinct finished products or unfinished oils for purposes of this subparagraph. Distillation of petroleum oils which have been reconstituted by blending of two or more finished products or unfinished oils does not constitute processing for the purposes of this subparagraph."

16. Subparagraph (2) of paragraph (h) of section 15 thereof is amended to read as follows:

"(2) By catalytic or thermal conversion in process units such as alkylation, coking, cracking, hydrofining, hydrodesulphurization, polymerization, isomerization, dehydrogenation, or reforming."

17. Paragraph (k) of section 15 thereof is amended by adding the following subparagraphs:

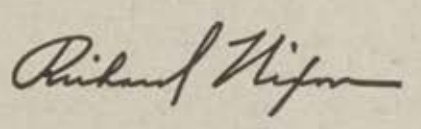
"(6) That certain allocation made to Fuel Desulphurization, Inc., of residual fuel oil and fuel oil into Districts I–IV—dated January 8, 1969 (as amended).

"(7) That certain allocation made to Guardian Oil Refining Corporation of residual fuel oil in Districts I–IV—dated January 8, 1969 (as amended).

"(8) That certain allocation made to Supermarine Inc., of residual fuel oil and fuel oil into Districts I–IV—dated January 8, 1969 (as amended).

"(9) That certain zone allocation made to Hawaiian Independent Refinery, Inc., of shipments of crude oil and unfinished oils into foreign-trade sub-zone No. 9–A at Ewa, Oahu, Hawaii, of foreign-trade zone No. 9—Honolulu, Hawaii, dated May 7, 1970."

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



[FR Doc.73–12635 Filed 6–19–73;4:39 pm]

Rules and Regulations

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

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

Title 7—Agriculture

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

[Valencia Orange Regulation 437]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 22–June 28, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideraton of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.737 Valencia Orange Regulation 437.

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

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

(i) The Committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The Committee further reports that the fresh market demand for Valencia oranges is "slow" with f.o.b. prices continuing to fall. Prices f.o.b. averaged $3.19 per carton on a sales volume of 661 carlots during the week ended June 14, 1973, compared with $3.21 per carton on sales of 722 carlots a week earlier. Track and rolling supplies at 374 cars were down 61 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the Committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 19, 1973.

(b) *Order.*—(1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 22, 1973, through June 28, 1973, are hereby fixed as follows:

(i) District 1: 150,000 cartons;

(ii) District 2: 372,000 cartons;

(iii) District 3: 78,000 cartons."

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

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

Dated June 20, 1973.

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

[FR Doc.73–12676 Filed 6–20–73;11:12 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 139; Docket No. AO 374]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Regulating the Handling of Milk

Findings and Determinations.—(a) *Findings upon the basis of the hearing record.*—Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, pt. 900), a public hearing was held upon a proposed tentative marketing agreement and order regulating the handling of milk in the Lake Mead marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1139.85.

(b) *Additional findings.*—It is necessary in the public interest to make this order partially effective not later than July 1, 1973, and fully effective not later than August 1, 1973. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued April 24, 1973, and the decision of the Assistant Secretary containing all the provisions of this order was issued June 1, 1973. The provisions of the order, other than those relating to prices and payments, must become effective prior to the fully effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to the order provisions.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective July 1, 1973, and fully effective August 1, 1973, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Lake Mead marketing area shall be in conformity to and in compliance with the following terms and conditions:

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1139.1 General provisions.

DEFINITIONS

Sec.
1139.2 Lake Mead marketing area.
1139.3 Route disposition.
1139.4 [Reserved]
1139.5 Distributing plant.
1139.6 Supply plant.
1139.7 Pool plant.
1139.8 Nonpool plant.
1139.9 Handler.
1139.10 Producer-handler.
1139.11 [Reserved]
1139.12 Producer.
1139.13 Producer milk.
1139.14 Other source milk.
1139.15 Fluid milk product.
1139.16 Fluid cream product.
1139.17 Filled milk.
1139.18 Cooperative association.

HANDLER REPORTS

1139.30 Reports of receipts and utilization.
1139.31 Payroll reports.
1139.32 Other reports.

CLASSIFICATION OF MILK

1139.40 Classes of utilization.
1139.41 Shrinkage.
1139.42 Classification of transfers and diversions.
1139.43 General classification rules.
1139.44 Classification of producer milk.
1139.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1139.50 Class prices.
1139.51 Basic formula price.
1139.52 Plant location adjustments for handlers.
1139.53 Announcement of class prices and handler butterfat differentials.
1139.54 Equivalent price.
1139.55 Handler butterfat differentials.

UNIFORM PRICE

1139.60 Handler's value of milk for computing uniform price.
1139.61 Computation of uniform price.
1139.62 Announcement of uniform price and producer butterfat differential.

PAYMENTS FOR MILK

1139.70 Producer-settlement fund.
1139.71 Payments to the producer-settlement fund.
1139.72 [Reserved]
1139.73 Payments to producers and to cooperative associations.
1139.74 Producer butterfat differential.
1139.75 Plant location adjustments for producers and on nonpool milk.
1139.76 Payments by handler operating a partially regulated distributing plant.
1139.77 Adjustment of accounts.
1139.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1139.85 Assessment for order administration.
1139.86 Deduction for marketing services.

GENERAL PROVISIONS

§ 1139.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1139.2 Lake Mead marketing area.

"Lake Mead marketing area," hereinafter called the "marketing area," means:

(a) All territory geographically within the following incorporated and unincorporated places in Clark County, Nev.:

In Henderson Township: Henderson City.
In Las Vegas Township:
East Las Vegas.
Las Vegas City.
Paradise.
Sunrise Manor (part).
Vegas Creek.
Winchester.
In Nelson Township: Boulder City.
In North Las Vegas Township:
Nellis.
North Las Vegas City.
Sunrise Manor (part).

(b) All territory geographically within Cedar City in Iron County, Utah, and St. George in Washington County, Utah, and

(c) All territory geographically within the boundaries listed in paragraphs (a) and (b) of this section, and in Clark County, Nev., that is occupied by governmental (municipal, county, State, or Federal) reservations, installations, institutions, or other establishments. Where such an establishment is partly within and partly without such territory, the entire establishment shall be included in the marketing area.

§ 1139.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk from a plant to a retail or wholesale outlet (including any delivery through a distribution point, by a vendor, from a plant store or through a vending machine) except a delivery to another plant.

§ 1139.4 [Reserved]

§ 1139.5 Distributing plant.

"Distributing plant" means a plant in which milk approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1139.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is transferred during the month to a pool distributing plant.

§ 1139.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant that during the month has:

(1) Route disposition, except filled milk, representing not less than 50 percent of its total receipts of Grade A fluid milk products (including milk diverted from such plant to a nonpool plant pursuant to § 1139.13); and

(2) Route disposition, except filled milk, in the marketing area representing not less than 10 percent of such receipts.

(b) A supply plant from which during the month not less than 50 percent of its Grade A milk receipts from dairy farmers (including milk diverted from such plant to a nonpool plant pursuant to § 1139.13) is transferred to a pool distributing plant pursuant to paragraph (a) of this section as fluid milk products, except filled milk. Any supply plant that has qualified as a pool plant in each of the immediately preceding months of August through February shall be a pool plant in each of the following months of March through July unless written request for nonpool status for any such month is filed by the plant operator with the market administrator prior to the first day of any such month. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of the March-through-July period unless it fulfills the transferring requirement of this paragraph for such month.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section that also meets the pool plant requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of as route disposition during the month in such other Federal marketing area than was disposed of as route disposition in this marketing area, except if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(3) A distributing plant qualified pursuant to paragraph (a) of this section that also meets the pool plant requirements of another Federal order on the basis of route disposition in such other marketing area, and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month as route disposition in this marketing area than is disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(4) A supply plant qualified pursuant to paragraph (b) of this section that also meets the pool plant requirements of another Federal order and from which greater qualifying transfers are made during the month to plants regulated under such other order than are made to plants regulated under this order, except during the months of March through July if the transfers to the other order plant are for surplus disposition and the operator of the supply plant elects to retain automatic pooling under this part; or

(5) A distributing plant from which less than an average of 300 pounds of Class I milk per day, except filled milk, is disposed of in the marketing area during the month.

§ 1139.8 Nonpool plant.

"Nonpool plant" means any milk, or filled milk, receiving, manufacturing, or processing plant other than a pool plant. This definition shall include, but not be limited to, the following categories of plants:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that does not qualify as a pool plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(d) "Unregulated supply plant" means a supply plant that does not qualify as a pool supply plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(e) "Exempt distributing plant" means a distributing plant defined in § 1139.7(c)(5).

§ 1139.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of its producers that is diverted pursuant to § 1139.13 for the account of the cooperative association;

(c) Any cooperative association with respect to milk of its producers that is received at the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person defined as a producer-handler;

(f) Any person in his capacity as the operator of an other order plant described in § 1139.7(c);

(g) Any person in his capacity as the operator of an unregulated supply plant; and

(h) Any person in his capacity as the operator of an exempt distributing plant.

§ 1139.10 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives fluid milk products only from:

(1) His own dairy farm production; and

(2) Pool plants or other order plants (by transfer) in an amount that is not in excess of the lesser of 5 percent of his Class I utilization during the month or 5,000 pounds;

(c) Does not reprocess or convert milk products into fluid milk products except to increase the nonfat milk solids content above that of the fluid milk products received only by the addition of nonfat dry milk; and

(d) Provides proof satisfactory to the market administrator that:

(1) The care and management of the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from regulated plants) is the personal enterprise of and at the personal risk of such person; and

(2) The management and operation of such distributing plant is the personal enterprise of and at the personal risk of such person.

§ 1139.11 [Reserved]

§ 1139.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person:

(1) Who produces milk in compliance with the Grade A milk inspection requirements of a duly constituted regulatory agency; and

(2) Whose milk is received at a pool plant or diverted from a pool plant to a nonpool plant that is not a producer-handler plant within the limits set forth in § 1139.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1139.44(a)(8)(iii) and the corresponding step of § 1139.44(b);

(3) Any person with respect to milk produced by him that was diverted from a pool plant to an other order plant where some of it was allocated to Class I utilization, or the other order designates such person as a producer under such order; and

(4) Any person whose milk is received during the month at a nonpool plant except by diversion from a pool plant to an ungraded manufacturing plant, or, subject to the provisions of paragraph (b)(3) of this section, diverted to a pool plant of another order for surplus disposition.

§ 1139.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer which is:

(a) With respect to a handler described in § 1139.9(a):

(1) Received at his pool plant directly from the producer;

(2) Received at his pool plant from a handler described in § 1139.9(c); or

(3) Diverted for his account from his pool plant to a nonpool plant that is not a producer-handler plant, subject to the conditions set forth in paragraph (d) of this section;

(b) With respect to a handler described in § 1139.9(b), diverted for such handler's account from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the conditions set forth in paragraph (d) of this section;

(c) With respect to a handler described in § 1139.9(c), received by the handler from the producer's farm in excess of the producer's milk that is received at pool plants pursuant to paragraph (a)(2) of this section. Such producer milk of the handler shall be deemed to have been received by the handler at the location of the pool plant to which the milk was delivered.

(d) The following conditions shall apply to milk of a producer diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(1) Such milk shall be priced at the location of the nonpool plant to which the milk is diverted.

(2) A cooperative association may divert for its account the milk of any producer (other than producer milk diverted pursuant to paragraph (d)(3) of this section) from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month.

(3) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to paragraph (d)(2) of this section) from whom at least 20 percent of his milk production is received during the month at the pool plant. The total quatity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month. The milk for which the operator of such plant is the handler during the month shall not duplicate milk diverted pursuant to paragraph (d)(2) of this section;

(4) Diversions in excess of such percentages shall not be producer milk, and the diverting handler shall designate the dairy farmers whose milk is not producer milk. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1139.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source other than producers, handlers described in § 1139.9(c), pool plants, or inventory at the beginning of the month;

(b) Receipts in packaged form from other plants of products specified in § 1139.40(b)(1);

(c) Products (other than fluid milk products and products specified in § 1139.40(b)(1)) from any source (including those products produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1139.40(b)(1)) for which the handler fails to establish a disposition.

§ 1139.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1139.40(b) or (c)(1) (i) through (viii) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1139.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1139.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1139.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the cooperative association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk for its members; and

(c) To have its entire activities under the control of its members.

Handler Reports

§ 1139.30 Reports of receipts and utilization.

On or before the seventh day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for such month:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1139.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1139.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1139.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1139.31 Payroll reports.

(a) On or before the eighth day after the end of each month, each handler described in § 1139.9 (a), (b), and (c) shall report to the market administrator, in the detail prescribed by the market administrator, the following information showing for each producer for such month:

(1) His name and address;
(2) The number of days on which milk was received from such producer;
(3) The total pounds of milk received from such producer;
(4) The average butterfat content of such milk;
(5) In the case of cooperative associations, the identity of producers for whom the cooperative association is authorized to collect payment pursuant to § 1139.73;
(6) The amount and nature of any deductions authorized in writing by the producer to be made from payments due such producer for milk delivered.

(b) On or before the 21st day of each month, each handler described in § 1139.9 (a), (b), and (c) shall report to the market administrator, in detail and on forms prescribed by him, the name and address of each producer from whom milk was received during the first 15 days of such month, and the total pounds of milk so received during said period from such producer.

(c) Each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1139.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1139.32 Other reports.

In addition to the reports required pursuant to §§ 1139.30 and 1139.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1139.40 Classes of utilization.

Except as provided in § 1139.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1139.30 shall be classified as follows:

(a) *Class I milk.*—Except as provided in paragraph (c) of this section, Class I milk shall be all skim milk and butterfat:
(1) Disposed of in the form of a fluid milk product; and
(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.*—Except as provided in paragraph (c) of this section, Class II milk shall be all skim milk and butterfat:
(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, or any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt. Any product specified in this subparagraph that is modified by the addition of nonfat milk solids shall be Class II milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;
(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section; and
(3) Used to produce cottage cheese, lowfat cottage cheese, and dry curd cottage cheese.

(c) *Class III milk.*—Class III milk shall be all skim milk and butterfat:
(1) Used to produce:
(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);
(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;
(iii) Any milk product in dry form;
(iv) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;
(v) Custards, puddings, and pancake mixes;
(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;
(vii) Evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any concentrated milk product in bulk, fluid form;
(viii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in paragraph (b) (1) of this section; and
(ix) Any product that is not a fluid milk product and that is not specified in paragraphs (b) or (c) (1) (i) through (viii) of this section;
(2) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages;
(3) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;
(4) In fluid milk products and products specified in paragraph (b) of this section that are disposed of by a handler for animal feed;
(5) In fluid milk products and products specified in paragraph (b) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;
(6) In skim milk in any modified fluid milk product or modified product specified in paragraph (b) (1) of this section that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition or classified as Class II milk, as the case may be; and
(7) In shrinkage assigned pursuant to § 1139.41(a) to the receipts specified in § 1139.41(a) (2) and in shrinkage specified in § 1139.41 (b) and (c).

§ 1139.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1139.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:
(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and
(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (b) (1) of such section that is not in excess of:
(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1139.9(c));
(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1139.9(c), except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and the butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;
(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;
(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;
(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;
(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and
(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1139.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on

the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1139.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.*—Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computation pursuant to § 1139.44(a)(12) and the corresponding step of § 1139.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1139.44(a)(7) or the corresponding step of § 1139.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1139.44(a)(11) or (12) or the corresponding steps of § 1139.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.*—Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustments when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1139.40.

(c) *Transfers to producer-handlers and transfers and diversions to exempt distributing plants.*—Skim milk or butterfat in the following forms that is transferred from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to an exempt distributing plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.*—Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product, unless the following conditions apply:

(i) If the transferor-handler or divertor-handler so requests and the conditions described in paragraph (d)(2)(i)(*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1139.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1139.43 General classification rules.

In determining the classification of producer milk pursuant to § 1139.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1139.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1139.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1139.40, 1139.41, and 1139.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1139.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1139.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1139.9(a) for each of his pool plants separately and of each handler described in § 1139.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1139.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1139.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds remaining in Class II;

(5) Except for the first month that a pool plant is subject to this subparagraph, subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1139.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to (excluding the quantity of such skim milk that was classified as Class III milk pursuant to § 1139.40(c)(6)), any product specified in § 1139.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and packaged inventory at the beginning of the month of products specified in § 1139.40(b)(1) that were not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer pursuant to § 1139.12 (b)(4);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III;

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III shall be increased (increasing Class III first to the extent permitted by the handler's total Class III utilization at his other pool plants) by an amount equal to such quantity to be subtracted and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at other pool plants of the handler shall be adjusted to the extent possible in the reverse direction by a like amount. Such adjustment shall be made at the other plants in sequence beginning with the plant having the least minus location adjustment;

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler;

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1139.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the

pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1139.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received;

(i) Should the pounds of skim milk to be subtracted from any class pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in such class shall be increased by an amount equal to such quantity to be subtracted and the pounds of skim milk in the other classes (beginning with the higher priced class) shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at other pool plants of the handler shall be adjusted to the extent possible in the reverse direction by a like amount. Such adjustment shall be made at the other plants in sequence beginning with the plant having the least minus location adjustment;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of paragraph (a)(12)(ii) and (iii) of this section; such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1139.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler;

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received; and

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to either paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from any class that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in such class shall be increased by an amount equal to such quantity to be subtracted and the pounds of skim milk in the other classes (beginning with the higher priced class) shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at other pool plants of the handler shall be adjusted to the extent possible in the reverse direction by a like amount. Such adjustment shall be made at the other plants in sequence beginning with the plant having the least minus location adjustment;

(13) Subtract in the following order from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1139.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to § 1139.44(a)(14) and the corresponding step of § 1139.44(b).

§ 1139.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1139.44(a)(12) and the corresponding step of § 1139.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1139.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association that so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1139.50 Class prices.

Subject to the provisions of §§ 1139.52 and 1139.55, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.*—For the first 18 months this order is effective, the Class I price shall be the basic formula price for the second preceding month plus $1.60.

(b) *Class II price.*—The Class II price shall be the basic formula price for the month plus 15 cents.

(c) *Class III price.*—The Class III price shall be the basic formula price for the month.

§ 1139.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1139.52 Plant location adjustments for handlers.

(a) For producer milk received at a plant located more than 40 miles, by shortest hard-surfaced highway distance, as determined by the market administrator, from the county courthouse in Las Vegas, Nev., and classified as Class I milk, subject to the limitation set forth in paragraph (b) of this section, the Class I price specified in § 1139.50(a) shal be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located from such courthouse.

(b) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee-plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant with the lowest applicable location adjustment.

(c) The Class I price applicable to other source milk shall be adjusted at the rate set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1139.53 Announcement of class prices and handler butterfat differentials.

The market administrator shall announce publicly on or before the fifth day of each month:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month; and

(c) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month.

§ 1139.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

§ 1139.55 Handler butterfat differentials.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1139.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.*—Multiply the butter price specified in § 1139.51 for the preceding month by 0.120.

(b) *Class II and Class III milk.*—Multiply the butter price specified in § 1139.51 for the month by 0.115.

UNIFORM PRICE

§ 1139.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1139.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1139.44 by the applicable class prices (adjusted pursuant to §§ 1139.52 and 1139.55) and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1139.44(a)(14) and the corresponding step of § 1139.44(b) by the applicable class prices;

(c) Add the amounts computed pursuant to paragraph (c) (1) and (2) of this section:

(1) Multiply the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b);

(2) Multiply the difference between the Class III price for the preceding month and the Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b);

(d) Add the amount obtained by multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1139.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1139.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained by multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1139.44(a)(7) (v) and (vi) and the corresponding step of § 1139.44(b); and

(f) Add the amount obtained by multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1139.44(a)(11) and the corresponding step of § 1139.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1139.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1139.60 for all handlers who filed reports prescribed by § 1139.30 for the month and who made the payments pursuant to § 1139.71 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1139.74 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location adjustments computed pursuant to § 1139.75;

(d) Add an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1139.60(f); and

(f) Subtract not less than 4 cents nor more than 5 c/cwt. The result shall be the "uniform price."

§ 1139.62 Announcement of uniform price and producer butterfat differential.

On or before the 12th day after the end of each month the market administrator shall announce publicly the uniform price and producer butterfat differential for such month.

PAYMENTS FOR MILK

§ 1139.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit the appropriate payments made by handlers pursuant to §§ 1139.71, 1139.76, and 1139.77, and out of which he shall make the appropriate payments pursuant to §§ 1139.73 and 1139.77. Payments due to a person from the fund shall be offset by payments due to the fund from such person.

§ 1139.71 Payments to the producer-settlement fund.

(a) On or before the 25th day of the month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount determined by multiplying the hundredweight of producer milk received by him

during the first 15 days of such month by the Class III price for the preceding month.

(b) On or before the 14th day after the end of the month, each handler shall pay the market administrator an amount equal to his net pool obligation computed pursuant to § 1139.60, less:

(1) Payments made pursuant to paragraph (a) of this section for such month;

(2) An amount computed by multiplying the uniform price applicable at the location of plants from which other source milk is received by the hundredweight of other source milk for which a value is computed pursuant to § 1139.60 (f); and

(3) Proper deductions, charges, or other reimbursement in favor of the handler authorized in writing by producers from whom sulch handler received milk;

(c) On or before the 25th day after the end of the month, each handler operating a plant subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (c)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1139.72 [Reserved]

§ 1139.73 Payments to producers and to cooperative associations.

(a) On or before the last day of each month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 1139.71(a) at not less than the Class III price per hundredweight for the preceding month;

(b) On or before the 19th day after the end of each month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 1139.71(b) at the uniform price per hundredweight as adjusted pursuant to §§ 1139.74 and 1139.75, less:

(1) Payments made pursuant to paragraph (a) of this section for such month;

(2) Deductions for marketing services pursuant to § 1139.86;

(3) Other proper deductions (as to purpose and amount) authorized by such producer in writing. As the basis for deductions or other reimbursement to handlers for hauling milk of producers, each handler shall file in advance with the market administrator, in the manner prescribed by him, his rates or charges for hauling and shall substantiate to the satisfaction of the market administrator that the amount to be assessed each producer therefor is reasonable under the hauling conditions existing for the particular load and other conditions relative to the hauling of milk for the market. The handler then shall obtain, in advance of its effective date, on forms provided by the market administrator, written authorization from each producer for the charge. Such procedure shall apply also in the case of any proposed change in hauling charge by the handler. No contractual arrangement between a handler and a producer for supplying milk to the handler shall be contingent on the hauling of such milk by the handler or his affiliate or subsidiary. Prevailing hauling charges and changes therein shall be publicly announced by the market administrator.

(4) For purposes of paragraph (b)(3) of this section, each handler who owns or operates, either directly or through an affiliate or subsidiary person (including interlocking officers or directors), any mobile vehicle used during the month for transporting producer milk en route from the farm of any producer to a pool plant or to a nonpool plant, or from the plant of any cooperative association to the plant of a handler, including his own plant, shall keep, or be responsible for making available from any such affiliate or subsidiary, for examination by the market administrator at his request, records that shall show:

(i) The date, time, source, and quantity of each load of such milk transported by any mobile vehicle so owned or operated by such handler, affiliate, or subsidiary together with the date, time, and quantity of all such milk delivered from such vehicle, and the location and identification of the milk plant or other facility to which delivery or disposition was made; and

(ii) The amount of any charge, and of any and all money or other reimbursement in any manner received by such handler, affiliate, or subsidiary from the producer in connection with the hauling of each such load of milk.

(5) Adjustments in calculating payments to such individual producer for the past months;

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay on or before the second day prior to the date specified in such paragraph to each cooperative association for all producers who market their milk through the cooperative association and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section;

(d) If the market administrator does not receive the full payment required of a handler pursuant to § 1139.71, he shall reduce uniformly per hundredweight his payments to producers for milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete the payments to producers on or before the next date for making final payments pursuant to this section following the date on which the remaining payment is received from such handler; and

(e) If the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section except those payments due producers as described in paragraph (d) of this section, the market administrator shall reduce uniformly per hundredweight his payments to producers and shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the funds become available.

§ 1139.74 Producer butterfat differential.

The uniform price for producer milk shall be increased or decreased for each one-tenth percent that the butterfat content of the milk is above or below 3.5 percent, respectively, at the rate determined as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 1139.44;

(b) Multiply each such percentage by the butterfat differential for the respective class pursuant to § 1139.55; and

(c) Add into one total the values obtained in paragraph (b) of this section, rounding the result to the nearest one-tenth cent.

§ 1139.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1139.52, and the uniform price for producer milk diverted to a nonpool plant shall be adjusted according to the location of such nonpool plant at the rates set forth in § 1139.52.

(b) In computing obligations applicable to other source milk, the uniform price shall be adjusted at the rate set forth in § 1139.52 applicable at the location of the nonpool plant from which the other source milk was received, except that the adjusted price shall not be less than the Class III price.

§ 1139.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1139.30(b) and 1139.31(c) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1139.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1139.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant § 1139.60 for such handler shall include, in lieu of the value of other source milk specified in § 1139.60(f) less the value of such other source milk specified in § 1139.71(b)(2), a value of milk determined pursuant to § 1139.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1139.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1139.30(b) and 1139.31(c) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1139.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1139.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in money due the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1139.78 Charges on overdue accounts.

Any unpaid obligation pursuant to §§ 1139.71, 1139.76, and 1139.77 shall be increased three-fourths of 1 percent each month beginning with the third day following the date such obligation was payable under the order. Any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, and shall include any unpaid charges previously made pursuant to this section. For the purpose of this action any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1139.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4c/cwt or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1139.44(a) (7) and (11) and the corresponding steps of § 1139.44(b), except such other source milk that is excluded from the computations pursuant to § 1139.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1139.76(a)(2).

§ 1139.86 Deduction for marketing services.

(a) The market administrator, in making payments to each producer pursuant to § 1139.73, shall deduct 7c/cwt, or such lesser amount as the Secretary may prescribe, with respect to the milk (except a handler's own farm production) of such producer for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association as determined by the Secretary.

(b) The moneys deducted pursuant to paragraph (a) of this section shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

Effective date. — Sections 1139.1 through 1139.45 shall be effective on and after July 1, 1973, and all remaining provisions shall be effective on and after August 1, 1973.

Signed at Washington, D.C., on June 15, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-12406 Filed 6-20-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	6½	June 11, 1973
New York	6½	Do.
Philadelphia	6½	Do.
Cleveland	6½	Do.
Richmond	6½	June 12, 1973
Atlanta	6½	June 11, 1973
Chicago	6½	Do.
St. Louis	6½	Do.
Minneapolis	6½	Do.
Kansas City	6½	June 15, 1973
Dallas	6½	June 11, 1973
San Francisco	6½	Do.

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	7	June 11, 1973
New York	7	Do.
Philadelphia	7	Do.
Cleveland	7	Do.
Richmond	7	June 12, 1973
Atlanta	7	June 11, 1973
Chicago	7	Do.
St. Louis	7	Do.
Minneapolis	7	Do.
Kansas City	7	June 15, 1973
Dallas	7	June 11, 1973
San Francisco	7	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston [1]	8½	June 11, 1973
New York	8½	Do.
Philadelphia	8½	Do.
Cleveland	8½	Do.
Richmond [1]	8½	June 12, 1973
Atlanta [1]	8½	June 11, 1973
Chicago [1]	8½	Do.
St. Louis [1]	8½	Do.
Minneapolis [1]	8½	Do.
Kansas City [1]	8½	June 15, 1973
Dallas [1]	8½	June 11, 1973
San Francisco	8½	Do.

[1] A rate of 6½ percent was approved, effective on the indicated dates on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357.)

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

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12374 Filed 6-20-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-7-AD; Amendment 39-1674]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 421B Airplanes

There have been instances of oil loss on Cessna Model 421B airplanes. Investigations by the manufacturer have disclosed that this condition may be attributable to reverse flow of oil in the return line between the crankcase oil separator and the engine scavenge pump. The manufacturer has developed an interim modification to the engine installation incorporating a check valve in the crankcase breather oil separator return line which will prevent engine oil loss. Additional tests and evaluations are currently being made by the manufacturer to establish, if possible, a more desirable modification. Should a different modification be developed it may be necessary to amend or supersede the airworthiness directive hereinafter referred to.

Since the condition described herein is likely to exist or develop in other aircraft of the same type design an AD is being issued making installation of the check valve mandatory.

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

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

CESSNA.—Applies to model 421B (serial Nos. 421B0260 through 421B0346) airplanes having AiResearch TH0871 turbochargers with serial number prefixes BC or later installed and to any model 421B airplane prior to serial No. 421B0260 on which new turbochargers with serial number prefixes BC and later or remanufactured turbochargers with serial number prefixes BCR and later have been installed.

NOTE.—Re turbochargers, the first letter B indicates the year of manufacture, i.e., 1972. The second letter C, D, E, etc. indicates the month of manufacture. Therefore, prefix BD is later than BC, BE is later than BD, etc. An R following the dating letters indicates the unit has been remanufactured. Turbochargers affected are those manufactured or remanufactured subsequent to July 1, 1972.

Compliance required as indicated, unless already accomplished.

To prevent loss of engine oil, within the next 25 hors' time in service after the effective date of this AD, install a check valve in the crankcase breather oil separator line in accordance with instructions set forth in Cessna Service Letter No. ME73-10, dated May 18, 1973, or later FAA-approved revision, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 27, 1973.

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

Issued in Kansas City, Mo., on June 12, 1973.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.73-12386 Filed 6-20-73;8:45 am]

[Docket No. 72-SO-118; Amendment 39-1673]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34-200 Series Airplanes

Amendment 39-1564, 37 FR 25221, AD 72-25-1 requires visual inspection of the left and right engine exhaust systems for

cracks or failed ducts or flanges on PA-34-200 airplanes. After issuing amendment 39-1564, the agency determined that the airworthiness directive is not totally effective in early detection of cracks. Therefore, the AD is being superseded by a new AD that requires a more comprehensive inspection.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of part 39 of the Federal Aviation regulations is amended by addition of the following new airworthiness directive:

PIPER: Applies to PA-34-200 airplanes, serial Nos. 34-E4 and 34-7250001 and up equipped with exhaust systems Piper part Nos. 96465-00 and 96466-00.

Compliance required within the next 10 hours time in service after the effective date of this AD or before the accumulation of 60 hours time in service whichever occurs later and thereafter at intervals not to exceed 25 hours time in service from the last inspection.

To insure that cracks are not present in the exhaust system, accomplish the following:

(a) Remove both right and left nose cowls, Piper part Nos. 96500-34 and 96500-35, and open both right and left cowl doors on both right and left engines. Inspect the entire exhaust system for any evidence of cracks or failed ducts or flanges. Use an inspection mirror as required, a minimum 100-watt light and a minimum 4-power magnifying glass.

(b) If the exhaust systems are found to contain cracked or broken ducts, flanges or parts, replace with new replacement parts or repair the affected parts in accordance with Advisory Circular 43.13-1 before further flight.

Piper Service Bulletin No. 373A pertains to this subject.

This supersedes amendment 39-1564 (37 FR 25221) AD 72-25-1.

This amendment becomes effective June 29, 1973.

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

Issued in East Point, Ga., on June 12, 1973.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.73-12387 Filed 6-20-73;8:45 am]

[Docket No. 73-SO-43; Amendment 39-1670]

PART 39—AIRWORTHINESS DIRECTIVE

Rockwell Commander Model 112

Pursuant to the authority delegated to me by the Administrator, 37 FR 13697, an airworthiness directive was adopted on June 6, 1973, and made effective immediately as to all known U.S. operators of Rockwell commander model 112 airplanes. The directive requires inspection of the propeller spinner bulkheads for cracks and replacement of defective parts as necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Rockwell commander model 112 airplanes by individual letters dated June 6, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of part 39 of the Federal Aviation regulations to make it effective to all persons.

ROCKWELL COMMANDER. Applies to model 112 airplanes serial No. 3 and up certificated in all categories equipped with Hartzell propeller spinner C-3533 or C-3533P.

Compliance is required within the next 10 hours time in service after the effective date of this AD and every 10 hours time in service thereafter.

Accomplish the following:

(1) Remove the spinner dome.

(2) Visually inspect front bulkhead inside spinner dome for cracks or fractures in the flange or in radius between flange and web.

(3) Visually inspect rear bulkhead and doublers for cracks in the vicinity of the spinner dome attachments, and attachment of the rear bulkhead to propeller hub.

(4) Replace defective, cracked, or broken parts with new or serviceable parts.

(5) Reassemble spinner dome to rear bulkhead. Insure that fiber washers are fitted under the attaching screw heads. Torque screws to 20-25 in-lbs.

(6) Record compliance with this airworthiness directive in aircraft log book.

Rockwell International, Albany Aircraft Division, Service Bulletin SB-112-4 relates to this same subject.

This amendment is effective June 26, 1973, and was effective upon receipt for all recipients of the air mail letter dated June 6, 1973, which contained this amendment.

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

Issued in East Point, Ga., on June 12, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-12389 Filed 6-20-73;8:45 am]

[Airworthiness Docket No. 73-SW-38; Amendment 39-1667]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International 690

Nonfireproof propeller unfeathering lines between the oil tank and the unfeathering pump were installed on Rockwell International model 690 airplanes, serial Nos. 11001 through 11063, during original manufacture. During a routine audit of the company's manufacturing process under it's delegation option authorization, the agency determined that the unfeathering lines did not comply with the regulations under which this model airplane was type certificated. Failure of these lines in the event of an engine fire would result in loss of the engine oil supply and provide additional flammable fluid to the fire.

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

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

ROCKWELL INTERNATIONAL: Applies to model 690 airplanes, serial Nos. 11001 through 11063.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failure of oil supply lines in the event of an engine fire, accomplish the following:

Remove existing oil supply hose assembly and install tube assembly (P/N 610488-111), check value (P/N 816T-6TT (.014)-12), hose assembly (P/N 610488-113), and attaching parts as listed in Rockwell International service bulletin 123, dated April 5, 1973, or equivalent parts and methods approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Tex.

This amendment becomes effective June 25, 1973.

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

Issued in Fort Worth, Tex., on June 11, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-12388 Filed 6-20-73;8:45 am]

[Airspace Docket No. 73-SW-25]

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

Designation of Transition Area

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

On May 3, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 10959) stating the Federal Aviation Administration proposed to designate the Newgulf, Tex., transition area.

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

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

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

NEWGULF, TEX.

That airspace extending upward from 700 ft above the surface within a 5-mi radius of the Newgulf Airport (lat. 29°16'00" N., long. 95°53'00" W.) and within 3 mi each side of the Eagle Lake, Tex., VORTAC 136° radial extending from the 5-mi-radius area to 30.5 mi southeast of the Eagle Lake VORTAC.

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

Issued in Fort Worth, Tex., on June 12, 1973.

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

[FR Doc.73-12390 Filed 6-20-73;8:45 am]

[Airspace Docket No. 73-SW-26]

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

Designation of Transition Area

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to designate the Gainesville, Tex., transition area.

On May 3, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 10959) stating the Federal Aviation Administration proposed to designate a 700-ft transition area at Gainesville, Tex.

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

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

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

GAINESVILLE, TEX.

That airspace extending upward from 700 ft above the surface within a 5-mi radius of the Gainesville Airport (lat. 33°39'00" N., long. 99°11'40" W.); and within 3.5 mi each side of the 001° bearing from the Gainesville RBN (lat. 33°42'12" N., long. 97°11'50" W.) extending from the 5-mi radius area to 11.5 mi north of the RBN.

(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 Fort Worth, Tex., on June 12, 1973.

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

[FR Doc.73-12391 Filed 6-20-73;8:45 am]

[Airspace Docket No. 73-SW-27]

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

Designation and Alteration of Transition Areas

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to designate the Elk City, Okla., transition area and amend the Clinton, Okla. (Clinton-Sherman Airport), transition area.

On May 3, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 10960) stating the Federal Aviation Administration proposal to designate a 700-ft transition area at Elk City, Okla., and amend the Clinton, Okla. (Clinton-Sherman Airport), transition area.

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

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

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

ELK CITY, OKLA.

That airspace extending upward from 700 ft above the surface within a 5-mi radius of Elk City Airport (latitude 35°25'40" N., longitude 99°23'45" W.); and within 3.5 miles each side of the 015° bearing from the Elk City NDB (latitude 35°25'33" N., longitude 99°23'52" W.) extending from the 5-mi radius area to 8 mi north of the NDB.

In § 71.181 (38 FR 435), the Clinton, Okla. (Clinton-Sherman Airport), transition area is amended by deleting "excluding the portion within the Hobart, Okla., transition area." and substituting therefor "excluding the portion within the Hobart, Okla., and Elk City, Okla., transition areas."

(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).)

Issued in Fort Worth, Tex., on June 12, 1973.

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

[FR Doc.73-12392 Filed 6-20-73;8:45 am]

[Airspace Docket No. 73-RM-16]

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

Alteration of Control Zone and Transition Area

On April 23, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 10012) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 that would alter the control zone and transition area at Fargo, N. Dak.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through submission of comments. The State of North Dakota and the Aircraft Owners and Pilots Association (AOPA) filed objections to the proposal. While they agreed in principle with the need of additional controlled airspace for radar operations, they both expressed the opinion that the 700-ft and the 1200-ft transition areas were larger than necessary.

A review of the proposed amendment was made. It has been determined that to reduce the 700-ft transition area would restrict the radar service which will be provided aircraft executing radar arrival/departure procedures at Hector Field.

The 1200-ft transition area was expanded to include the radius from Hector Field that will lie within the anticipated coverage of the proposed radar system. That airspace south of Fargo is required for protection of aircraft conducting nonradar IFR procedures. In view of the comments received, it was determined that an m.s.l. floor could be established in the north portion of the proposed 46-mile-radius circle, thereby releasing some airspace for the VFR aircraft that would traverse the area. Radar service can be provided to IFR and VFR aircraft operating above the established floor.

Accordingly, the proposed amendment is hereby adopted in accordance with the following:

In § 71.171 (38 FR 10012) the description of the Fargo, N. Dak., control zone is adopted without change.

In § 71.181 (38 FR 10012) the description of the Fargo, N. Dak., transition area is amended to read as follows:

FARGO, N. DAK.

That airspace extending upward from 700 ft above the surface within an 18.5-mi radius of Hector Field (latitude 46°54'57" N., longitude 96°48'53" W.) and that airspace extending upward from 1,200 ft above the surface within a 29-mi radius of Hector Field; and that airspace extending upward from 1,200 ft above the surface within a 46-mi radius of Hector Field extending clockwise from the Fargo VORTAC 056° radial to the north edge of V2N, west of Fargo; and within 10 mi east and 7 mi west of the Fargo VORTAC 187° radial extending from the 46-mi radius area to 56 mi south of the VORTAC; and that airspace extending upward from 2,700 ft m.s.l. extending from the 29-mi radius area to the 46-mi radius area between the north edge of V2N, west of Fargo, clockwise to the Fargo VORTAC 056° radial, excluding V181, V181E, and the Grand Forks, N. Dak., transition area.

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

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

Issued in Aurora, Colo., on June 13, 1973.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.171 (38 FR 351) the description of the Fargo, N. Dak., control zone is amended to read as follows:

FARGO, N. DAK.

Within a 7-mi radius of Hector Field (lat. 46°54'57" N., long. 96°48'53" W.); and within 2 mi each side of the Fargo VORTAC 009° radial, extending from the 7-mi radius zone to the VORTAC.

[FR Doc.73-12393 Filed 6-20-73;8:45 am]

[Airspace Docket No. 72-SO-86]

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

Alteration of Control Area

On February 28, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 5350), stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would alter control 1152 and designate a new control area adjacent to it.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Only one comment was received and it was favorable.

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

Section 71.163 (38 FR 344) is amended as follows:

1. In the description of control 1152, the final sentence reading "Including the airspace extending upward from FL 230 * * * and parallel to the shoreline to the point of beginning." is deleted.

2. The following additional control area is added:

MYRTLE BEACH, S.C.

That airspace east of Myrtle Beach, S.C., extending upward from 2,000 feet m.s.l. bounded on the east by control 1150, on the south by control 1152, and on the west and north by a line, 3 nautical miles from and parallel to the shoreline.

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

Issued in Washington, D.C., on June 13, 1973.

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

[FR Doc.73-12394 Filed 6-20-73;8:45 am]

[Airspace Docket No. 73-AL-11]

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

Revocation of Federal Airway Segment, Transition Area, and Reporting Points

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to revoke the Amchitka and Anvil, Alaska reporting points, the Amchitka, Alaska Transition Area and that portion of Green Federal Airway No. 11 between Shemya, Alaska and the Marlin, Alaska intersection.

Th Atomic Energy Commission, which owns and operates the Amchitka, Alaska radio beacon, has advised the Federal Aviation Administration that this NAVAID will be decommissioned with the phasing out of all of their operations and services at Amchitka on August 16, 1973. The Anvil reporting point on Green Federal Airway No. 8 and Jet Route No. J-115, and also a portion of Green Federal Airway No. 11 between Shemya and Adak, Alaska, are based on the use of Amchitka radio beacon and will become unusable after August 16, 1973. Therefore, action is taken herein for their revocation.

The portion of Green Federal Airway No. 11 between Adak and Marlin, Alaska, is also designated as Green Federal Airway No. 8. Dual designation of this airway segment is no longer required. For this reason, action is taken herein to revoke that portion of Green Federal Airway No. 11 which is duplicated by Green Federal Airway No. 8.

Associated nonrulemaking action is taken, effective August 16, 1973, to disestablish the Amchitka Island, Alaska Warning Area No. W-538 because the purpose for which it was established has been accomplished.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since the NAVAID upon which the Anvil reporting point and a portion of Green Federal Airway No. 11 are based will be decommissioned August 16, 1973, notice and public procedure concerning their revocation would be impracticable. Revocation of the Adak to Marlin segment of the airway is editorial in nature and notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit the changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

1. In § 71.211 (38 FR 618) "Amchitka, Alaska RBN" and "Anvil INT: 006° bearing Amchitka, Alaska RBN, 282° bearing Adak, Alaska RBN." are deleted.

2. In § 71.213 (38 FR 620) "Anvil INT: INT 006° bearing Amchitka, Alaska RBN, 282° bearing Adak, Alaska RBN." is deleted.

3. In § 71.103 (38 FR 305) Green Federal Airway No. 11 is rewritten as follows:

From INT Cold Bay, Alaska, RR 041° and Port Moller, Alaska, RBN 313° bearings, 20 AGL via Port Heiden, Alaska, RBN; 174 miles 85 MSL, 37 miles 20 AGL, to Kodiak, Alaska, RR.

4. In § 71.181 (38 FR 435) Amchitka, Alaska, title and text is deleted.

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

Issued in Washington, D.C., on June 11, 1973.

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

[FR Doc.73-12395 Filed 6-20-73;8:45 am]

[Docket No. 12896; Amendment No. 869]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administration to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA form 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

In consideration of the foregoing, part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective August 2, 1973.

Abingdon, Va.—Virginia Highlands Airport, VOR/DME-A, amendment 1.
Anchorage, Alaska—Anchorage International Airport, VOR runway 6R, amendment 8.
Bridgeport, Conn.—Bridgeport Municipal Airport, VOR runway 6, amendment 13.

Bridgeport, Conn.—Bridgeport Municipal Airport, VOR runway 24, amendment 6.
Manitowoc, Wis.—Manitowoc Municipal Airport, VOR runway 17, amendment 5.
Manitowoc, Wis.—Manitowoc Municipal Airport, VOR runway 35, amendment 4.
Owosso, Mich.—Owosso City Airport, VOR/DME runway 28, amendment 2.
Pellston, Mich.—Emmett County Airport, VOR/DME runway 5, amendment 2.
San Luis Obispo, Calif.—San Luis Obispo County Airport, VOR-A, amendment 1.

* * * effective June 28, 1973:

Lewiston, Idaho—Lewiston-Nez Perce County Airport, VOR runway 8, amendment 2.
Lewiston, Idaho—Lewiston-Nez Perce County Airport, VOR runway 26, amendment 8.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field) Airport, VOR runway 7, amendment 2.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field) Airport, VOR runway 25, amendment 12.

* * * effective June 11, 1973:

Bryce Canyon, Utah—Bryce Canyon Airport, VOR-A, amendment 2.

* * * effective June 1, 1973:

Kotzebue, Alaska—Ralph Wien Memorial Airport, VOR runway 26, amendment 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective June 28, 1973.

Cleveland, Ohio—Cleveland-Hopkins International Airport, LOC (BC) runway 23L/R, amendment 7, canceled.
Cleveland, Ohio—Cleveland-Hopkins International Airport, LOC runway 23L, original.
Minot, N. Dak.—Minot International Airport, LOC (BC) runway 12, original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective August 2, 1973.

Anchorage, Alaska—Anchorage International Airport, NDB runway 6R, amendment 2.

* * * effective June 28, 1973:

Cleveland, Ohio—Cleveland-Hopkins International Airport, NDB runway 23L/R, amendment 9, canceled.
Cleveland, Ohio—Cleveland-Hopkins International Airport, NDB runway 23L, original.
Cleveland, Ohio—Cleveland-Hopkins International Airport, NDB runway 23R, original.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field) Airport, NDB runway 25, original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective June 28, 1973.

Lewiston, Idaho—Lewiston-Nez Perce County Airport, ILS runway 26, original.
Minot, N. Dak.—Minot International Airport, ILS Runway 30, original.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field) Airport, ILS runway 25, original.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective August 2, 1973.

Middletown, Del.—Summit Airpark, RNAV runway 35, original.

Corrections

In docket No. 12882, amendment 867, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 7, 1973, on page 14916, under section 97.23, July 19, 1973, change effective date of Kotzebue, Alaska—Ralph Wien Memorial, VOR runway 26, amendment 3, to June 1, 1973.

In docket No. 12882, amendment 867, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 7, 1973, on page 14916, under section 97.23, effective July 19, 1973, disregard procedure listed under Cleveland, Tex., Vor-A (TAC), original.

In docket No. 12882, amendment 867, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 7, 1973, on page 14916, under section 97.23, effective July 19, 1973, change effective date of Livermore, Calif.—Livermore Municipal Airport, VOR/DME-A, original, to September 13, 1973.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

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

F. O. WILDER,
Acting Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-12385 Filed 6-20-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR-74; Amendment No. 3]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Certain Organizational Changes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 15, 1973.

Part 384 includes a general and concise statement of the Board's functions and organizations. Certain organizational changes which were recently made are reflected herein, as follows: (1) The change of title of "Executive Director" and "Office of the Executive Director" to "Managing Director" and "Office of the Managing Director," respectively; (2) the change of name of "Publications Section" to "Publication Services Section;" (3) the change of name of "Office of Personnel and Security" to "Office of Personnel;" (4) the establishment of the Office of Consumer Affairs and the Office of Equal Employment Opportunity, both of which are within or under the Office of the Managing Director; and (5) the closing of one field office and the opening of two new ones.

Since the amendment is a rule of agency organization, notice and public procedure are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board, by its Chairman, hereby amends part 384 of the Organization Regulations (14 CFR part 384) effective June 15, 1973, as follows:

1. Amend § 384.4 to read as follows:

§ 384.4 Offices.

The central offices of the Civil Aeronautics Board are located in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., and in the Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C. Its mailing address is Civil Aeronautics Board, Washington, D.C. 20428. The Board's Bureau of Accounts and Statistics maintains a field office in San Mateo, Calif. Also, the Board maintains offices in Anchorage, Alaska; Miami, Fla.; New York, N.Y.; and Los Angeles, Calif. The hours of business for Board offices are 8:30 a.m. to 5 p.m., local time, Monday through Friday, excluding legal holidays, unless otherwise provided by statute or Executive order.

2. Section 384.7(a) is amended by revising paragraphs (a) and (a)(6) and by adding paragraph (a)(7) and (8).

§ 384.7 Organization and delegation of authority.

* * * * *

(a) The Office of the Managing Director, which assists the Chairman in the discharge of his functions as executive and administrative head of the agency; coordinates and directs the activities of the staff; and recommends and develops plans to achieve the Board's program objectives. Within the Office of the Managing Director or reporting to the Managing Director are:

* * * * *

(6) The Office of Personnel, which administers a personnel program designed to meet the needs of the Board and its employees and administers the agency's security programs.

(7) The Office of Consumer Affairs, which operates programs and provides services designed to achieve the Board's policy goal of an informed public, particularly air travelers, shippers, and individual investors in any phase of air transportation.

(8) The Office of Equal Employment Opportunity, which is charged with implementation of the following Board policy: (i) To afford all persons equal opportunity in employment by the Board, without regard to race, color, religion, sex, or national origin; and (ii) to promote the full realization of equal employment opportunity through a continuing affirmative program in all areas of the Board. The Office is under the direction of a Director of Equal Employment Opportunity who is designated by the Chairman and operates under his immediate supervision.

3. Amend paragraphs (d) and (e) of § 384.8 to read as follows:

§ 384.8 Availability of information and materials.

* * * * *

(d) The Publications Services Section periodically prepares a list of Board documents and publications which have been duplicated and are available to the

public. Items offered for sale are available from the Superintendent of Documents, Government Printing Office, or other indicated sources on payment of a charge therefor. A list of available publications and free single copy items is available from the Publications Services Section upon request. The weekly "Notice of Applications or Amendments Thereto" and certain other publications are available to persons submitting written request therefore and payment of any prescribed fees to the Publications Services Section.

(e) A list of forms (described and identified by number) which the Board uses in dealing with the public is available in the Board's public reference room. Both the list of forms, which is subject to change and is therefore not published herein, and the forms themselves are available from the Board's Publications Services Section.

* * * * *

(Secs. 204(a) and 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481. Reorganization Plan No. 13 of 1950, 64 Stat. 1266. Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 (note); secs. 3 and 4 of the Administrative Procedure Act, as amended and recodified, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552, 553.)

Effective date.—June 15, 1973.

Adopted June 15, 1973.

The Civil Aeronautics Board, by its Chairman.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-12479 Filed 6-20-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-444; Order 457]

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES (CLASS C AND CLASS D)

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C AND CLASS D)

Uniform Systems of Accounts for Certain Classes of Public Utilities and Natural Gas Companies; Correction

JUNE 11, 1973.

The following corrections are made to FR Doc. 72-14093, issued August 16, 1972, and published at 37 FR 16797, on August 19, 1972:

A. The title, "Part 104—uniform system of accounts for public utilities and licensees (class C)" (page 16797), immediately preceding ordering paragraph (A) should be changed to read: Part 104—uniform system of accounts for public utilities and licensees (class C and class D).

B. In ordering paragraph (A) (page 16797) the revision of that portion which reads, "(A) The uniform system of accounts for public utilities and licensees * * *" should be changed to read:

(A) The uniform system of accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act (class C and class D) * * *.

C. The title "Part 204—uniform system of accounts for natural gas companies (class C)" (page 16797), immediately preceding ordering paragraph (C) should be changed to read: Part 204—uniform system of accounts for natural gas companies (class C and class D).

D. In ordering paragraph (C) (page 16797) the revision of that portion which reads "(C) The uniform system of accounts for class C natural gas companies * * *" should be changed to read:

(C) The uniform system of accounts prescribed for natural gas companies subject to the provisions of the Natural Gas Act (class C and class D) * * *.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12429 Filed 6-20-73;8:45 am]

[Docket No. R-412; Order 473]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Accounting for Gains and Losses of Utility Property That Had Been Classified in Utility Service; Certain Depreciation Accounts; Correction

JUNE 11, 1973.

The following corrections are made to FR Doc. 73-3444, issued February 15, 1973, and published at 38 FR 4947, on February 23, 1973:

In ordering paragraph C (page 4950) of § 141.1(d) revise the title of the schedule entitled "Accumulated provision for depreciation of electric plant," to read "Accumulated provision for depreciation of electric utility plant," and indicate as follows:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) This annual report contains the following schedules:

* * * * *

Accumulated Provision for Depreciation of Electric Utility Plant

* * * * *

In ordering paragraph F (page 4952) of § 260.1(c) the following schedule titles:

"Accumulated provision for depreciation of gas plant,
Accumulated provision for amortization and depletion of producing natural gas land and land rights,
Accumulated provision for amortization of underground storage land and land rights,
Accumulated provisions for amortization and depletion of gas plant leased to others, amortization of other gas plant held for future use,
Accumulated provision for abandonment of leases,"

should be indicated as follows:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

Accumulated provision for depreciation of gas utility plant.
Accumulated provision for amortization and depletion of gas utility plant-producing natural gas land and land rights.
Accumulated provision for amortization and depletion of gas utility plant-underground storage land and land rights.
Accumulated provision for amortization and depletion of gas utility plant-gas plant in service, gas plant leased to others, gas plant held for future use.
Accumulated provision for amortization and depletion of gas utility plant-abandonment of leases.

* * * * *

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12430 Filed 6-20-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DELEGATIONS OF AUTHORITY TO BUREAU OF BIOLOGICS OFFICIALS, ET AL

The Commissioner of Food and Drugs is amending part 2—Administrative Functions, Practices, and Procedures (21 CFR, pt. 2) to redelegate the final authority of the Commissioner of Food and Drugs relating to the licensing of manufacturers of biological products, and to the entering and inspecting of the premises of biological product manufacturers, to officials of the Bureau of Biologics, to update other redelegations to reflect changes required by organization changes, and to provide additional officials with certification authority. Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) part 2 is amended in § 2.121 by revising paragraphs (b) (1) and (2); by amending paragraph (d) (1) revising paragraph (d) (2) and adding paragraph (d) (3); by adding paragraph (p) (7); by revising paragraph (u) (2); and by adding paragraph (hh) as follows:

§ 2.121 **Redelegation of authority from the Commissioner to other officers of the Administration.**

* * * * *

(b) *Delegations regarding hearings and review boards.*—(1) The Directors and Deputy Director of Bureaus, the Associate Director for Regulatory and Administrative Management of the Bureau of Biologics, Regional Food and Drug Directors, and Deputy Regional Food and Drug Directors are authorized to designate officials to hold informal hearings which relate to their assigned functions under section 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act, section 6 of the Fair Packaging and Labeling Act, section 9(b) of the Federal Caustic Poison Act, and section 5 of the Federal Import Milk Act. Officials so designated are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217 (43 Stat. 803) to administer or to take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under or in enforcement of any law as cited in this section.

(2) The Director of the Bureau of Biologics and the Associate Director for Regulatory and Administrative Management of that Bureau are authorized to appoint review boards as provided by § 273.233 of this chapter (21 CFR 273.233).

* * * * *

(d) * * *

(1) * * *

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioners.

(iii) Director of the Executive Secretariat.

(iv) Director and Deputy Director of the Office of Legislative Services.

(v) The FDA Regulations Officer and the Federal Register Liaison Officer and their alternates of the Office of the Associate Commissioner for Compliance.

(vi) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(vii) Assistant Director for Planning and Analysis of the Bureau of Drugs, the Director and Deputy Director of the Office of Compliance of that Bureau, and the Director of the Division of Case Guidance of that Office and Bureau.

(viii) Associate Director for Management of the Bureau of Foods, the Director and Associate Director of the Office of Compliance of that Bureau, the Director of the Division of Regulatory Guidance of that Office and Bureau, the Director of the Division of Food Technology of the Office of Technology of that Bureau, and the Director of the Division of Food Service of the Office of Nutrition and Consumer Sciences of that Bureau.

(ix) Associate Director for Regulatory and Administrative Management of the Bureau of Biologics.

(x) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(xi) Associate Director for Administration of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau.

(2) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents.

(i) Associate and Deputy Associate Commissioners.

(ii) The Director of the Division of Personnel Management of the Office of the Associate Commissioner for Administration and the Chief of the Staff Development and Training Branch of that Division and Office.

(3) The Federal Register Writer and his alternates of the Office of the Associate Commissioner for Compliance are authorized to certify true copies of FEDERAL REGISTER documents.

* * * * *

(p) * * *

* * * * *

(7) The Director of the Bureau of Biologics and the Associate Director for Regulatory and Administrative Management of that Bureau may authorize, pursuant to section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)), any officer, agent, or employee to enter and inspect any establishment which is subject to the provisions of section 351 of the act (42 U.S.C. 262).

* * * * *

(u) * * *

* * * * *

(2) The Director of the Bureau of Biologics and the Associate Director for Regulatory and Administrative Management of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of those exemptions for new drugs for investigational use in human beings under § 130.3 and in animals under § 130.3a of this chapter pertaining to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262).

* * * * *

(hh) *Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.*—The Director of the Bureau of Biologics and the Associate Director for Regulatory and Administrative Management of that Bureau are authorized to issue licenses under section 351 of the Public Health Service Act (42 U.S.C. 262) for propagation or manufacture and preparation of biological products as specified in the act, and to revoke such licenses at the manufacturer's request.

Effective date.—This order shall be effective on June 21, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a).)

Dated June 15, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-12421 Filed 6-20-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Periods of Child's Eligibility

On page 12135 of the FEDERAL REGISTER of May 9, 1973, there was published a notice of proposed regulatory development to change § 21.3041 to amend the definition of processing time for purposes of a child's eligibility for benefits under 38 U.S.C. chapter 35. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

Effective date.—This regulation is effective June 14, 1973.

(Catalog of Federal Domestic Assistance Program No. 64.117, War Orphans and Widows Educational Assistance.)

Approved June 14, 1973.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Assistant Deputy Administrator.

In § 21.3041(e), subparagraph (2) is amended to read as follows:

§ 21.3041 **Periods of eligibility; child.**

* * * * *

(e) *Extensions to ending dates.* * * *

(2) Processing time: Extended by length of processing time, but not beyond age 31. See § 21.3040(d). "Processing time" means the period of time which elapses between the eligible person's 18th birthday or the date of receipt of the application, whichever is later, and the date on which the program of education is approved.

* * * * *

[FR Doc.73-12426 Filed 6-20-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

PART 40—RESEARCH AND DEMONSTRATION GRANTS

Interim Regulation

Correction

In FR Doc. 73-9536 appearing at page 12783 as the part II of the issue of Tuesday, May 15, 1973, make the following changes:

1. In the first column on page 12786, § 40.125-1 should read as follows:

§ 40.125-1 **Limitations on duration.**

(a) No research or demonstration grant shall be awarded for a budget period in excess of 2 years except demonstration grants involving construction.

(b) No research or demonstration grant shall be approved for a project period in excess of 5 years except in cases where extensions of time without additional funds are appropriate.

2. In the file line, "FR Doc. 73-9586", should read "FR Doc. 73-9536".

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-152]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Michigan	Ottawa	Holland, City of				June 21, 1973.
New York	Jefferson	Alexandria Bay, Village of.				Emergency.
Pennsylvania	Columbia	Catawissa, Borough of.				Do.
						Do.

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

Issued: June 14, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-12246 Filed 6-20-73;8:45 am]

[Docket No. FI-150]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
New York	Chemung	Horseheads, Town of.				June 20, 1973.
Do.	Steuben	Urbana, Town of				Emergency.
Do.	Westchester	Port Chester, Village of.				Do.
North Carolina	Pasquotank	Elizabeth City, City of.				Do.
Wyoming	Natrona	Unincorporated areas.				Do.
						Do.

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

Issued: June 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-12247 Filed 6-20-73;8:45 am]

[Docket No. FI-151]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Los Angeles	Duarte, City of	H 06 037 1047 04 through H 06 037 1047 06	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the Clerk, 1634 East Third St., Box 218, Duarte, Calif. 91010.	June 29, 1973.
Massachusetts	Barnstable	Bourne, Town of	H 25 001 0121 01 through H 25 001 0121 08	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of the Board of Selectmen, Town of Bourne, Bourne, Mass. 02532.	Do.
Michigan	Macomb	Sterling Heights, City of.	H 26 099 4731 01 H 26 099 4731 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	City of Sterling Heights, 40555 Utica Rd., Sterling Heights, Mich. 48078.	Do.
Nebraska	Platte	Columbus, City of.	H 31 141 1100 01 H 31 141 1100 02	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Columbus City Hall, Columbus, Nebr. 68601.	Do.
New Jersey	Bergen	Garfield, City of	H 34 003 1110 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Clerk, City Hall, Outwater Lane, Garfield, N.J. 07026.	Do.
Do	Essex	Roseland, Borough of.	H 34 013 2890 01	do	Borough Hall, Borough of Roseland, Roseland, N.J. 07068.	Do.
Pennsylvania	Elk	Johnsonburg, Borough of.	H 42 047 4000 01 H 42 047 4000 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Johnsonburg Community Center, 600 Market St., Johnsonburg, Pa. 15845.	Do.
Do	Lycoming	Williamsport, City of.	H 42 081 9380 01 through H 42 081 9380 03	do	City of Williamsport, City Hall, 454 Pine St., Williamsport, Pa. 17701.	Do.

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

Issued: June 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-12248 Filed 6-20-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Modification of Certain Machine Brake Standards

On January 16, 1973, a document was published in the FEDERAL REGISTER (38 FR 1593), proposing to amend certain machine brake standards (29 CFR 1910.68(c)(1)(i), 1910.217(b)(2), and 1910.263(h)(2)), so as to allow the use of ceramic permanent magnets as setting devices, as well as the mechanically set brakes that were already allowed. The notice invited interested persons to submit written data, views, and arguments concerning the proposed changes and to request an informal hearing if desired.

No hearing was requested. Two comments were received. One comment, from a State manufacturers association, agreed with the proposed changes. Another comment stated that the standards as proposed were still too narrow and specific, and that the standards in question should be phrased in terms of performance. The commentator argued that as long as a brake is inherently self-engaging, so that power from an external source would be necessary to cause disengagement, and is sufficient to meet the other requirements of the three standards in question, it would be unnecessary to specify exactly what setting devices must be used. This comment has merit, and the standards have been changed to reflect this viewpoint.

Accordingly, after consideration of all materials presented, and pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR part 1911, 29 CFR 1910.68(c)(1)(i), 1910.217(b)(2), and 1910.263(h)(2) are hereby revised, effective June 21, 1973, to read as follows:

1. In § 1910.68, paragraph (c)(1)(i) is amended to read as follows:

§ 1910.68 **Manlifts.**

* * * * *

(c) *Mechanical requirements*—(1) *Machines, general*—(i) *Brakes.*—Brakes provided for stopping and holding a manlift shall be inherently self-engaging, by requiring power or force from an external source to cause disengagement. The brake shall be electrically released, and shall be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The brake shall be capable of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

* * * * *

2. In § 1910.217, paragraph (b)(2) is amended to read as follows:

§ 1910.217 **Mechanical power presses.**

* * * * *

(b) * * *

(2) *Brakes.*—Friction brakes provided for stopping or holding a slide movement shall be inherently self-engaging by requiring power or force from an external source to cause disengagement. Brake capacity shall be sufficient to stop the motion of the slide quickly and capable of holding the slide and its attachments at any point in its travel.

* * * * *

2. In § 1910.263, paragraph (h)(2) is amended to read as follows:

§ 1910.263 **Bakery equipment.**

* * * * *

(h) * * *

(2) *Emergency stop bar.*—An emergency stop bar shall be provided, and so located that the body of the operator will press against the bar if the operator slips and falls toward the rolls, or if the operator gets his hand caught in the rolls. The bar shall apply the body pressure to open positively a circuit that will deenergize the drive motor. In addition, a brake which is inherently self-engaging by requiring power or force from an external source to cause disengagement shall be activated at the same time causing the rolls to stop instantly. The emergency stop bar shall be checked for proper operation every 30 days.

* * * * *

(Sec. 6, Public Law 91–596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71, 36 FR 8754.)

Signed at Washington, D.C., this 14th day of June 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–12477 Filed 6–20–73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean South of Entrance to Chesapeake Bay

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.52 establishing and governing the use and navigation of a danger zone in the Atlantic Ocean south of the entrance to Chesapeake Bay is hereby amended. Present regulations provide that the Commanding Officer of the Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia Beach, Va., is responsible for maintaining lookout posts and enforcing the regulations. The amendment would provide that lookout posts would be maintained by the activity or agency operating the firing range at Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia Beach, Va., and enforcement would be by the Commander, Naval Air Force, U.S. Atlantic Fleet/Commander, Fleet Air Norfolk, Norfolk, Va., and such agencies as he may designate.

Since the amendment constitutes only an agency organizational and procedural change, notice of proposed rulemaking and public procedures thereto are considered unnecessary.

Accordingly, § 204.52 of title 33 of the Code of Federal Regulations is hereby amended as follows:

§ 204.52 **Atlantic Ocean south of entrance to Chesapeake Bay; Firing Range.**

* * * * *

(b) *The regulations.* * * *

(4) Lookout posts will be maintained by the activity or agency operating the firing range at Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia Beach, Va.

* * * * *

(6) The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet/Commander, Fleet Air Norfolk, Norfolk, Va., and such agencies as he may designate.

(Regs., May 30, 1973, 1522–01, Atlantic Ocean South of entrance to Chesapeake Bay—DAEN–CWO–N; sec. 7, 40 Stat. 266; 33 U.S.C. 1.)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73–12366 Filed 6–20–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E–130]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

ADP Collocation and Consolidation Program

The regulation setting forth policy governing automatic data processing management services is amended by revising and expanding subpart 101–32.9 to provide policy and procedures governing the collocation and consolidation of existing or proposed ADP facilities.

The table of contents for part 101–32 is amended by revising subpart 101–32.9 to read as follows:

SUBPART 101–32.9—ADP COLLOCATION AND CONSOLIDATION PROGRAM

Sec.

101–32.900	Scope of subpart.
101–32.901	Applicability.
101–32.902	Definitions.
101–32.902–1	Collocation.
101–32.902–2	Consolidation.
101–32.902–3	Joint utilization.
101–32.902–4	ADP facilities.
101–32.902–5	Collocation or consolidation study.
101–32.903	Objective of the ADP collocation and consolidation program.
101–32.904	Intra-agency collocation or consolidation actions.
101–32.905	Interagency collocation or consolidation actions.
101–32.905–1	Exemptions.
101–32.905–2	Study group.
101–32.905–3	Initiation of a feasibility study.
101–32.905–4	Arrangements and guidelines for conducting a feasibility study.
101–32.905–5	Effect on procurement process.
101–32.905–6	Determining feasibility.

Sec.
101-32.906 Action when mutual agreement is not reached.
101-32.907 Implementation of a decision to collocate or consolidate.
101-32.908 Review of a collocated or consolidated facility.

AUTHORITY.—Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 and sec. 111, 79 Stat. 1127; 40 U.S.C. 759.

The caption and text of subpart 101-32.9 are revised to read as follows:

SUBPART 101-32.9—ADP COLLOCATION AND CONSOLIDATION PROGRAM

§ 101-32.900 Scope of subpart.

This subpart sets forth policy and procedures on collocation or consolidation of existing automatic data processing (ADP) facilities and the location of proposed ADP facilities.

§ 101-32.901 Applicability.

(a) The provisions of this subpart are applicable to all Federal agencies (as defined in § 101-32.201(a)) having ADP facilities or resources.

(b) The provisions of this subpart are not applicable to Government contractors.

§ 101-32.902 Definitions.

As used in this subpart 101-32.9, the following terms shall have the meanings set forth in this § 101-32.902.

§ 101-32.902-1 Collocation.

"Collocation" means the act of locating or relocating an ADP facility contiguous to or in another existing or planned ADP facility.

§ 101-32.902-2 Consolidation.

"Consolidation" means the act of merging separate groupings of ADP resources into one ADP entity through joint utilization, establishment of a Federal Data Processing Center (defined in § 101-32.801-1), or through some other similar cooperative arrangement.

§ 101-32.902-3 Joint utilization.

"Joint utilization" means the use by two or more organizations, under an agreement, of the same ADP facility with either a common staff or separate staffs, where the data processing needs of the partners are served exclusively.

§ 101-32.902-4 ADP facilities.

"ADP facilities" means enclosed space having such real property features as air-conditioning, power supply, grounding systems, and elevated floors required for the installation of automatic data processing equipment (ADPE), as defined in § 101-32.402-1; the vaults and other storage areas, including protected tape storage areas for emergency preparedness; and the office space for programing, maintenance, and administrative support functions required in an ADP operation.

§ 101-32.902-5 Collocation or consolidation study.

"Collocation or consolidation study" means a review of specifically selected ADP facilities or resources by an agency, with or without GSA participation, or by two or more agencies with GSA participation to determine whether the program objectives set forth in § 101-32.903 are feasibly attainable.

§ 101-32.903 Objectives of the ADP collocations and consolidation program.

The objectives of the ADP collocation and consolidation program are to reduce the cost, enhance the effectiveness, and improve the efficiency of Government data processing operations affected by this subpart 101-32.9, through:

(a) Reviewing the requirements for additional Government ADP units and satisfying the need for such requirements by using more fully the resources of units already in existence;

(b) Consolidating installations which are geographically separated by means of telecommunications networks; and

(c) Increasing utilization of the resources committed to Government data processing by replacing a number of installations with a Federal Data Processing Center or a joint-use facility.

§ 101-32.904 Intra-agency collocation or consolidation actions.

(a) Actions by Federal agencies shall include:

(1) Continually reviewing their internal ADP operations to determine whether optimum economy, effectiveness, and efficiency are being achieved;

(2) Conducting studies to ascertain whether the collocation or consolidation of their ADP facilities or resources would be economically advantageous, would improve program effectiveness, or would increase efficiency of operations. (In this connection, the factors shown in § 101-32.905-6 may be applied.);

(3) Implementing findings which indicate collocation or consolidation to be feasible; and

(4) Notifying GSA of the estimated starting and completion dates of an in-house collocation or consolidation study to preclude undertaking by GSA of a related interagency study.

(b) When requested by an agency to participate, GSA actions will include:

(1) Providing assistance in the conduct of a feasibility study;

(2) Giving advice on implementation of an agency's decision to collocate or consolidate; and

(3) Coordinating within GSA any requirement resulting from an intra-agency collocation or consolidation action and expediting approval of that requirement.

§ 101-32.905 Interagency collocation or consolidation actions.

Interagency collocation or consolidation possibilities shall be considered when two or more Federal agencies have or plan to have ADP facilities or resources in the same building or adjacent buildings that are under the control of GSA.

§ 101-32.905-1 Exemptions.

An ADP facility which is located in a classified site or which has ADPE dedicated to the real-time control of a physical process is exempt from the provisions of this § 101-32.905.

§ 101-32.905-2 Study group.

A study of the feasibility of an interagency collocation or consolidation shall be conducted by a study group chaired by GSA and composed of representatives from GSA and the affected agencies.

§ 101-32.905-3 Initiation of a feasibility study.

An interagency collocation or consolidation feasibility study may be initiated as the result of:

(a) An agency's request for assistance made to the Agency Services Coordination Division at the appropriate GSA regional ADP sharing exchanges listed in § 101-32.4801 or to the Office of Agency Assistance, Planning, and Policy (CP), Automated Data and Telecommunications Service, GSA, Washington, D.C. 20405;

(b) An agency's application for space to house a new computer installation or a substantial amount of additional space for an existing computer installation as provided in § 101-20.102-5;

(c) Preparations for making a prospectus for a new Federal building;

(d) Submission of an agency procurement request (APR) (see § 101-32.402-6) for a computer system consisting of one or more central processing units (CPU's) and related equipment; or

(e) An agency's recommendation that such a study be made.

§ 101-32.905-4 Arrangements and guidelines for conducting a feasibility study.

(a) GSA will inform affected agencies of a proposal to initiate an interagency feasibility study. A date for the study to begin will then be set by mutual agreement.

(b) GSA and affected agencies shall assign personnel to the study group.

(c) Salaries and any travel expenses of the study participants shall be paid by the employing agency.

(d) Costs incidental to a study, such as costs of supplies and duplicating services, will be borne by GSA.

(e) To the extent that circumstances permit and are applicable, the study group will consider concurrently the requirements for hardware/software, space, and site preparation.

§ 101-32.905-5 Effect on procurement process.

If studies are to be made but procurements are already in process or an APR has been submitted, GSA and the affected agencies shall determine on the basis of time and other factors whether the procurement should be allowed to proceed pending completion of the study. If it is determined to proceed or not to defer a procurement already in process, the processing shall continue to a point short of an award with the understanding that the requirement will be canceled if collocation or consolidation is

determined to be feasible unless the acquisition is needed for the new facility. However, if the planned installation date of an acquisition will be reached before the projected completion date of a study, GSA will accelerate the study sufficiently to insure that installation of equipment will not be deferred.

§ 101–32.905–6 Determining feasibility.

The following factors shall be considered by the study group in determining the feasibility of a proposed interagency collocation of consolidation action.

(a) Impact of a collocation or consolidation arrangement on the ability of agencies to effectively and efficiently accomplish their missions;

(b) Provision of services which are responsive to priority and security requirements of the affected agencies;

(c) Comparison of costs of the separate facilities with applicable costs of the proposed facility for space, site preparation, moving, ADP equipment, communications equipment and services, transportation, data security and handling, staffing, and any other factor considered by the study group to be pertinent; and

(d) Potential for cost avoidance through increased opportunities for sharing ADP resources and through use of centralized supply and maintenance services.

§ 101–32.906 Action when mutual agreement is not reached.

GSA and the affected agencies shall review the findings of the study group. In the absence of mutual agreement as to whether the findings indicate an interagency collocation or consolidation to be feasible, the dissenting agency(ies) shall be guided by the provisions of § 101–32.001. Where mutual agreement is not reached concerning § 101–32.905–5, above, the provisions of § 101–32.001 also shall apply.

§ 101–32.907 Implementation of a decision to collocate or consolidate.

(a) When a decision is made to establish an interagency collocated or consolidated ADP facility in GSA-controlled space, a task force shall be assembled to develop plans and provide for the implementation of the decision. GSA and each affected agency shall assign personnel to the task force.

(b) The task force shall submit implementing schedules, including schedules for needed interagency agreements, to GSA and to the affected agencies at the earliest possible time.

(c) GSA will provide the facilities required, including foreseeable expansion needs, to activate a collocated or consolidated facility.

(d) The provisions of subparts 101–32.3 and/or 101–32.4 shall apply to the acquisition of additional ADP hardware and related unbundled software needed to equip a collocated or consolidated facility. Acquisition shall be made by GSA or the affected agency(ies) through the transfer of excess property procurement financed by the ADP Fund, and/or procurement financed with appropriated funds of the affected agencies.

§ 101–32.908 Review of a collocated or consolidated facility.

(a) A review of an interagency collocated or consolidated facility shall be made after having been operational for a period of 12 months and annually thereafter if it is mutually considered by GSA and the affected agencies to be advisable. To the extent practicable, the review shall be made by the membership of the task force referred to in § 101–32.907.

(b) GSA or an affected agency may initiate a facility review. The initiating party shall notify the others of its opinion that a review appears to be in order and give the reasons therefor in writing. A mutually acceptable date shall then be set for beginning the review.

(c) If evaluation of the findings of a review discloses that no significant cost avoidance has been realized by the collocation or consolidation action, or that the efficiency of operations and/or the effectiveness of mission programs have been severely hampered or impaired, the services of the ADP facility may be discontinued or curtailed. In the event a decision is made to discontinue or curtail services, a date shall be agreed to by GSA and the affected agencies for cessation or limitation of services sufficiently in advance of the action to permit an orderly return to the previous operational status or to permit the development of alternative arrangements acceptable to all parties.

(d) In the instance of an intra-agency collocation or consolidation action taken under provisions of § 101–32.904, an agency may request GSA participation in a review and evaluation by contacting one of the officers identified in § 101–32.905–3(a).

Effective date. This regulation is effective on June 21, 1973.

Dated June 14, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73–12376 Filed 6–20–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19608; FCC 73–578]

PART 1—PRACTICE AND PROCEDURE

Annual Reports Forms; Reporting Requirements

Report and order.—In the matter of amendment of annual reports form M for telephone companies; form O for wire-telegraph and ocean-cable carriers; and form R for radiotelegraph carriers to change certain reporting requirements and to provide additional reporting requirements. Docket No. 19608 (RM–2056).

1. On October 12, 1972 the Commission adopted a notice of proposed rulemaking in the above-entitled matter which was published in the FEDERAL REGISTER on October 20, 1972 (37 FR 22628).

2. The notice presented for comment on or before November 27, 1972 and for reply comment on or before December 8, 1972, a proposal to amend the reporting requirements of schedule 70B, Compensation of Officers, Directors, etc., of annual report form M and schedule 3, general officers and executives, of annual report forms O and R, so as to require respondents with annual operating revenues exceeding $100 million (currently $25 million) to report therein data with respect to individual employees, other than officers or directors, having an annual salary rate of $40,000 or more at any time during the year (not currently in the form M report) or to whom $40,000 or more was paid during the year as compensation for current or past services. By petition dated August 24, 1971, the American Telephone & Telegraph Co. (A.T. & T.) requested the Commission to raise the annual compensation level for purposes of reporting in annual report form M from $30,000 to $45,000. In the case of the larger companies the current salary reporting level is $30,000 (raised to $37,500 by waivers for 1971 and 1972) and $20,000 for the smaller companies. Comments were invited as to the reasonableness of the $40,000 level particularly in light of current salary levels, corporate organization structures, staffing patterns, the public interest in data on management compensation, and the reporting burden upon the carriers.

3. The notice also included proposals to add a new tax schedule in form M which would analyze data with respect to the accumulated deferred income taxes account; revise the reporting requirements of the donations and payments schedules in forms M, O, and R, in order to provide for reporting by recipient of the total of all payments made during the year where the aggregate amount paid to a recipient was $10,000 or more; revise the pension and benefit fund investment schedule in form M so as to provide for the submittal of certain additional data, and revise certain other schedules in form M in order to delete requirements for reporting certain data no longer considered necessary and to provide for certain additional information for more effective regulation.

4. Comments on the proposed changes in the form M report were received from A.T. & T. on behalf of itself and its associated operating telephone companies, Communications Satellite Corp. (Comsat), GTE Service Corp. (GTE), and the United States Independent Telephone Association (USITA) on behalf of its members. In the case of forms O and R comments were received from TRT Telecommunications Corp. (TRT), and Western Union International, Inc. (WUI). An amendment to its original comments was filed by Comsat after the closing date for reply comments. In addition, a statement on the appropriate reporting salary level contained in Senator Lee Metcalf's letter of October 5, 1971, including his

reference to the statement of Mrs. Ellie Martell in FCC Docket No. 19129 on behalf of the American Telephone Consumers' Council, has been recognized in this proceeding.

5. Before discussing the detailed comments made on certain of the several proposals we will take note of the general comments made by three of the carrier respondents. A.T. & T. states that it concurs in all proposed form M amendments except those upon which specific comments are made. GTE believes the proposed revised annual report form M will simplify and improve the report procedures presently utilized by telephone carriers. TRT, a radiotelegraph carrier, has no objections to the proposed changes affecting annual report form R.

6. In its comments A.T. & T. states that the same consideration, namely continuing inflation, used to raise the compensation level in the past in order to limit the data reported to that necessary to provide an overall picture of top management compensation as well as to disclose any individual outstandingly high salaries, and which served as the basis for A.T. & T.'s August 24, 1971 request for rulemaking, now supports raising the salary level to $50,000. Further, A.T. & T. points out that cost of living increases and the new proposal to report in form M on the basis of salary rates rather than annual compensation alone will substantially increase the reporting requirements. In this regard A.T. & T. furnished data to show that if for 1972 a compensation level of $50,000, $45,000 or $40,000 was in effect, it would report 165, 250, and 425 persons, respectively, including officers and directors. A.T. & T. compares these numbers to the 120 persons reported in 1934 at the $10,000 level and 275 in 1971 at the $37,500 level[1] based on annual compensation only. A.T. & T. states that other Bell System companies also would show substantial increases in the number of names and salaries to be reported but it did not submit specific data. In addition, A.T. & T. believes the salary reporting level should be increased to $50,000 because of economic changes which have occurred since 1965 and changes which, based on past experience, can reasonably be expected to occur in the future. In this context A.T. & T. points out that since 1965 inflation, as measured by the consumer price index, has increased 33 percent and the average hourly earnings for production and nonsupervisory workers on private nonagricultural payrolls, based on U.S. Department of Labor statistics, has increased 49 percent. A.T. & T. is unable to cite a comparable statistic for management employees. On the other hand, Mrs. Martell and Senator Metcalf are of the opinions, respectively, that the reporting requirement rule should not be changed except to lower the amounts to be reported to $20,000 and higher payments, and that all payments of whatever amount in such a category be itemized.

7. Addressing ourselves to the combined comments of Mrs. Martell and Senator Metcalf, the Commission believes that its practice of distinguishing between larger and smaller carriers, which distinction is to be increased from $25 million to $100 million annual operating revenues by this order, and the provision of some reporting relief to larger carriers for employees other than officers and directors will continue to provide a reasonable amount of public information on management compensation as well as disclosing any individual outstandingly high salaries. Further, the reasonableness of the amounts of all expenses, which would include salary payments, in the Bell System is a matter subject to investigation in phase 2 of the general rate investigation of the Bell System telephone companies in docket No. 19129.

8. Turning again to the comments of A.T. & T., we are still of the view that the $40,000 rate as originally proposed should be adopted. We note from A.T. & T.'s comments that this amount reflects fully the 33 percent increase in inflation since 1965 as measured by the consumer price index. Further, we are of the opinion that it is not appropriate to rely on nonmanagement wage indices or on uncertain projected future wage increases or projected increases in the consumer price index for any additional increase in the $40,000. If these conditions do occur then, at an appropriate future time, they could be considered as a possible basis for a further change. We note also that the comments of A. T. & T. are based on current salary levels and claimed reporting burden with particular emphasis on the number of persons reported or to be reported currently as contrasted with the number reported in earlier reporting periods. The comments of A.T. & T. and others are nonresponsive to the appropriateness of the $40,000 level in the light of corporate organization structures, staffing patterns and the public interest in data on management compensation, areas to which we requested specific comment and which are at least of equal importance as the number of persons being reported. Accordingly, in light of the above discussion based on the comments received, we are adopting the $40,000 reporting level as proposed.

9. The reporting of information for each person having the specified annual salary rate at any time during the year in addition to those to whom the specified amount of compensation was paid is the basis upon which the respondents reporting to this Commission in forms O and R presently report. We believe it appropriate that this information should be made public for form M respondents as well and are accordingly adopting this change as proposed.

10. Both Comsat and USITA oppose the amendment to change the reporting requirements of schedule 70B with respect to raising to $100 million the revenue level at which to distinguish between larger and smaller reporting companies. Comsat and USITA believe that the net effect of the change would be to increase the reporting burdens for those companies having annual operating revenues in the range of $25 million to $100 million. According to USITA, 29 independent telephone companies would be so affected, most of them in their reports to other regulatory authorities who usually follow FCC requirements. Accordingly, USITA suggests that we either maintain the distinction between larger and smaller telephone companies at the present $25 million annual revenue amount or maintain the present differential on ceilings for reporting employee compensation as between larger and smaller companies by raising the present ceiling for smaller companies to $30,000. Comsat, which reports to the Commission on an adapted form M, believes that a more equitable requirement would be to increase the salary reporting level to $40,000 and either retain the current $25 million annual operating revenues criterion or to increase the revenue level to $30 million. WUI also objects to the proposed rule with respect to the revenue level for reporting of salary and personal services payments. WUI believes the change in schedule 3 would not be of uniform effect upon the international record carriers. WUI states that only one international carrier is within striking distance of enjoying the benefit of simplified reporting requirements. Therefore, WUI respectfully suggests that the Commission either lower the operating revenue cutoff to $40 million or at the very least, make such a figure applicable to the carriers reporting on form O, and maintain the salary cutoff at $40,000.

11. With regard to the comments and alternatives suggested by Comsat, USITA and WUI with respect to our proposal to raise the measure of annual revenues from $25 million to $100 million to distinguish between smaller and larger carriers for reporting salary data in the officer and employee compensation schedules, the Commission is aware that some of the carriers who are now exempt from reporting salaries of employees in the $20,000 to $30,000 salary range will be required to do so as a result of our proposal. Concerning Comsat we note that its operating revenues in 1972 exceeded $100 million and show a substantial growth trend so it should be unaffected by this rule change. Concerning USITA's comment pertaining to nonrespondent telephone companies whose reports to other regulatory authorities might be affected by changes made by this Commission, we have always been aware in our rulemaking proceedings of the concern expressed by USITA. However, this consideration cannot be controlling in reaching our decision. Furthermore, it would seem that the appropriate avenue for those carriers to use to seek reporting relief would be at State regulatory levels. We note further that, based on 1971 operating revenues, it is primarily six General System and three United System companies reporting to this Commission that are affected by our proposed change.

[1] As previously indicated, the reporting requirements of the salary schedules were waived for 1971 and 1972 to permit reporting at the $37,500 level for carriers with annual revenues of over $25 million.

Further, three of the General System companies' 1971 revenues were close to $100 million and will no doubt exceed $100 million before the effective date of this requirement. We recognize that USITA's comments are on behalf of all its members, however, we are not unaware of the fact that the comments of GTE take no exception to this proposed change in our reporting requirements. United apparently has chosen not to comment separately in this proceeding. WUI has recently changed its corporate structure by creating a new top company and we believe the public interest will be served by having publicized considerable data on officer and employee compensation of both it and its new parent company.

12. The Commission believes that the measure of operating revenue should be raised to $100 million as proposed, to distinguished between larger and smaller respondents in order to assure that reported salary data will give for the the smaller companies more adequate coverage of employees other than officers and directors. Based on the data available to us, we do not believe that this requirement will be unduly burdensome to those few carriers affected. Therefore, the requests of Comsat, USITA, and WUI for modification of this proposal are being denied.

13. In its comments Comsat requests that caption (d) of schedule 30B, Accumulated Deferred Income Taxes—Accelerated Tax Depreciation (Account 176), be changed from the proposed "Amount Amortized to Current Year's Income" to "Amount Amortized in Current Year" in order to remove any implication that the deferred income taxes due to accelerated depreciation are amortized to book income. We do not understand this Comsat commen. As we understand it, its accounting provisions for deferred income taxes do have effects on book income in subsequent years. In any event, the accounting prescribed for deferral accounting for income tax differentials occasioned by the use of accelerated depreciation in part 31 of our accounting rules for telephone companies, which the proposed schedule 30B is designed to reflect, provides for crediting to income amounts of previously deferred income taxes being amortized. Accordingly caption (d) of schedule 30B is considered appropriate as proposed and will be adopted. Comsat's accounting for deferred taxes other than from the use of some form of liberalized depreciation for tax return purposes is unique and to the extent it wishes to annotate its report form M with regard to this matter it may do so.

14. Two carriers, A.T. & T. and Comsat, filed comments on the proposed revised reporting requirements of schedule 43, Donations or Payments for Services Rendered by Persons Other Than Employees, of Annual Report Form M which would require the reporting of aggregate payments of $10,000 or more to each recipient in lieu of the present reporting of the aggregate of individual payments of $5,000 or more made to each recipient.

15. A.T. & T. recognizes that there may be merit in a reporting requirement based on an aggregation principle. However, A.T. & T. feels that the proposed requirement would increase the bookkeeping and clerical burdens of each of the Bell System companies because each company would have to track during each year all payments which it made in order to be able to identify the limited number of payees that would receive in the aggregate $10,000 or more during the year. A.T. & T. recognizes, however, that it may be desirable to modify the current reporting requirement of schedule 43 and proposes that the rules be modified to require the reporting only of the aggregate of all payments of $500 or more made during the year where the aggregate of all such payments to a recipient is $10,000 or more. A.T. & T. believes such a provision would protect against any circumvention of the intent of the reporting requirement while eliminating the clerical posting of numerous small bills the nature of which would be such as not to be reportable for a year in any event. Secondly, A.T. & T. proposes that the rules be modified to describe with particularity the forms of payments to be reported. A.T. & T. contends that some services such as data processing, computer programing, time sharing, reproduction services, account collections, moving, mail delivery, and security are in the nature of incidental operating expenses not requiring high level decisionmaking attention. However, payments such as fees, retainers, commissions, gifts, contributions, assessment, bonuses, and subscriptions, and amounts paid for consulting, legal, financial, accounting, and advertising services do require managerial attention and may require Commission scrutiny. A.T. & T. feels that it would be more useful to the Commission and less burdensome to the reporting telephone companies if the rules required the reporting only of the second category of payments.

16. Comsat believes that reporting the aggregate of all payments to a recipient of $10,000 or more will increase the reporting workload considerably. Further, Comsat recommends that the aggregate payment be increased to $25,000 and the payments be listed in descending order by total aggregate dollar amounts. In considering Comsat's comments in this proceeding, we feel that we should make note of the testimony of its comptroller in docket No. 16070 that regardless of the outcome of this proposed rulemaking Comsat will report total payments to each recipient in its 1972 form M and thereafter since the present requirement requires somewhat more effort than reporting the total amount paid to a recipient.[2]

17. As stated in the Notice of Proposed Rulemaking we believe that the proposed instruction for reporting payments in schedule 43 would provide for more adequate disclosure of significant payments to individual recipients than the present instruction. We believe also that the reporting level should not be raised at the present time above the $10,000 level as suggested by Comsat for the reason that the $10,000 level is reasonable and will not be unduly burdensome to the carriers. We also believe that the types of payments to be included in schedule 43 as reflected in the present and proposed instruction should continue in effect and we will not adopt the suggestion of A.T. & T. to differentiate between payments, in its opinion, requiring and not requiring Commission scrutiny. In reality, all expenditures of a regulated utility are subject to a regulatory Commission's scrutiny and are of concern to the public. We are not adopting the other suggestion of A.T. & T. which is to require the reporting only of the aggregate of all payments of $500 or more made during the year where the aggregate of all such payments to a recipient is $10,000 or more. Although we feel that there would be few, if any, deliberate attempts to circumvent the intent of the proposed requirement, we believe that this relaxation of the proposed requirement is inappropriate at this time since such relaxation could result in the exclusion from a report of significant amounts paid to recipients listed and of an unidentified number of recipients to whom significant sums of money were paid for services or donations. Further, we are adopting as proposed the requirement that these payments be listed alphabetically in separate series by purpose of payment in order to facilitate use of the responses. We note that the international carriers have been reporting in this manner.

18. Since the issuance of our notice in this proceeding it has come to our attention that in certain cases, payments are made to a recipient by two or more member companies of a single corporate system under cost sharing or other joint arrangements. We are of the view that our reporting requirements in schedules 43 and 413 should be designed so as to view a joint payment arrangement of whatever nature as a single item rather than view each company's payment as a single item. Accordingly, we are amending the requirements of schedules 43 and 413 so as to make it clear that if any respondent is party to a joint arrangement where individual payments are made in the aggregate of $10,000 or more on behalf of two or more companies within a single system the aggregate amount shall be shown in the report of the largest company of the system in the joint arrangement as measured by gross operating revenues with references thereto in the reports of the other system companies in the joint arrangement.

19. No comments were filed by any of the carriers with respect to the proposal to amend Schedule 413, Donations and Payments for Services Rendered by Others than Employees, of annual report forms O and R in the same manner as proposed for schedule 43 of annual report form M. We will, however, as a matter of uniformity revise our proposal to

[2] Official Report of Proceedings before this Commisison in docket 16070 (volume 74, page 6225).

amend schedule 413 to reflect the change made in the proposed form M amendments by this order.

20. Concerning our proposal to delete the present schedule 54, Telegraph Stations, of annual report form M and to add in lieu thereof a new schedule 54, Telegraph Stations, Data Sets, and Data Access Arrangements, timely comments were filed by two companies, namely, A.T. & T. and GTE. A.T. & T. does not favor adoption of the proposed changes to schedule 54 for the reasons that: (a) Information with respect to data sets and data access arrangements (DAA's) as described in the proposal is not available, (b) there are no existing procedures whereby such information can be obtained, (c) the proposed format of schedule 54 is unclear and ambiguous and (d) A.T. & T. believes that initiating procedures to gather all the information required would involve far more expense than the value of such information warrants. A.T. & T. suggests that the Commission defer making any changes in schedule 54 and proposes providing the Commission with a report, independent of any form M requirement, showing the number of data sets furnished in connection with dataphone service on a system basis. Such information would be in much the same format as is the information regarding DAA's now provided to the Commission on a monthly basis. GTE states that while each of its telephone operating companies does not presently collect data set and data access arrangement information in the form that the Commission has requested such data to be reported in the proposed new schedule 54 the GTE companies expect to be able to compile it, timely, for the filing of form M. However, GTE companies request that the Commission permit waivers of this requirement, if necessary, during the first year of implementation to permit data compilation.

21. As stated in the notice it is desirable that the reporting requirements of schedule 54 be amended in order that data reflected therein will be indicative of present service offerings and of greater value from a regulatory standpoint. Further, these data will provide more meaningful statistics of current service offerings for inclusion in the Commission's public reports of statistics of communication common carriers and will provide a means to observe the growth thereof. Therefore, we believe that schedule 54 should be revised in order to provide for the reporting of data with respect to data sets and data access arrangements since we are not persuaded that the additional expense which will be incurred by the carriers in order to initiate and maintain procedures to collect data for reporting in schedule 54 in the manner proposed will be so large as to be unduly burdensome. Proposed schedule 54 is revised by adding a new instruction in order to clarify the requirements for the reporting therein of data sets and data access arrangements. In addition, the proposed definitions of "dataphone service stations" and "private line service stations" have been deleted and definitions of "exchange service" and "private line service" have been added. Also, the word dataphone has been deleted from all column headings and appropriate changes have been made in proposed schedule 54 to require the reporting in separate columns of the total number of data sets in use in private line and exchange service, respectively, and in the case of telegraph stations used in exchange service of the number of teletypewriters used with data sets and all other telegraph stations (including teleprinters used in teleprinter exchange service). Requests for waiver of the reporting requirements of schedule 54 in the initial year, either in whole or in part, will be considered at the appropriate time in the light of data submitted in support thereof.

22. Comments were filed by A.T. & T. and Comsat with respect to the changes proposed in schedule 60D, Investment of Pension and Benefit Funds, of annual report form M. A.T. & T. does not believe that the reporting of information with respect to losses exceeding $1 million would be in the best interests of the respective funds. A.T. & T. believes such a requirement would tend as a practical matter to limit the initiative and discretion of the trustees to the detriment of ratepayers as well as to all potential beneficiaries of such funds, and further such proposal is aimed at only one aspect of the trustees investment behavior, viz., "losses." Based on past experience this is an area that needs continuing regulatory attention. The Commission is, however, withdrawing its proposed instruction 5 to schedule 60D at this time since it is our intention to continue to review the adequacy of pension data reporting requirements in the light of comments received in this proceeding and evidence adduced in docket No. 19129 insofar as pensions are concerned, as well as other relevant information available to us. Further, gross profit and loss data are required currently to be reported in schedule 60C, Analysis of Pension and Benefit Funds, of form M. Comsat questions whether an investment in a mutual fund or "pool" managed by the Pension Trustee is considered a single security for purposes of reporting information on losses realized on a single security or other investment where the amount of the gross loss amounts to $1 million or more in the entire fund of all trustees for a single company (proposed instruction 5). Since we are dropping the "million dollar" rule, the question is no longer relevant.

23. A.T. & T. also comments on the proposed instruction to schedule 60D concerning reporting information with respect to letter stock and other investments restricted as to disposition. A.T. & T. asserts that to meet the reporting requirements of this proposed instruction for all such securities would involve a considerable bookkeeping burden since there is a large number of separate issues of privately placed debt securities held in the trust funds. A.T. & T. requests that such information as proposed be limited to letter stock only. Such information with respect to letter stock is being furnished it annually by each of the trustees and could be provided to the Commission as proposed. The Commission has no objection to amending its proposal so as to exclude its applicability to privately placed nonconvertible debt securities and will amend the instruction to schedule 60D accordingly. Therefore, A.T. & T.'s suggestion is adopted in part and denied in part.

24. A.T. & T. also suggests additional changes to schedule 60D so as to make the information reported therein more understandable in its opinion and in keeping with current trust accounting practices. A.T. & T. recommends combining columns (c) "Cost (Excluding Accrued Interest)" and (d) "Book Value" to require the reporting in one column of holdings at cost and to eliminate the requirement to report amortized book value of obligations purchased after December, 31, 1972. Obligations purchased prior to January 1, 1973, would be shown on a cost basis amortized through December 31, 1972. Further, A.T. & T. recommends that schedule 60D be simplified by combining lines 2 and 3, and lines 4 and 5 in order to read "Respondent-Bonds and Notes" and "Affiliated companies-Bonds and Notes," respectively. A.T. & T. contends that at present, no entries appear on lines 2 and 3 of schedule 60D of any Bell System company because the trust agreements of the Bell System companies preclude the trustees from investing in securities of the particular company that established the trust. Further, A.T. & T. states that the separation of affiliated companies' notes from bonds requires special bank handling and such separate reporting has little meaning or value. The Commission has noted these suggestions of A.T. & T. and will take them into account in its consideration of possible future amendments of its pension reporting requirements; however, these changes will not be adopted in the present proceeding.

25. A.T. & T. supports the change in the heading for column (e) of schedule 60D which is proposed to be amended to read "Estimated Market Value." Comsat correctly assumes that this heading applies to all investments.

This proposed change is being adopted.

26. All other schedules in forms M, O and R proposed to be revised are being amended exactly as proposed in the notice of proposed rulemaking.

27. *It is ordered*, That, under authority contained in sections 4(i), 201, 219 and 220 of the Communications Act of 1934 (47 U.S.C. 154(i), 201, 219, and 220), Annual Report Form M for Telephone Companies, Annual Report Form O for Wire-Telegraph and Ocean Cable Carriers, and Annual Report Form R for Radiotelegraph Carriers are amended as set forth below, effective with the reports for the calendar year 1973.

28. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 201, 219, 220, 48 Stat. 1066, 1070, 1077, as amended, 1078; 47 U.S.C. 154, 201, 219, 220.)

Adopted May 31, 1973.

Released June 18, 1973.

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

I. Annual report form M for telephone companies is amended as follows:

1. In schedule 10, Balance Sheet, in the column for indicating supporting schedules, "A" is inserted after "30" on line 79 and "30B" is inserted on line 80.

2. Schedule 11, Income and Retained Earnings Statement, is amended as follows:

a. In the column for indicating supporting schedules, "A" is inserted after "30" on line 5, and "30B" is inserted on lines 8 and 9.

b. A footnote to the caption "Retained earnings" is added to read as follows:

*See schedule 31 for amount in Account 180, Retained Earnings Reserved, at end of the year.

3. Schedule 30 is redesignated as schedule 30A.

4. A new tax schedule entitled 30B, Accumulated Deferred Income Taxes—Accelerated Tax Depreciation (Account 176), is inserted. The following is a description of the schedule.

a. The instruction reads as follows:

Explain in a note each adjustment amounting to $25,000 or more reported in column (e). When adjustments are applicable to more than 1 year, indicate in the note the amount applicable to each year.

b. The column headings read as follows:

(a) Particulars.
(b) Balance at beginning of year.
(c) Amount deferred during the year.
(d) Amount amortized to current year's income.
(e) Adjustments debit or (credit).
(f) Balance at end of year.

c. The captions in column (a) read as follows:

DEFERRED OPERATING INCOME TAXES

1 307 Other operating taxes.
2 308 Operating Federal income taxes deferred—accelerated tax depreciation.
3 309 Income credits resulting from prior deferrals of Federal income taxes.

DEFERRED NONOPERATING INCOME TAXES

4 326 Federal income taxes—nonoperating.
5 327 Other nonoperating taxes.
6 Total.

5. In schedule 43, Donations or Payments for Services Rendered by Persons Other Than Employees, instruction 1 is amended to read as follows:

1. Report for each service rendered (including materials furnished incidental to the service which are impracticable of separation) by recipient and in total the aggregate of all payments made during the year where the aggregate of all such payments to a recipient was $10,000 or more including fees, retainers, commissions, gifts, contributions, assessments, bonuses, subscriptions, allowances for expenses or any other form of payment for services or as donations (except rents for property, taxes, utility services, traffic settlements, amounts paid for general services and licenses, accruals paid to trustees of pension and other employee benefit funds, and amounts paid for construction or maintenance of plant to persons other than noncarrier affiliates) to any one corporation, institution, association, firm, partnership, committee, or person (not an employee of the respondent). Indicate by an asterisk in column (c) each item that includes payments for materials furnished incidental to the service performed. Payments to a recipient by two or more companies within a single system under a cost-sharing or other joint arrangement shall be considered a single item for reporting in this schedule and shall be shown in the report of the principal company in the joint arrangement (as measured by gross operating revenues) with references thereto in the reports of the other system companies in the joint arrangement.

6. Schedule 50, Mileage of Outside Plant, is amended to read as follows:

a. The title reads as follows:

50. OUTSIDE PLANT STATISTICS

b. Instruction 3 is amended to read as follows:

3. In columns (u), (v), and (w) report the aggregate number of miles of system or channels, as appropriate, between the individual stations of radio-relay systems.

c. The heading for column (n) is amended to read as follows: (n) Number of poles.

d. Line 11 and column (q) are deleted and columns (r) through (x) are redesignated as columns (q) through (w) and references to column letters are redesignated accordingly.

7. Schedule 54, Telegraph Stations, is revised to read as follows:

a. The title reads as follows:

54. TELEGRAPH STATIONS, DATA SETS, AND DATA ACCESS ARRANGEMENTS

b. The instructions read as follows:

1. Report data relative to all company-owned telegraph stations in service as at December 31, including nonrevenue stations, but excluding stations used for purposes other than message transmission.

2. Report data relative to all company-owned data sets and data access arrangements in service as at December 31, used with general exchange, message toll or wide area area telephone service or private line service facilities.

3. For the purposes of this schedule the following definitions are applicable:

"Data access arrangement" is a protective connecting arrangement for use with the network control signalling unit and a customer-provided data terminal.

"Data set" is a set used to convert the signals of a business machine into tones that are suitable for transmission over communications lines.

"Exchange service" includes service furnished over the switched message network under general exchange, message toll or wide area telephone service tariffs, i.e., service requiring central office switching operations for communications between specified locations.

"Private line service" is the furnishing of telephone company facilities for communication between specified locations continuously or for regularly recurring periods at stated hours.

c. The column headings read as follows: (a) State or territory.

Caption overriding columns (b) through (i) reads:

NUMBER OF UNITS IN SERVICE AS AT DECEMBER 31

Subcaption overriding columns (b) through (e) reads: "Private Line Service".

Subcaption overriding columns (b) and (c) reads: "Telegraph Stations".

(b) Teletypewriter.
(c) Other (specified).
(d) Data set.
(e) Data access arrangement.

Subcaption overriding columns (f) through (i) reads: "Exchange Service".

Subcaption overriding columns (f) and (g) read: "Telegraph Stations".

(f) Teletypewriter used with data set.
(g) Other (specified).
(h) Data set.
(i) Data access arrangement.

d. A footnote to column (g) is added to read as follows:

*Include in this column teleprinter stations used in Teleprinter Exchange Service.

8. Schedule 55, Teletypewriters on Customers' Premises Used in Exchange Service, is deleted.

9. In Schedule 60B, Pensions Paid, a new line 14 is inserted to read as follows:

14 Number of separated employees eligible for deferred service pensions.

10. Schedule 60D, Investment of Pension and Benefit Funds, is amended as follows:

a. A new instruction 5 is added to read as follows:

5. In the case of letter stock or other investments restricted as to disposition, except privately placed nonconvertible debt securities, state in a note, by issuer and by security, (a) cost of purchases made during the year, (b) cost and net proceeds of sales made during the year, and (c) cost, book value, and estimated market value of the holdings of such investments as of December 31.

b. The heading for column (e) is amended to read as follows: (e) Estimated market value.

11. Instruction 1 of schedule 70B, Compensation of Officers, Directors, Etc., is amended to read as follows:

1. Furnish the indicated data with respect to each officer and director, whether or not he received any compensation from the respondent, and also with respect to all other persons having an annual salary rate of $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) at any time during the year or to whom the respondent paid $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) during the year as compensation for current or past services.

II. Annual report form O for wire-telegraph and ocean-cable carriers and annual report form R for radiotelegraph carriers are amended as follows:

[1] Commissioner Johnson concurring in the result.

1. In schedule 3, General Officers and Executives, instruction 1 is amended to read as follows:

1. Furnish the indicated data with respect to each officer and director, whether or not he received any compensation from the respondent, and also with respect to all other persons having an annual salary rate of $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) at any time during the year or to whom the respondent paid $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) during the year as compensation for current or past services.

2. Instruction 1 of schedule 413, Donations and Payment for Services Rendered by Other Than Employees, is amended to read as follows:

1. Report for each service rendered (including materials furnished incidental to the service which are impracticable of separation) by recipient and in total the aggregate of all payments made during the year where the aggregate amount of all such payments to a recipient was $10,000 or more, including fees, retainers, commissions, gifts, contributions, assessments, bonuses, pensions, subscriptions, allowances for expenses, or any other form of payments for services or as donations (except rents for property, taxes, utility services, traffic settlements, and amounts paid for construction or maintenance of plant to persons other than affiliated noncarriers) to any one corporation, institution, association, firm, partnership, committee, or person (not an employee of the respondent). Payments to a recipient by two or more companies within a single system under a cost-sharing or other joint arrangement shall be considered as a single item for reporting in this schedule and shall be shown in the report of the principal company of the system in the joint arrangement (as measured by gross operating revenues) with references thereto in the reports of the other system companies in the joint arrangement.

[FR Doc.73-12466 Filed 6-20-73;8:45 am]

Title 49—Transportation

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

[Docket No. 71-21; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends the test procedures relating to bulbs in Motor Vehicle Safety Standard No. 108, effective January 1, 1974.

The National Highway Traffic Safety Administration proposed on December 1, 1972 (37 FR 25535) to amend two test procedures relating to bulbs. As the NHTSA explained:

At the present time, test bulbs must be "operated at their rated mean spherical candlepower unless otherwise specified." Not all bulbs have been assigned a mean spherical candlepower rating. The proposal specifies that when no rating has been assigned by the bulb manufacturer or the SAE or, if the lamp is sealed and the bulb cannot be replaced, the bulb shall be operated at design voltage. Second, instances have arisen where noncompliance of lamps could not be proven in marginal cases because of the tolerances permitted in test bulbs. The notice seeks to render test results more reproducible by proposing that the filaments of test bulbs (other than sealed-in bulbs) be positioned within ±.010 inch of the nominal design position specified in SAE Standard J573d, "Lamp Bulbs and Sealed Units," or by the bulb manufacturer. Other requirements of SAE Standard J575d, incorporated by reference into Standard No. 108, remain applicable.

Comments generally supported the notice, and the standard is being amended as proposed. The chief objection voiced was that it is difficult to obtain test bulbs at the proposed filament location tolerances. The NHTSA finds, however, that these difficulties are outweighed by the need for objective and repeatable tests. Moreover, while the NHTSA intends to use a bulb with the filament positioned within ±.010 inch of the design position for its compliance tests, a manufacturer is not required to do so. If the manufacturer has test data to show a correlation between a standard No. 108 test bulb and one used by him outside the ±.010-inch tolerances, his certification could be based on the test data and the correlation factor, assuming that that factor indicated compliance. Similarly if it can be demonstrated that the lamp complied using test bulbs having filament locations on both the plus and minus sides of the design position, outside the ±.010 tolerance but within the other tolerances of J573, compliance could be certified.

The NHTSA would also like to make clear that only the filament in the test bulb for the function tested need meet the .010-inch tolerance. For example, if a combination tail lamp/stop lamp is being tested for the tail lamp function, the stop lamp filament need not be within the tolerance, and a bulb with a correctly positioned filament may subsequently be substituted for the stop lamp test.

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, is revised by adopting new paragraphs S4.1.1.19 and S4.1.1.20 to read:

S4.1.1.19 A lamp manufactured on or after January 1, 1974, and designed to use a type of bulb that has not been assigned a mean spherical candlepower rating by its manufacturer and is not listed in SAE Standard J573d, "Lamp Bulbs and Sealed Units," December 1968, shall meet the applicable requirements of this standard when used with any bulb of the type specified by the lamp manufacturer, operated at the bulb's design voltage. A lamp that contains a sealed-in bulb shall meet these requirements with the bulb operated at the bulb's design voltage.

S4.1.1.20 Except for a lamp having a sealed-in bulb, a lamp manufactured on or after January 1, 1974 shall meet the applicable requirements of this standard when tested with a bulb whose filament is positioned within ±.010 inch of the nominal design position specified in SAE Standard J573d, "Lamp Bulbs and Sealed Units," December 1968, or specified by the bulb manufacturer.

Effective date.—January 1, 1974.

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

Issued on June 15, 1973.

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

[FR Doc.73-12480 Filed 6-20-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 37]

PART 1000—THE COMMISSION

Canons of Conduct

Upon consideration of various reorganizations of the Interstate Commerce Commission certain provisions of this Commission's Canons of Conduct issued February 21, 1968 (revised Mar. 9, 1968), and contained in subpart B of part 1000 of chapter X of title 49 of the Code of Federal Regulations, require revision.

These revisions were approved by the Civil Service Commission on May 25, 1973, and become effective June 21, 1973.

It is ordered, That appendix I to subpart B of part 1000 of chapter X of title 49 of the Code of Federal Regulations be republished and be revised to read as follows:

APPENDIX I—LIST OF EMPLOYEES REQUIRED TO SUBMIT ICC FORM NO. 1164

OFFICE OF THE MANAGING DIRECTOR

1. Managing Director.
2. Assistant Managing Director.
3. Assistant to the Managing Director.
4. Director of Personnel.
5. Regional Managers.
6. Chief and Assistant Chief, Section of Administrative Services.

OFFICE OF THE SECRETARY/CONGRESSIONAL RELATIONS

1. Secretary/Congressional Relations Officer.
2. Assistant Secretary.

OFFICE OF THE GENERAL COUNSEL

1. General Counsel.
2. Deputy General Counsel.
3. Chief, Section of Litigation.
4. Chief, Section of Opinion.
5. Chief, Section of Legislation.

OFFICE OF PROCEEDINGS

1. Director.
2. Associate Director.
3. Deputy Directors.
4. Assistant Deputy Directors.
5. Chairman and members of Review Boards Nos. 1, 2, 3, 4, and 5.
6. Chairman and members, Motor Carrier Board.
7. Chairman and members, Operating Rights Board.
8. Chairman and members, Finance Board.

OFFICE OF HEARINGS

1. Chief Administrative Law Judge.
2. Assistant Chief Administrative Law Judges.
3. Administrative Law Judges.

BUREAU OF ACCOUNTS

1. Director.
2. Assistant Director.
3. Chief, Section of Audits.
4. Chief, Section of Financial Analysis.
5. Chief, Section of Reports.
6. Chairman and members, Accounting Board.
7. Chairman and members, Valuation Board.
8. Regional Auditors.

BUREAU OF ECONOMICS

1. Director.
2. Assistant Director.
3. Chief, Section of Research.
4. Chief, Carrier Analysis Branch, Section of Research.
5. Chief, Special Projects Branch, Section of Research.

BUREAU OF ENFORCEMENT

1. Director.
2. Assistant Director.
3. Assistant Director—Chief, Section of Rail Enforcement.
4. Chief, Court Enforcement Branch, Section of Motor, Water, and Forwarder Enforcement.
5. Chief, Administrative Proceedings, Section of Motor, Water, and Forwarder Enforcement.
6. Regional counsels.

BUREAU OF OPERATIONS

1. Director.
2. Assistant Director.
3. Assistant to the Director.
4. Chief, Rail Investigations.
5. Chief of Water Carriers and Freight Forwarders Investigations.
6. Chief and Assistant Chief, Section of Insurance.
7. Chief, Section of Motor Carriers.
8. Chief of Interpretations.
9. Chief, Section of Railroads.
10. Assistant Chief, Section of Railroads.
11. Regional directors (operations).

BUREAU OF TRAFFIC

1. Director.
2. Assistant Director.
3. Chief, Section of Tariffs.
4. Chief, Section of Rates and Informal Cases.
5. Chief, Informal Rate Case Branch.
6. Chief, Tariff Examining Branch.
7. Chairman and members, Suspension and Fourth Section Board.
8. Chairman and members, Special Permission Board.
9. Chairman and members, Released Rates Board.
10. Chairman and members, Tariff Rules Board.

(Executive Order 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1965 supp.; 5 CFR 735.104.)

NOTE.—Forms prescribed by the regulations in this subpart B are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

By the Commission.

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

[FR Doc.73-12468 Filed 6-20-73;8:45 am]

[Docket No. 35853]

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

General Provisions; Definitions

Order.—At a session of the Interstate Commerce Commission, Tariff Rules Board, held at its office in Washington, D.C., on June 13, 1973.

By this amendment we propose to clearly indicate the exact kinds of carriers that are governed by part 1300 of title 49 of the Code of Federal Regulations by amending the heading thereof and by publishing a general application provision in § 1300.0. This will not change the effect of the regulations in any way nor extend their application to any kind of carrier not already governed by them.

It appearing, that the regulations in part 1300 of title 49 of the Code of Federal Regulations (Tariff Circular No. 20) govern the construction and filing of freight tariffs of railroads, water carriers, and pipeline companies subject to section 6 of the Interstate Commerce Act and carriers jointly therewith, but that this fact is not readily apparent to the user of part 1300 due to the inadequate heading thereof and the absence of a general application provision therein;

It further appearing, that part 1300 should be amended in a manner that will enable the user to easily determine the kinds of carriers the regulations therein govern;

And it further appearing, that this amendment is not anticipated to have any adverse effect upon the quality of the human environment;

And good cause appearing therefor:

It is ordered, That part 1300 of title 49 of the Code of Federal Regulations is amended by changing the heading thereof to read as follows:

Part 1300—Freight tariffs; railroads, water carriers, and pipeline companies subject to section 6 of the Interstate Commerce Act and carriers jointly therewith.

It is further ordered, That § 1300.0(a) of title 49 of the Code of Federal Regulations is amended to read as follows:

§ 1300.0 General provisions; definitions.

(a) *General application; confirmation to rules; reissue.*—(1) This part contains regulations issued by the Interstate Commerce Commission, under authority of section 6 of the Interstate Commerce Act, as amended, to govern the construction and filing of freight rate tariffs and classifications of railroads, water carriers, and pipeline companies filing under section 6 of the act, and under authority of sections 217 and 306 of the act to govern the construction and filing of freight rate tariffs and classifications naming or governing joint rates and routes over motor and water carriers jointly with such carriers subject to part I of the act.

(2) All tariffs filed on or after October 1, 1928, except as otherwise provided in this part or unless otherwise authorized by special permission of the Commission, must conform to the rules in this part. The Commission may direct the reissue of any tariff, power of attorney, or concurrence at any time.

* * * * *

CROSS REFERENCE: For filing tariffs, see § 1300.13. For provisions covering statutory notice, additional procedure in filing tariffs, rejection of tariffs or schedules, see § 1300.14. For provisions concerning powers of attorney and concurrences, see §§ 1300.17 to 1300.26, inclusive.

(Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U.S.C. 12, 304, and secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; 49 U.S.C. 5, 6, 317.)

It is further ordered, That this order shall become effective July 23, 1973.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Tariff Rules Board.

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

[FR Doc.73-12469 Filed 6-20-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Retroactive Pay Adjustments for Work Performed On or Before January 10, 1973

On May 17, 1973, the Cost of Living Council published new § 130.15 (38 FR 12923), relating to retroactive pay adjustments for work performed on or before January 10, 1973. That section was effective prospectively from the date of publication. Since that date a number of questions have been raised concerning that section's applicability to items of executive and variable compensation. In order to remove any doubt concerning the inapplicability of that section to executive and variable compensation, § 130.15 is amended by adding a new paragraph (e)(3), effective on and after May 17, 1973 (the date § 130.15 was published in the FEDERAL REGISTER). The clarifying amendment provides that § 130.15 treatment is not available to any

payment or award with respect to executive and variable compensation of the types described in subpart F of part 201 of the economic stabilization regulations, whether or not the payment or award is considered, under the regulations, to be a wage and salary increase. This provision applies to payments and awards of all forms of executive and variable compensation, including, for example, amounts paid in excess of "allowable amounts" under §§ 201.74 and 201.75.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(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, § 130.15 of title 6 of the Code of Federal Regulations is amended as set forth herein, effective May 17, 1973.

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

WILLIAM N. WALKER,
Acting Deputy Director.

Section 130.15 is amended by adding a new paragraph (e)(3) and making conforming changes to paragraphs (e) (1) and (2). The revised material reads as follows:

§ 130.15 Retroactive pay adjustments for work performed on or before January 10, 1973.

* * * * *

(e) *Inapplicability.*—The provisions of this section shall not be applicable to—

(1) Any pay adjustment with respect to which a prenotification or exception request was filed with the Pay Board or its delegate on or before January 10, 1973;

(2) Any pay adjustment with respect to a control year covered by the terms of a decision and order issued by the Pay Board or its delegate or by the Council; or

(3) Any payment or award with respect to executive and variable compensation of the types described in subpart F, part 201 of this title, whether or not such payment or award is treated as a wage and salary increase.

* * * * *

[FR Doc.73-12412 Filed 6-18-73;12:04 pm]

PART 130—COST OF LIVING COUNCIL PHASE 3 REGULATIONS

Provision for Withdrawal of Small Business Exemption

Part 130 is amended in subpart E by the addition of a new paragraph (d) to § 130.40, the Small Business Exemption. The amended regulation authorizes the Cost of Living Council to withdraw the exemption with respect to pay adjustments under certain circumstances. The Council has on occasion ordered a reduction in wages and salaries that has an economic impact on the employer's industry or local labor market area, but has discovered that the pay adjustments of other employees in the same industry or in the same local labor market area may be exempt from controls under the Small Business Exemption. In such situations, the Council has previously been unable to complete its stabilization efforts with respect to all pay adjustments in the industry or local labor market area.

The amended regulation provides that the Council may withdraw the exemption prospectively from the pay adjustments of an appropriate employee unit or a firm where these pay adjustments have been historically related to the nonexempt pay adjustments of another unit or firm. This action may be taken upon a finding that such action is necessary in furtherance of the goals of the economic stabilization program.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(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, section 130.40 is amended as set forth herein, effective June 19, 1973.

Issued in Washington, D.C., on June 19, 1973.

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

Subpart E is amended in § 130.40 by the addition of a new paragraph (d) to read as follows:

§ 130.40 Exemption of firms with 60 or fewer employees.

* * * * *

(d) *Withdrawal of exemption with respect to certain pay adjustments.*—The Council may by order direct prospectively that the exemption provided in paragraph (a) or (b) of this section shall not be applicable with respect to the pay adjustments of an appropriate employee unit or a firm, if—

(1) Such pay adjustments have been historically related to the pay adjustments of another appropriate employee unit or another firm;

(2) The pay adjustments of such other appropriate employee unit or such other firm are not exempt under the provisions of this section; and

(3) Such action is found to be necessary to the furtherance of the goals of the Economic Stabilization Program.

[FR Doc.73-12655 Filed 6-20-73;9:18 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Price Lists and Records

§ 140.20 Freeze price information.

Section 140.20 of part 140 of title 6 of the Code of Federal Regulations is amended to set forth more specific requirements with respect to the preparation and availability of freeze price information. The information required by this section must be available no later than 11:59 p.m., June 24, 1973.

Pursuant to the provisions of paragraph (a) a firm will be deemed to be in compliance with the requirements of preparing a freeze price list if he maintains records with respect to all his freeze prices. Each seller has the burden of establishing the freeze price for any commodity or service upon request by the Cost of Living Council or its representatives.

Paragraph (b) requires that each seller (whether a manufacturer, wholesaler or retailer) post at each place of business a sign (minimum of 22- by 28-inch), announcing the availability of freeze price information. The seller must provide Freeze Price Information Request Forms at each place of business and reply to each written request for a freeze price, within 48 hours after receiving the request.

Paragraph (c) sets forth additional requirements for food retail outlets owned by a firm which derives $25 million or more in sales of food. Any such retail food operation which derives 50 percent or more of its total sales revenues from the sale of food must prepare price inspection lists for each department. The list must set forth the freeze prices for the 40 items which had the highest dollar sales during its last fiscal year ending prior to June 13, 1973, or those items which account for 50 percent of its total dollar sales in that department, whichever is less. A sign announcing the availability and location of the price inspection list must be posted in each department. However, in lieu of preparing these lists, a food retailer has the option of preparing freeze price information in compliance with the phase 2 posting requirements set forth in 6 CFR 300.13(b).

The requirements of this section do not apply to food sold in automatic vending machines, or to sales of meat subject to the ceiling price posting requirements of subpart M of part 130 of this title.

Because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested

persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Freeze Group, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11723, 38 FR 15765; Cost of Living Council Order No. 30)

In consideration of the foregoing, part 140 of chapter I of title 6 of the Code of Federal Regulations is amended as follows, effective 9 p.m., e.s.t., June 13, 1973.

Issued in Washington, D.C., on June 19, 1973.

JAMES W. MCLANE,
Director, Freeze Group.

Section 140.20 of title 6 of the Code of Federal Regulations is amended to read as follows:

§ 140.20 Freeze price information.

(a) *General.*—(1) Each seller shall prepare a list of freeze prices for all commodities and services which he sells and shall maintain a copy of that list available for public inspection, during normal business hours, at each place of business where such commodities or services are offered for sale. In addition, the calculations and supporting data upon which the list is based shall be maintained by the seller at the location where the pricing decisions reflected on the list are ordinarily made and shall be made available on request to representatives of the economic stabilization program.

(2) A seller will be deemed to be in compliance with the first sentence of paragraph (a)(1) of this section, if he maintains records with respect to freeze prices for all commodities which he sells and all services which he provides at the location where the pricing decisions with respect to those commodities and services are ordinarily made and, if he complies with the provisions of paragraph (b) of this section. Each seller has the burden of establishing the freeze price for any commodity or service upon request by representatives of the economic stabilization program.

(b) *Freeze price inquiries.*—(1) Effective 11:59 p.m., June 24, 1973, each seller of commodities and services shall post in a prominent place at each place of business where such commodities and services are sold, a sign (minimum of 22 by 28 inches), as specified below, announcing the availability of freeze price information:

FREEZE PRICE INFORMATION

Information regarding the lawful freeze price for any item sold or service provided by this business establishment may be obtained by filling in a Freeze Price Information Request Form available at (specify location) and by handing it to (fill in). You will receive a prompt answer by mail.

(2) Make available in at least one location at each place of business, Freeze Price Information Request Forms, as follows:

FREEZE PRICE INFORMATION REQUEST FORM

Please furnish me with your freeze price for the following item sold in your store:
Item _____
Price _____
Style No. _____
Department where sold _____
Name _____
Address _____
_____ZIP _____

(3) Each seller of commodities and services shall reply to each written request for freeze price information within 48 hours after receiving the request, using a letter, substantially in the following form, signed by the owner or by an officer of the company:

To: (Name, Address, City, ZIP.)
Dear _____:
In reply to your request, we are pleased to inform you that the freeze price for _____
_____
_____
is $_____.
Sincerely,

_____
(Owner or company officer)

(c) *Food retailers—price inspection lists.*—(1) *Applicability.*—This paragraph applies to each food retail outlet of any firm which derives $25 million or more of annual sales or revenues from the sale of food.

(2) *Definitions.*—For purposes of paragraph (a)(1) of this section, (i) "firm" means any person, corporation, association, estate, partnership, trust, joint venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents;

(ii) "Food" means items produced or manufactured for human ingestion except alcoholic beverages, tobacco products, or drugs. An item is not food within the meaning of this definition until it enters into a processing stage where it is intended for use as or in a product for human ingestion; and

(iii) "Food retail outlet" means each separate entity, branch, store, division, affiliate, or similar discrete entity which is engaged in the business of purchasing, and substantially without change in form, reselling food to the ultimate consumer, and which derives 50 percent or more of its total sales receipts from such sales.

(3) Effective 11:59 p.m., June 24, 1973, each retailer subject to this paragraph (c) shall prepare for each department, and maintain in the department at a readily accessible location, a freeze price inspection list which contains the freeze prices of at least those 40 items in the department which had the highest dollar sales during its last fiscal year ending prior to June 13, 1973, or those items which accounted for at least 50 percent of its total dollar sales in each department during that fiscal year, whichever is less. No list must be prepared for products sold through an automatic vending machine.

(4) No later than 11:59 p.m., June 24, 1973, each retailer shall post in a prominent place in each department, a sign (minimum of 22 by 28 inches) announcing the availability and location of the freeze price inspection list for the department.

(5) Notwithstanding the provisions of subparagraph (iii) and (iv), a food retail outlet may satisfy the requirements of this paragraph (c) by complying no later than 11:59 p.m., June 24, 1973, with the posting requirements of 6 CFR 300.13 (b) in effect on January 10, 1973. For the purpose of this subparagraph the term "freeze price" as defined in § 140.2 shall be read for "base price" wherever that term appears in § 300.13(b) of this title.

[FR Doc.73-12653 Filed 6-20-73;9:16 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 924]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for the 1973–74 Fiscal Period

This notice contains the rate of assessment and proposed expenses which the Washington-Oregon Fresh Prune Marketing Committee anticipates incurring during the 1973–74 fiscal period. Such assessment is $.70 per ton of prunes and such expenses total $14,558.

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR, pt. 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1973, through March 31, 1974, will amount to $14,558.

(2) That there be fixed, at $.70 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the hearing clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than July 13, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 15, 1973.

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

[FR Doc.73-12407 Filed 6-20-73;8:45 am]

Office of the Secretary

[7 CFR, Part 23]

GUIDELINES FOR PROGRAMS, TITLE V, RURAL DEVELOPMENT ACT OF 1972—STATE AND REGIONAL ANNUAL PLANS OF WORK

Proposed Guidelines

Notice is hereby given that pursuant to the authority contained in title V, Rural Development Act of 1972, the Assistant Secretary for Conservation, Research, and Education proposes to issue a new part 23 to title 7 of the Code of Federal Regulations, as set forth below.

The proposed new part 23 would provide policies and guidelines for preparation of the State and regional plans of work for programs authorized to be conducted under section 502 of the Rural Development Act of 1972.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Secretary for Conservation, Research, and Education, U.S. Department of Agriculture, room 212, A, Administration Building, Washington, D.C. 20250, not later than July 11, 1973.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Assistant Administrator, Rural Development, Extension Service, U.S. Department of Agriculture, room 6408, South Building, Washington, D.C., during regular business hours (7 CFR 1.27(b)).

As proposed, the new part 23 would read as follows:

PART 23—STATE AND REGIONAL ANNUAL PLANS OF WORK

Subpart A—State annual plan of work.

Sec.
23.1 General
23.2 Policy
23.3 Plant of work
23.4 Coordination

Subpart B—Regional annual plan of work.

23.5 Policy
23.6 Plan of work
23.7 Coordination

AUTHORITY.—Sec. 508, 86 Stat. 674 (7 U.S.C. 2668)

Subpart A—State Annual Plan of Work

§ 23.1 General.

(a) Title V of the Rural Development Act of 1972 (Public Law 92–419) hereafter referred to as "Title V" is the research and education component of the act. This title provides the opportunity to utilize and build upon the research, extension, and community service capability of public and private institutions of higher education in each State to expand scientific inquiry and education backup for rural development. The higher educational and research institutions in each State, including the Land Grant Institutions of 1890, are authorized to assist in developing and disseminating through the most appropriate manner scientific information, technical assistance, and feasibility studies required to improve the rural development capability of local citizens, agencies, and governments. Programs authorized by this title shall be organized and conducted by one or more colleges or universities in each State to provide a coordinated program in each State to have the greatest impact on accomplishing the objectives of rural development in both the short and longer term and the use of these studies to support the State's comprehensive program to be supported under this title.

§ 23.2 Policy.

(a) Title V of the act will be administered by the Secretary of Agriculture in cooperation with the chief administrative officer of the State land grant universities who will administer the program within the respective States. To assure national and State coordination with programs under the Smith-Lever Act of 1914 and the Hatch Act (as amended), August 11, 1955, the administration of the program shall be in association with the program conducted under the Smith-Lever Act and the Hatch Act as required by section 504(b) of the act.

(b) Programs under this title shall be conducted as mutually agreed upon by the Secretary and the university responsible for administering said programs in a memorandum of understanding which shall provide for the coordination of the programs, coordination of these programs with other rural development programs of Federal, State, and local government, and such other matters as the Secretary shall determine.

(c) The chief administrative officer of the administratively responsible land grant institution will designate an official who will be responsible for the overall coordination of the authorized program. The designated official will be responsible

for the overall coordination of planning, organizing, funding, conducting, and evaluating programs in association with the person responsible for the administration of research and the person responsible for the administration of the Cooperative Extension Service, and the administrative head of agriculture (chairman of the State Rural Development Advisory Council).

(d) The chief administrative officer of the administratively responsible Land Grant Institution will appoint a State Rural Development Advisory Council with membership and functions as set forth in Section 504(e) of the Act and involve the Council in the review and approval of annual program plans conducted under title V. The Council will advise the chief administrative officer of the administratively responsible university on all matters pertaining to the program authorized.

(e) Funds will be disbursed only as needed. The requirements relative to expenditure of funds set forth in Extension Service Administrative Handbook will apply to funds expended for for extension programs authorized by this Act. Appropriate provisions of Agriculture Handbook No. 381, Administrative Manual for the Hatch (Experiment Station) Act, as amended, July 1970, will apply to receiving, disbursement, and reporting of research funds expended under this Act.

(f) Four copies of the State Annual Plan of Work approved by the State Rural Development Advisory Council shall be submitted by the person responsible for the overall coordination of the Title V programs in the State to the Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, Washington, D.C. 20250, by a date which will be made available to the coordinators by the Assistant Secretary for Conservation, Research, and Education.

§ 23.3 Plan of work.

(a) A State annual plan of work should include: (1) identification of major problems and needs which can be met by each related extension and research program in the geographic or problem area, (2) the relationship of this program to ongoing planning and development efforts, and (3) the organizational structure for planning, conducting, and evaluating each pilot program, including the names and title of the members of the Rural Development Advisory Council, subcommittees, work groups, and other committees and lay groups.

(b) A separate concise statement describing specific extension thrusts to be funded under each program. The statement should contain the following elements: Title, objectives, organization and operational procedures, probable duration, personnel, institutions involved, and relation to the research effort. In addition, briefly describe each regular or special extension thrust which is complementary and supports the title V pilot program, but which is funded from other sources.

(c) A separate concise statement describing specific research thrusts to be funded under each program. The statement should contain the following elements: Title, objectives, organization and operational procedures, probable duration, personnel, institutions involved, and relation to the extension effort. In addition, briefly describe each regular or special research thrust which is complementary and supports the title V program, but which is funded from other sources.

(d) A plan for evaluating the impact of each program on the development of the area, including the effectiveness of the extension and research program techniques, and organizational structure for planning and conducting each program. Appraisals by community leaders in the area should be included in the evaluation.

(e) Provisions for making an annual progress report to the Assistant Secretary for Conservation, Research, and Education which will document achievements pertaining to the goals and objectives as stated in this annual plan of work.

(f) A budget statement for each program on forms provided by the Assistant Secretary for Conservation, Research, and Education.

(g) The State annual plan of work for carrying out title V must include plans for all programs to be conducted with funds authorized under section 503(b)(3) and (4) of title V. The State annual plan of work shall include plans for the programs to be conducted by each cooperating and participating university or college and such other information as included in these guidelines. Each State program must include research and extension activities directed toward identification of programs which are likely to have the greatest impact upon accomplishing the objectives of rural development in both the short and longer terms and the use of these studies to support the State's comprehensive program to be supported under section 505(b) of title V. In addition, all other rural development extension and research efforts funded from other sources that contribute directly to the proposed programs shall be described in the plan of work.

(h) Since the appropriation authorization for title V is limited to a 3-year period the State annual plan of work should be developed to demonstrate extension and research program techniques and organizational structures for providing essential knowledge to assist and support rural development efforts within that time.

(i) In accordance with the above policy the program should:

(i) Concentrate on limited geographic or problem areas where title V efforts would be expected to have high impact within the 3-year authorization, such area should be one or more of the areas selected by the State government for eligibility for funding under the Rural Development Act of 1972;

(ii) Give emphasis to population concentrations and areas outside cities with populations of 50,000 or more;

(iii) Involve the administratively responsible land grant university and other public or private colleges and universities, as appropriate, in meeting with high priority extension and research needs of the area(s);

(iv) Give priority to education and research assistance leading to increasing job and income opportunities, improving quality of life, improving essential community services and facilities, improving housing and home improvements, and enhancing those social processes necessary to achieve these goals;

(v) Be consistent with statewide comprehensive planning and development efforts and objectives.

§ 23.4 Coordination.

(a) Title V operations will be consonant with the purpose that all Federal rural development activities be coordinated with other federally assisted rural development activities. To such purpose, the Assistant Secretary for Conservation, Research and Education will implement title V plans and activities in close coordination with the Assistant Secretary for Rural Development.

(b) Title V operations will be consonant with the purpose that all Federal rural development activities be coordinated with the State program. To meet this purpose the State annual plan of work shall be submitted to the Governor for his review under pt. III of OMB circular No. A-95. In addition to meeting the State plan review requirement of OMB circular No. A-95, such submittal shall serve to meet the Secretary's coordination responsibilities under this act.

(c) The Chairman of the State Rural Development Advisory Council will insure that programs proposed under title V are not inconsistent with and are, to a maximum degree feasible, in consonance with other rural development programs and activities approved by the States.

Subpart B—Regional Annual Plan of Work

§ 23.5 Policy.

(a) The programs to be funded under section 503(b)(2) of the Rural Development Act of 1972 (Public Law 92-419) will be administered through four regional development centers. The director of the regional center is responsible for compliance with all appropriate provisions of title V and other relevant Federal requirements and regulations. Regions as delineated for purposes under section 503(b)(2) will be coterminous with the regional delineation by the National Association of State Universities and Land Grant Colleges. Each regional rural development center will be established by officias of the administratively responsible universities for carrying out provisions of title V in those States comprising the region to be served by the center. These officials will designate the location of the center, and they will make provision for fiscal and other needed support arrangements. Funds available under this section will be allocated equally

among the four regional rural development centers. Such funds shall be available for use by the center in the fiscal year for which appropriated and the next fiscal year following the year for which appropriated.

(b) A regional annual plan of work for carrying out the programs to be funded shall be prepared. The regional programs shall develop and provide knowledge essential to assist and support rural development in the region, and shall provide for technical consultation and personnel development for the research and extension staff in the several States of the region to help them to be more responsive to rural development needs and activities.

(1) In accordance with the above policy:

(i) Efforts under section 503(b)(2) will concentrate on the high-priority knowledge, training, and personnel needs required for the research and extension staff in the several States to conduct effective rural development research and extension to carry out the provisions of title V. These efforts may include personnel development and consultation; synthesis of existing research knowledge and the interpretation of this knowledge for rural development program and policy purposes; the development of strategies and procedures on high priority rural development problems of regional significance; as funds permit, the conduct of research on 1 or 2 high-priority problems for which information is lacking but is urgently needed for rural development or policy purposes; and the evaluation of rural development programs and policies;

(ii) Although the regional rural development center will administer the program, it is also expected that it will draw on expertise from outside the center. The director of the center shall seek advice and assistance from regional and subregional committees or groups who can contribute to the center's program;

(iii) The board of directors for each regional center will be expected to include appropriate representation from State cooperative extension services and State agricultural experiment stations from the States in the region and/or other State administrators of programs carried out under title V of the Rural Development Act of 1972, hereafter referred to as "Title V" in the region;

(iv) The director of the regional center will be responsible to the board of directors for Title V programs financed from section 503(b)(2) funds. The regional annual plan of work will be developed by the director and reviewed and approved by the board.

(c) The regional annual work plan shall be coordinated with the work program of other pertinent multi-State organizations or bodies for those activities of the regional rural development centers which go beyond direct assistance to individual State programs conducted under Title V of the act.

(d) The director of the center will forward four copies of the annual plan to the Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, Washington, D.C. 20250, by a date which will be made available to the director by the Assistant Secretary for Conservation, Research and Education.

§ 23.6 Plan of work.

The regional plan of work should include: (a) A brief narrative statement including identification of high-priority knowledge, skill, and organization needs for rural development program and policy purposes in the region and identification of technical consultation, training, and personnel needs of research and extension workers in support of rural development programs.

(b) A statement indicating: (1) The likely types of personnel to be trained, technical consultation to be conducted, the estimated number of participants, the location or locations where this program would be conducted, and the staff who would conduct the work; (2) the types of topical areas of rural development for which the synthesis of available research knowledge and the interpretation and dissemination of this knowledge for rural development purposes is planned; (3) the type of high-priority rural development research which would be undertaken as funds permit and the staff which would do the research; (4) the type of evaluation studies which would be made and the staff which would do the evaluation.

(c) A concise statement of the organization structure for planning and conducting the program funded under section 503(b)(2).

(d) A plan for evaluating the usefulness of the program and the effectiveness of the organizational structure.

(e) Provisions for making an annual progress report to the Assistant Secretary for Conservation, Research and Education which will document achievements pertaining to the goals and objectives as stated in the annual plan of work.

(f) A budget statement on forms provided by the Assistant Secretary for Conservation, Research and Education.

§ 23.7 Coordination.

(a) Title V operations will be consonant with all rural development activities under this act and other pertinent Federal development programs. To such purpose, the Assistant Secretary for Conservation, Research and Education will implement Title V plans and activities in close coordination with the Assistant Secretary for Rural Development.

Dated June 15, 1973.

DONALD E. BROCK,
Acting Assistant Secretary for Conservation, Research and Education.

[FR Doc.73-12408 Filed 6-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR, Part 176]

FEMININE DEODORANT SPRAYS

Proposed Label Warning

The Food and Drug Administration has reviewed numerous complaints from consumers and physicians about adverse reactions caused by so-called "feminine deodorant sprays", which are represented to prevent the development of skin odor in the external perineal (genital) area. The reported reactions consist of itching, burning, and vesiculation in the area sprayed. In some cases urethritis and cystitis have developed secondary to the local irritation or rash.

The Food and Drug Administration knows of no medicinal benefits derived from these sprays. Although the reported reactions are not sufficiently great to justify removal of these products from the market, they are sufficient to justify required warnings.

Attempts to isolate or identify a specific causative ingredient or ingredients in these products have not been successful. Further studies are being made. Until further information can be developed concerning the safety of these sprays, appropriate label warnings to minimize consumer risk should be required.

Some feminine deodorant sprays are labeled as "hygienic", or associated with drug terminology that may mislead consumers into believing that these products are useful as part of ordinary hygienic care. The use of the word "hygiene" or "hygienic" or similar word or words renders them misbranded under section 602(a) of the act, since feminine deodorant sprays are not hygienic, nor do they serve any known useful hygienic purpose. In addition, the use of any word or words which state or imply that such products have a medical usefulness renders them misbranded under section 502(a) of the act and renders them illegal new drugs marketed in violation of section 505.

The Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of March 7, 1973 (38 FR 6191) a proposed new part 176 for the establishment of cosmetic product warning statements. That proposed new part includes a standard warning against intentional misuse of aerosolized cosmetics and against puncture or incineration of such products. It is appropriate that the caution applicable to feminine deodorant sprays also appear in that new part.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 601, 602, 701, 52 Stat. 1040–42 as amended, 1054 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 361, 362, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to add to proposed new part 176 the following section:

§ 176.11 Feminine deodorant sprays.

(a) The label of a feminine deodorant spray shall bear the following caution:

CAUTION: For external use only. Spray at least 8 inches from skin. Use sparingly and not more than once daily to avoid irritation. Do not use this product with a sanitary napkin. Do not apply to broken, irritated, or itching skin. Persistent or unusual odor may indicate the presence of a condition for which a physician should be consulted. If a rash, irritation, unusual vaginal discharge, or discomfort develops, discontinue use immediately and consult physician.

(b) Use of the word "hygiene" or "hygienic" or similar word or words renders any such product misbranded under section 602(a) of the act. The use of any word or words which state or imply that such products have a medical usefulness renders them misbranded under section 502(a) of the act and illegal new drugs marketed in violation of section 505 of the act.

Interested persons may, on or before August 20, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated June 11, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73–12245 Filed 6–20–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR, Part 115]

[Docket No. R–73–152]

RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Notice of Proposed Amendment to Part 115

Pursuant to section 810(c) of title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, and in accordance with part 115 of 24 CFR (37 FR 16540 (August 16, 1972)) concerning recognition of substantially equivalent laws, notice is hereby given to the State of Virginia that I propose to grant recognition to the Virginia fair housing law that said law is substantially equivalent to the rights and remedies provided in the Federal Fair Housing Law.

Interested persons and organizations shall on or before July 6, 1973, file written comments on the proposal. Comments should be forwarded to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

THOMAS O. JENKINS,
Acting Assistant Secretary For Equal Opportunity.

[FR Doc.73–12493 Filed 6–20–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 71]

[Airspace Docket No. 72–WA–54]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to part 71 of the Federal Aviation Regulations that would establish an additional control area to the north of control 1141. Control 1141 would also be altered by deleting a part of its defined limits.

In conjunction with this proposal, nonrulemaking action would be taken to redefine the geographical limits of warning areas W–102 and W–103 and to establish appropriate joint use of W–102 airspace.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire Communications should identify the airspace docket number and, be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass. 01803. All communications received on or before July 23, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of international standards and recommended practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by article 12 of and annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the international standards and recommended practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would designate a new control area as follows:

That airspace extending upward from 2,000 ft m.s.l. west of the 69°30'00" W. meridian of longitude and from 5,500 ft m.s.l. east of the 69°30'00" W. meridian of longitude bounded on the north and east by a line beginning at latitude 43°15'00" N., longitude 70°30'00" W.; and extending northeast to latitude 43°30'00" N., longitude 70°06'00" W.; thence east to latitude 43°41'00" N., longitude 69°30'00" W.; to latitude 43°50'00" N., longitude 68°53'00" W.; to latitude 44°-21'00" N., longitude 67°00'00" W.; thence south to the north boundary of control 1141; on the south by the north boundary of control 1141 to latitude 42°41'00" N., longitude 70°30'00" W.; on the southwest and west by a line 3 nautical miles northeast of and parallel to the U.S. shoreline to latitude 42°45'00" N., longitude 70°37'00" W.; thence north to point of beginning.

Additional proposed airspace action would revise a portion of control 1141 to eliminate dual designation of airspace that results from the action proposed above. Specifically, control 1141 would be altered by deleting the portion of its description, "* * * and that airspace from 18,000 ft m.s.l. to flight level 260 bounded by a line from: Latitude 42°43'20" N., longitude 70°22'00" W.; thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning: * * *", immediately following the words "Yarmouth RBN."

Related nonrulemaking action would redefine warning areas W–102 and W–103 to coincide with the coordinates of the proposed control area as follows:

W–102: Delete the existing geographical description and redefine to contain the airspace extending from the surface to FL 600 bounded by a line beginning at latitude 43°41'00" N., longitude 69°30'00" W.; and extending east to latitude 43°50'00" N., longitude 68°53'00" W.; thence to latitude 44°21'00" N., longitude 67°00'00" W.; thence south to latitude 43°48'00" N., longitude 67°00'00" W.; thence west to latitude 43°23'00" N., longitude 68°44'00" W.; thence southwest to latitude 43°05'00" N., longitude 69°30'00" W.; thence north to point of beginning. Warning area W–102 is further vertically subdivided into W–102 high and W–102 low. W–102 low is defined as the above described geographical area containing the airspace extending from the surface to 17,000 ft m.s.l. W–102 high is defined as the above described geographical area containing the

airspace extending from 17,000 ft m.s.l. to flight level 600.

W-103: Delete the existing geographical description and redefine to contain the airspace extending from the surface to 2,000 ft m.s.l. bounded by a line beginning at latitude 43°15'00" N., longitude 70°30'00" W.; and extending northeast to latitude 43°30'00" N., longitude 70°06'00" W.; thence east to latitude 43°41'00" N., longitude 69°30'00" W.; thence south to latitude 43°05'00" N., longitude 69°30'00" W.; thence southwest to latitude 42°41'00" N., longitude 70°30'00" W.; thence via a line 3 nautical miles northeast of and parallel to the U.S. shoreline to latitude 42°45'00" N., longitude 70°37'00" W.; thence north to point of beginning.

The actions proposed in this notice will permit that area and airspace defined as W-102 to be utilized as controlled airspace by the FAA when released by the Using agency, provide new, full-time controlled airspace above the area defined as warning area W-103 and increase air traffic control service availability.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.73-12399 Filed 6-20-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-AL-1]

NOME, ALASKA, CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to part 71 of the Federal Aviation Regulations that would alter the Nome, Alaska, control zone and transition area to comply with the U.S. Standard for Terminal Instrument Procedures (TERPS) and revised criteria for establishment of terminal controlled airspace. Additionally, refined coordinates of the airport reference point are contained in this docket.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before July 23, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by article 12 of and annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

If adopted, this proposal would amend part 71 of the Federal Aviation Regulations as follows:

1. Section 71.171 (38 FR 351) the Nome, Alaska, control zone would be amended to read:

NOME, ALASKA

Within a 5-mi radius of the Nome Airport (lat. 64°30'46" N.; long. 165°26'31" W.); within 3.5 mi each side of the Nome RR east course, extending from the 5-mi-radius zone to 11 mi east of the RR; within 4 mi. each side of the Nome VOR 107° (090° M) and 287° (270° M) radials, extending from the 5-mi-radius zone to 8.5 mi east of the VOR.

2. In § 71.181 (38 FR 435) the Nome, Alaska, transition area would be amended to read:

NOME, ALASKA

That airspace extending upward from 700 ft above the surface within a 12-mi radius of the Nome VOR, extending clockwise from the 277° (260° M) radial to the 134° (117° M) radial; and that airspace extending upward from 1,200 ft above the surface within a 25-mi radius of the Nome VOR.

The action proposed herein would alter the Nome, Alaska, control zone extensions to comply with new criteria. The lateral limits of the 700-ft portion of the transition area would be reconfigured to provide the necessary controlled airspace for aircraft conducting instrument operations beyond the limits of the control zone. The 1,200-ft portion of the transition area would not be changed.

This amendment is proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.73-12400 Filed 6-20-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-NE-2]

PROVINCETOWN, MASS., TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to part 71 of the Federal Aviation Regulations that would alter the 700-foot portion of the Provincetown, Mass. transition area, and reflect the name change of the Provincetown RBN to Race Point RBN.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass. 01803. All communications received on or before July 23, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO international

standards and recommended practices.

Applicability of international standards and recommended practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by article 12 of and annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The international standards and recommended practices in annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the international standards and recommended practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

If adopted this proposed amendment would:

1. Reflect the name change of the Provincetown RBN to Race Point RBN.

2. Expand the present 700-foot transition area to a 7-mile radius of the Provincetown Municipal Airport (latitude 42°04'15" N., longitude 70°13'15" W.) and to a width of 3.5 mi each side of the Race Point RBN 238° T (254° M) bearing extending to 11.5 mi southwest of the RBN.

The additional airspace will be required to protect aircraft executing the new Provincetown NDB approach procedure.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.73-12398 Filed 6-20-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-GL-26]

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 Madison, 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 23, 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.

Four new radar approach procedures have been developed for Truax Field, Madison, Wis. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Madison, 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:

MADISON, WIS.

That airspace extending upward from 700 ft above the surface within 17.5-mi radius of the Truax Airport (lat. 43°08'21" N., long. 89°20'17" W.).

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 May 24, 1973.

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

[FR Doc.73-12397 Filed 6-20-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-WA-8]

ST. LOUIS, MO.

Proposed Terminal Control Area

The Federal Aviation Administration (FAA) is considering the adoption of a group II terminal control area (TCA) for St. Louis, Mo. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCA's is contained in FAA Advisory Circular 91-30, Terminal Control Areas (TCA's), dated June 11, 1970.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 20, 1973; will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The establishment of terminal control areas at 22 large hub airports was proposed in notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCA's has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCA's, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of notice 69-41 and is not within the scope of this notice. This notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCA's have now been designated at all group I locations, and this notice proposes a configuration for a group II TCA at St. Louis.

On February 27, 1973, the Federal Aviation Administration held an FAA/industry meeting in St. Louis to consider user operational requirements. The proposal contained herein was presented

at this meeting and was acceptable to those in attendance.

In consideration of the foregoing and for reasons stated in docket No. 9880 (35 FR 7782), it is proposed to amend part 71 of the Federal Aviation Regulations by adding the following to § 71.401 (b) group II terminal control areas.

ST. LOUIS, MO., TERMINAL CONTROL AREA

Primary airport. St. Louis International Airport (lat. 38°44'50" N., long. 90°21'55" W.) St. Louis Airport surveillance radar (ASR) antenna (lat. 38°44'26" N., long. 90°22'14" W.)

Boundaries.

Area A.—That airspace extending upward from the surface to and including 8,000 ft m.s.l. within a 6-mi radius of the St. Louis International Airport ASR antenna excluding that airspace within a 1.5-mi radius of the Creve Coeur Airport (lat. 38°43'35" N., long. 90°30'35" W.)

Area B.—That airspace extending upward from 2,000 ft m.s.l. to and including 8,000 ft m.s.l. within a 10-mi radius of the St. Louis International Airport ASR antenna excluding area A previously described.

Area C.—That airspace extending upward from 3,000 ft m.s.l. to and including 8,000 ft m.s.l. within a 10-mi radius of the St. Louis International Airport ASR antenna excluding areas A and B previously described and the area within and underlying area E hereinafter described.

Area D.—That airspace extending upward from 4,500 ft m.s.l. to and including 8,000 ft m.s.l. within a 20-mi radius of the St. Louis International Airport ASR antenna excluding areas A, B, and C previously described and area E described hereinafter.

Area E.—That airspace extending upward from 3,600 ft m.s.l. to and including 8,000 ft m.s.l. within a 15-mi radius of the St. Louis International Airport ASR antenna, bounded on the northwest by the Troy VORTAC 233°T (229°M) radial, and on the west by a line extending from latitude 38°-35'00" N., longitude 90°12'00" W. to latitude 38°10'00" N., longitude 90°07'00" W.

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

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

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

[FR Doc. 73-12396 Filed 6-20-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR, Parts 566, 567, 568, 571]

[Docket No. 73-14; Notice 2]

MANUFACTURER CODES

Identification Code Requirement and Assignment; Correction

The purpose of this notice is to correct the notice of proposed rulemaking on "Manufacturer Codes" published June 7, 1973 (docket 73-14, notice 1, 38 FR 14968).

In paragraph 14 of the proposed language, the section designations "S4.", "S4.1", and "S4.2", wherever appearing, are changed to read "S3.", "S3.1", and "S3.2", respectively.

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

Issued on June 15, 1973.

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

[FR Doc.73-12481 Filed 6-20-73;8:45 am]

[49 CFR, Parts 567, 568, 571]

[Docket No. 73-15; Notice 1]

GROSS COUPLING WEIGHT RATING

Notice of Proposed Rulemaking

This notice proposes to amend the regulations on certification and vehicles manufactured in two or more stages (49 CFR, pts. 567, 568), to require the specirating" (GKWR) for semitrailers. It would also amend the general provisions applicable to the motor vehicle safety standards by adding a definition for gross coupling weight rating. The certification and vehicles manufactured in two or more stages regulations were published in their present form on April 14, 1971 (36 FR 7054), and subsequently amended on October 8, 1971 (36 FR 19593), December 10, 1971 (36 FR 23571), February 12, 1972 (37 FR 3185), and July 13, 1972 (37 FR 13696).

"Gross coupling weight rating" (GKWR) would be defined as "the value specified by a semitrailer manufacturer as the load-carrying capacity of the portions of the semitrailer that contact the towing vehicle, measured at the contact surface, with the semitrailer in a horizontal position." It would reflect the load-carrying capacity of the coupling, and is conceptually similar to gross axle weight rating.

The notice would require a gross coupling weight rating to be included on the certification label affixed to all semitrailers as that term is defined in the general regulations (49 CFR 571.3): "A trailer, except a pole trailer, so constructed that a substantial part of its weight rests upon or is carried by another motor vehicle." This includes, but is not limited to, commercial semitrailers, travel and camping trailers, boat trailers, and mobile structure trailers. GKWR would also be included on the incomplete vehicle document for semitrailers manufactured in two or more stages.

At present, vehicle manufacturers must provide, on each vehicle's certification label, a gross vehicle weight rating, and a gross axle weight rating for each axle. In the case of semitrailers a coupling is substituted for the front axle. There are, however, no requirements that a load rating be provided for the coupling. The NHTSA views this as an omission from the present regulatory scheme, which essentially calls for a manufacturer's rating for each vehicle load-carrying system. The inclusion of a gross coupling weight rating will, therefore, place semitrailers on the same basis, with respect to weight ratings, as other vehicles.

The selection of the phrase "gross coupling weight rating" is tentative only. The NHTSA invites and will consider suggestions for alternative phrases for use on the certification label.

In light of the above, it is proposed that parts 567, 568, and 571 of title 49, Code of Federal Regulations, be amended as set forth below.

1. Paragraphs 567.4 (g)(5), (g)(6), and (g)(7) would be redesignated 567.4 (g)(6), (g)(7), and (g)(8) respectively, and a new paragraph 567.4(g)(5) would be added to read:

(5) In the case of semitrailers, "gross coupling weight rating" or "GKWR," followed by the appropriate value in pounds.

2. Paragraphs 567.5 (a)(7), (a)(8), and (a)(9) would be redesignated 567.5 (a)(8), (a)(9), and (a)(10) respectively, and a new paragraph 567.5(a)(7) would be added to read:

(7) In the case of semitrailers, "gross coupling weight rating" or "GKWR," followed by the appropriate value in pounds.

3. Paragraphs 568.4 (a)(6) and (a)(7) would be redesignated 568.4 (a)(7) and (a)(8) respectively, and a new paragraph 568.4(a)(6) would be added to read:

(6) In the case of a vehicle intended to be completed as a semitrailer, a gross coupling weight rating, if the incomplete vehicle contains the component that will be used to connect the completed vehicle to a towing vehicle.

4. A new definition, "gross coupling weight rating" or "GKWR," would be added to section 571.3:

"Gross coupling weight rating" or "GKWR" means the value specified by a semitrailer manufacturer as the load-carrying capacity of the portions of the semitrailer that contact the towing vehicle, measured at the contact surface, with the semitrailer in a horizontal position.

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.—September 18, 1973.

Proposed effective date.—May 1, 1974.

(Secs. 103, 112, 114, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on June 14, 1973.

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

[FR Doc.73-12418 Filed 6-20-73;8:45 am]

[49 CFR, Part 571]

[Docket No. 72-28; Notice 2]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Suspension of Rulemaking

The purpose of this notice is to suspend rulemaking on license plate lamp replacement requirements.

The NHTSA proposed on October 27, 1972 (37 FR 22991), to amend the license plate lamp location requirement, which presently allows illumination of the plate only from the top or the sides. Under the proposal any mounting location would be permissible as long as no part of the vehicle to the rear of the license plate's design position were within a defined volume of unobstructed space. The purpose of the proposal was to allow the use of lamps illuminating the plate from any location, including the bottom, as long as they were placed in a manner such that the light output would not be obscured by an accumulation of dirt or snow.

Many comments on the proposal were received from manufacturers and their associations. Almost all opposed the proposal in some respect, although some criticisms were based on a misunderstanding of its technical features. Since the proposal would have been primarily a relaxation of existing requirements and a favorable consensus was not reached, the NHTSA has decided that sufficient justification for further proceedings in this matter has not been shown. The existing requirements are therefore retained, and no further requirements in this area will be issued without additional notice and opportunity for comment.

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

Issued on June 14, 1973.

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

[FR Doc.73-12417 Filed 6-20-73;8:45 am]

[49 CFR, Part 571]

[Docket No. 73-17; Notice No. 1]

MOTOR VEHICLE SAFETY STANDARDS

Advance Notice of Proposed Rulemaking on Directional Control

This is an advance notice of a proposed motor vehicle safety standard on directional control during braking in a turn. It is issued to gather information to be used in developing a standard to apply to passenger cars, multipurpose passenger vehicles, trucks, and buses, and to give notice to the interested public that work is in process in this area. No rule will be issued on this subject without further notice of proposed rulemaking and opportunity to comment.

Driver control may be partially or totally lost in vehicles when the driver attempts to decelerate during a turn or lane change. The NHTSA is considering the issuance of a safety standard that would specify minimum performance requirements for adherence of vehicles to a curved path during the application of brakes from set speeds. At this time the agency contemplates test procedures that require initial speeds and turning maneuvers on low to high friction test surfaces by a vehicle with specified payload and payload distribution, followed by the application of brake pedal force of various levels at various rates. Use of automatic controllers to minimize the impact of driver ability on test repeatability is under consideration. The agency anticipates development of a standardized test surface, or a method of standardizing test results from different test surfaces, to improve comparison of test data.

The agency is also gathering information on resistance of motor vehicles to rollover (38 FR 9598, Apr. 18, 1973), and will utilize study and research in the handling area to eventually include directional control performance requirements for other maneuvers.

Comments are requested on test methods and materials that generate reliable, repeatable, and useful test data. Information is specifically requested in the following areas:

The cost and practicability of tests using simplified automatic controllers for brake system actuation (pedal force level and application rate).

The relationship of controller tests to actual driver behavior and capabilities.

The possibility of specifying test driver inputs with suitable constraints to insure repeatability.

Appropriate test inputs and conditions and required levels of performance, which would result in the maximum discrimination among vehicles, with respect to steering tendencies, that is consistent with test repeatability and accuracy.

Establishment of different tests for different vehicle types.

The establishment of performance measures such as a generalized braking-in-a-turn efficiency index.

The correlation of test data with actual handling characteristics in normal use.

The NHTSA recognizes that the design and condition of the tires and of the skid surfaces play a critical role in any test of vehicle handling. Comments are requested on the best methods of normalizing the tire-surface interface parameters in handling response tests, and reducing the effect of tire wear on test repeatability. Comments are also requested on methods of producing test surfaces with uniform skid numbers, and methods for extrapolating test results on a given surface to a standardized surface.

An important general subject for comment is the costs and benefits associated with various types and levels of vehicle requirements, both in terms of testing expense and of vehicle design and production costs. Equally important are comments on avoidance of possible degradation of braking performance in straight-line braking as a result of optimizing braking performance in a turn. Other subjects on which information is needed are the research planned or in progress in the private sector, and suggested areas appropriate for federally-sponsored research. Finally, the NHTSA seeks information on the effective dates by which compliance to performance requirements can be achieved.

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.—October 26, 1973.

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

Issued on June 15, 1973.

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

[FR Doc.73-12416 Filed 6-20-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR, Part 15]

CLEAN AIR ACT

Administration Regarding Federal Contracts, Grants, or Loans

Pursuant to his authority under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and particularly section 306 of that act, which was added by the Clean Air Amendments of 1970 (Public Law 91-604), the President, on June 29, 1971, issued Executive Order 11602, providing for administration of the Clean Air Act with respect to Federal contracts, grants, or loans.

Section 5 of the order requires the Administrator of the Environmental

Protection Agency (EPA) to issue implementing rules and regulations. The regulation which follows is proposed in order to carry out this requirement. The proposed program is intended to supplement Federal, State, and local enforcement activities under the Clean Air Act.

Interested persons may submit written comments on or before August 6, 1973 in triplicate to the Office of Federal Activities, Environmental Protection Agency, Washington, D.C. 20460. All relevant comments received on or before August 6, 1973; will be considered.

Dated June 18, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

A new part 15 would be added to 40 Code of Federal Regulations, as follows:

PART 15—PROVIDING FOR ADMINISTRATION OF THE CLEAN AIR ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Subpart A—Administrative Requirements

Sec.

15.1 Purpose.
15.2 Administrative responsibility.
15.3 Definitions.
15.4 Agency responsibilities.
15.5 Exemptions.

Subpart B—Remedies

15.20 List of violating facilities.
15.21 Hearings.
15.22 Public participation.
15.23 Agency participation.
15.24 Investigation.
15.25 Referral to the Justice Department.

Subpart C—Ancillary

15.40 Interpretations.
15.41 Reports.
15.42 Delegation of authority by the Director.

Subpart A—Administrative Requirements

§ 15.1 Purpose.

(a) The regulations in this part are issued pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Public Law 91-604) and Executive Order 11602, to provide certain prohibitions and requirements concerning administration of the Clean Air Act with respect to Federal contracts, grants, and loans. The regulations in this part apply to all agencies in the executive branch of the Government which award contracts, grants, or loans. The regulations also apply to contractors and subcontractors and to recipients of funds under grants and loans to the extent set forth in this part.

(b) The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Administrator, Federal agencies, or other parties of powers not herein specifically set forth, but otherwise granted to them by the act or the order.

(c) The program provides for the establishment of a list of violating facilities which will reflect those ineligible for the award of a Federal contract, grant, or loan. Facilities will be listed upon a determination by EPA of noncompliance with clean air standards. Federal, State, and local criminal convictions, civil adjudications, and administrative determinations of noncompliance may serve as a basis for consideration of listing. In cases where a facility has been subjected to a State or local civil adjudication or administrative determination that such facility is in continuing or recurring violation of clean air standards, EPA shall consider listing at the request of the Governor. The program will apply to any contract, grant, or loan in excess of $100,000, except those involving a facility giving rise to a Federal criminal conviction to which the $100,000 and under dollar exclusion is not applicable, unless otherwise exempted.

§ 15.2 Administrative responsibility.

The Director, Office of Federal Activities, is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the order, except the power to issue rules and regulations, and provided that the Assistant Administrator for Enforcement and General Counsel, EPA, shall continue to exercise principal responsibility for EPA's enforcement of the Clean Air Act and clean air standards. All correspondence regarding the order or the regulations in this part should be addressed to the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 15.3 Definitions.

(a) The term "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq. as amended by Public Law 91-604).

(b) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(c) The term "agency" means any department, agency, establishment, or instrumentality in the executive branch of the Federal Government, including wholly-owned Government corporations which award contracts, grants, or loans.

(d) The term "applicant" means any person who has applied for but has not yet received a contract, grant, or loan and includes a bidder or proposer for a contract which is not yet awarded.

(e) The term "air pollution control agency" means any agency which is defined in section 302(b) and section 302(c) of the Act.

(f) The term "borrower" means a prime recipient of a loan.

(g) The term "clean air standards" means any rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Act or the order, an applicable implementation plan as described in section 110(d) of the Act, an approved implementation plan under section 111(d) of the Act, or an approved implementation procedure under section 112(d) of the Act.

(h) The term "compliance" means compliance with clean air standards or a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air pollution control agency, in accordance with the requirements of the Act and regulations issued pursuant thereto.

(i) The term "contract" means any Federal contract for the procurement of goods, materials, or services.

(j) The term "contractor" means the prime contractor with whom the Federal Government has contracted for procurement of goods, materials, or services.

(k) The term "Director" means the Director, Office of Federal Actvities, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this part.

(l) The term "facility" means a non-Federal building, plant, installation, structure, mine, area, location, or site of operations to be utilized in the performance of a contract, grant, or loan. Where an area, location, or site of operations contains or includes more than one building, plant, installation, or structure, the entire area, location, or site shall be deemed to be a facility, except where the Director determines that the independent facilities are colocated in one geographic area.

(m) The term "Governor" means the Governor or principal executive officer of each State.

(n) The term "grant" means any Federal grant, including grant-in-aid.

(o) The term "grantee" means the prime recipient of a grant.

(p) The term "loan" means a loan of Federal funds.

(q) The term "Order" means Executive Order 11602, dated June 29, 1971 (36 FR 12475).

(r) The term "person" means any natural person, corporation, partnership, unincoroprated association, State or local government, or any agency, instrumentality, or subdivision of such a government.

(s) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

(t) The term "subborrower" means any person holding a subloan. The term "first-tier subborrower" refers to a subborrower holding a subloan from a borrower, and so on.

(u) The term "subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of employer and employee) under which any portion of the contractor's obligation is performed, undertaken, or assumed.

(v) The term "subcontractor" means any person holding a subcontract. The term "first-tier subcontractor" refers to a person holding a subcontract with a prime contractor, and so on.

(w) The term "subgrant" means any agreement or arrangement between a grantee and any person (in which the

parties do not stand in the relationship of employer or employee):

(1) For the furnishing of supplies or services, or for the use of real or personal property, including lease arrangements, which in whole or in part is necessary to carry out the activities or program to be undertaken under the grant; or

(2) Under which any portion of the activity or program which is being assisted under the grant is performed, undertaken, or assumed.

(x) The term "subgrantee" means any person holding a subgrant. The term "first-tier subgrantee" refers to a subgrantee holding a subgrant from the grantee, and so on.

(y) The term "subloan" means any agreement or arrangement between a borrower and any person (in which the parties do not stand in the relationship of employer and employee):

(1) For the furnishing of supplies or services, or for the use of real or personal property, including lease arrangements, made in whole or in part from funds provided under the loan; or

(2) Under which any portion of the business, program or activity which is being assisted under the loan is performed.

(z) The term "United States" as used herein includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

§ 15.4 Agency responsibilities.

(a) *General.*—Pursuant to the Order, each agency will take appropriate steps to ensure that all officers and employees whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the Order and the regulations under this part. Such officers and employees will promptly report to the head of the agency or his designee any condition in any facility involved in a contract, grant, or loan made by an agency which may involve noncompliance with the clean air standards and which comes to their attention in the performance of their regular duties. The head of the agency or his designee will promptly transmit such reports to the Director. The Director shall take action as may be appropriate in accordance with sections 15.24 and 15.20 of this part.

(b) *Procurement, grant, and loan regulations.*—Section 4 of the Order provides that agencies responsible for promulgating contract, grant, and loan regulations shall, following consultation with the Administrator, amend such regulations to require, as a condition of entering into, renewing, or extending any nonexempt contract for the procurement of goods, materials, and services, or extending any financial assistance by way of nonexempt contract, grant, or loan, compliance with the Act and standards issued pursuant thereto. Pursuant to the authorities vested in the Administrator in section 5 of the Order, agencies responsible for promulgating contract, grant, and loan regulations shall be governed by this part. Such regulations shall be amended to require, no later than January 1, 1974, the use of the provisions set forth below.

(c) *Procurement regulations.*—The Federal Procurement Regulations, Armed Services Procurement Regulations, and to the extent necessary any supplemental or comparable regulations issued by any agency shall be amended to incorporate the following requirements with respect to nonexempt transactions to carry out the purposes of the Act, the Order, and this part:

(1) A stipulation by the contractor that any facility to be utilized in the performance of any nonexempt contract is not listed on the EPA list of violating facilities pursuant to section 15.20 of this part.

(2) Agreement by the contractor to comply with all the requirements of section 114 of the Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and all regulations and guidelines issued thereunder.

(3) A stipulation that as a condition for the award of a contract the applicant or contractor shall notify the awarding official of the receipt, with respect to any facility which will be utilized for the contract, of an order under section 113(a) of the Act, or an equivalent State or local order to enforce clean air standards, or notice of the initiation of judicial proceedings under section 113(b) of the Act, or equivalent State or local judicial proceedings to enforce clean air standards, including a brief description of the status of such enforcement action. Prompt notification shall be required prior to contract award.

(4) Agreement by the contractor that he will include or cause to be included the criteria and requirements of paragraph (c) (1) through (4) of this section in every nonexempt subcontract and requiring that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(d) *Grant and loan provisions.*—To carry out the purposes of the Act, the Order, and this part, agency grant and loan regulations shall be amended as necessary to incorporate the requirements set forth in paragraph (c) (1) through (4) of this section with respect to nonexempt transactions.

§ 15.5 Exemptions.

(a) *Exempted transactions.*—(1) *Transactions $100,000 and under.*—Contracts, subcontracts, grants, subgrants, loans, and subloans not exceeding $100,000 are exempt from this part.

(2) *Contracts and subcontracts for indefinite quantities.*—With respect to contracts and subcontracts for indefinite quantities (including but not limited to time and material contracts, requirements contracts, and basic ordering agreements), this part shall be applicable unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $100,000.

(3) *Assistance to abate, control, or prevent environmental pollution.*—Any grant or subgrant, a principal purpose of which is to assist a facility or facilities to comply with any Federal, State, or local law, regulation, guideline, standard, or other requirement relating to the abatement, control, or prevention of environmental pollution is exempt from this part.

(4) *Exclusion.*—The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(i). Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Act where a conviction has been obtained pursuant to section 113(c)(1) of the Act.

(b) *Authority of heads of agencies.*—Where a head of an agency determines that the paramount interest of the United States so requires, he may exempt any individual contract, subcontract, grant, subgrant, loan, or subloan for a period of 1 year, and by rule or regulation any class of contracts, grants, or loans. In the case of an individual exemption, the head of the agency granting the exemption shall notify the Director as soon before or after granting the exemption as practicable. The justification for such an exemption or any renewal thereof, shall fully describe the purpose of the contract, grant, or loan, except as the interests of national security preclude, and shall indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(c) *Facilities located outside the United States.*—This part shall not apply to the use of facilities located outside the United States.

Subpart B—Remedies

§ 15.20 List of violating facilities.

(a) *Listing of facilities.*—Sections 2, 4, and 5 of the Order and section 306 of the Act require the Administrator to establish procedures which will identify for Federal agencies those facilities giving rise to a criminal conviction under the Act and which will establish sanctions and penalties necessary to assure that contracts, grants, and loans are not awarded to applicants whose facilities are found to be in violation of clean air standards. The Director shall maintain the list of violating facilities in accordance with the following procedures:

(1) *Basis for consideration of listing.*—Federal, State, or local criminal convictions, civil adjudications, or administrative determinations of noncompliance may serve as the basis for consideration of listing facilities. However, the listing of a facility based on a State or local civil adjudication or administrative determination shall not be considered unless the Governor of the State has referred the applicant, contractor, grantee, or borrower whose facility has given rise to such adjudication or determination to the Director in accordance

with § 15.23. The following Federal and State determinations may serve as a basis for listing:

(i) Facilities which have given rise to a conviction under section 113(c)(1) of the Act.

(ii) Facilities which have given rise to any permanent order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of a violation of clean air standards or facilities which have given rise to a conviction in a State or local court for the violation of clean air standards.

(iii) Facilities not in compliance with an order under section 113(a) of the Act or which have given rise to the initiation of the court action under section 113(b) of the Act, or have been subjected to equivalent State or local proceedings to enforce clean air standards.

(2) *Listing proceedings.*—No facility shall be listed until there has been notification by the Director of his determination to place the facility on the list and the basis therefor, the representatives of the facility have been afforded an opportunity to confer with him and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the list, and the Director determines before listing that there is adequate evidence of continuing or recurrent violation of clean air standards at the facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

(3) *The list.*—Upon carrying out the aforesaid requirements, the Director may list a facility. The list shall be distributed periodically to all agencies. The list shall contain as a minimum the name of each person whose violating facility has given rise to the listing, the name of such facility, the basis for the listing, and the date for each listing.

(b) *Prohibition of award to listed facilities.*—No agency shall enter into, renew, or extend any nonexempt contract for the procurement of goods, materials, or services or extend Federal financial assistance by way of a nonexempt grant, loan, or contract where a facility listed would be utilized for the contract, grant, or loan.

(c) *Removal of facility from List.*—If a conviction, order, judgment, decree, or other form of civil ruling which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis, the facility shall be removed from such listing effective upon receipt of notification of the reversal or modification by the Director. Requests for removal of facilities from the list for any other basis including a request from a Governor shall be addressed to the Director. Such requests shall be in writing and should contain appropriate evidence of compliance by the facility with clean air standards. In the event the request for removal is denied, a hearing pursuant to § 15.21 may be granted by the Director, if requested within 20 days of receipt of a notice of denial.

§ 15.21 Hearings.

(a) Hearings held pursuant to § 15.20 (c) shall be conducted by a hearing officer designated by the Administrator. Each party shall have the right of counsel and a fair opportunity to present evidence and argument and to cross-examine. Other persons may be permitted to participate upon a showing that such persons have substantial interest in the proceedings and will contribute materially to the proper disposition thereof. The hearing officer shall base his decision solely upon the record before him.

(b) The decision of the hearing officer shall be final unless within 20 days from the date of receipt of the decision the party adversely affected requests in writing a review by the Administrator.

§ 15.22 Public participation.

(a) Persons who wish to bring an alleged failure of compliance with clean air standards under this part to the attention of the Government should file a statement in writing with the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(b) The statement should include the name, address, and telephone number of the person responsible for its filing, the name and address or other accurate description of the facility allegedly in violation, a description of the violation, with any available accompanying data considered to show that the violation has occurred, and any other pertinent information which will assist in the investigation and resolution of the reported noncompliance. The statement must be signed by the person responsible for the filing or his authorized representative.

(c) The Director shall review the statement and within a reasonable period advise the person of the disposition of his statement.

§ 15.23 Agency participation.

(a) *Federal agency participation.*—Pursuant to § 15.4 (c) and (d), applicants must promptly identify Federal, State, or local clean air enforcement actions affecting a facility to be utilized in the performance of any nonexempt contract, grant, or loan. Federal contracting officers or awarding officials must determine whether any facility to be utilized in the performance of a nonexempt contract, grant, or loan appears on the list distributed by the Director under section 15.20 of this part. If such enforcement action has been identified but the facility does not appear on the list, the contracting officer or awarding official shall promptly notify the Director. In accordance with § 15.24, the Director may request that the award of the contract, grant, or loan be withheld for a period not to exceed 15 working days pending completion of an appropriate investigation.

(b) *State participation.*—Whenever a facility is determined to be in continuing or recurring violation of clean air standards, as may be ascertained by the Governor, the Governor shall notify the Director. The Director shall take the necessary steps, under section 15.20 of this part, to determine whether listing shall occur. When noncompliance with clean air standards by a facility becomes evident and the State has failed to notify the Director of such violation, the Director may request that the Governor investigate and report his findings to the Director.

§ 15.24 Investigation.

(a) When substantial evidence of noncompliance with clean air standards is presented by private individuals, agency employees, a Governor, or other sources, the Director after consultation with the agency whose proposed contract, grant, or loan is involved, may request that the award of the contract grant, or loan be withheld for a period not to exceed 15 working days effective the date the Director, as well as the interested Federal agency, is notified of the existence of such evidence and the initiation of the investigation. The agency shall withhold such award except when it is determined that the delay is likely to prejudice the agency's programs or otherwise seriously disadvantage the Government. Prompt notice shall be given to the Director in any case where such determination to award has been made.

(b) The Director shall promptly inform the agency whose contract, grant, or loan is involved of the findings, dispositions, or actions resulting from the investigation. Where the information causing the investigation was presented by a private individual or Governor, that individual or Governor shall also be promptly notified.

§ 15.25 Referral to the Justice Department.

The Administrator may recommend that appropriate legal proceedings or other action be taken in reference to the requirements set forth in the regulations contained in this part. Referrals of any matters arising under such regulations to the Department of Justice shall be made only by the Administrator or with his express approval.

Subpart C—Ancillary

§ 15.40 Interpretations.

Interpretations of the regulations contained in this part shall be made by the Administrator or his designee.

§ 15.41 Reports.

(a) *Agency reports.*—The head of each agency shall ensure that the Administrator is informed of each exemption granted under § 15.5(b) during the preceding fiscal year annually before August 1.

(b) *EPA reports.*—(1) The Administrator will annually report to the President on measures taken toward implementation of section 306 of the Act, the Order, and regulations in this part, including but not limited to the progress and problems associated with such implementation.

(2) The Administrator will annually notify the President and the Congress of all exemptions granted or in effect under this part during the preceding year.

§ 15.42 Delegation of authority by the Director.

The Director is authorized to redelegate the authority conferred upon him by this part.

[FR Doc.73-12494 Filed 6-20-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 25]

[Docket No. 19770; FCC 73-627]

COMMUNICATIONS SATELLITE CORP.

Proposed Financial Rules

In the matter of amendment of part 25 of the Commission's rules and regulations with respect to Commission authorization of the issuance of securities, borrowing of money, or assumption of obligations in respect of the securities of another person by the Communications Satellite Corp., Docket No. 19770.

1. Notice is hereby given of a proposed rulemaking in the above entitled matter.

2. It is proposed to amend part 25 of the Commission's rules and regulations by adding a new subpart relating to Commission authorization of the issuance of securities, borrowing of money and assumption of obligation in respect of the securities of another person by the Communications Satellite Corp. (Comsat), pursuant to section 201(c)(8) of the Communications Satellite Act of 1962, as amended.[1] The proposed rules are set forth below.

3. Section 201(c)(8) of the Communications Satellite Act of 1962, as amended, requires that Comsat obtain Commission authorization before it issues securities,[2] borrows money, or assumes an obligation in respect of the securities of another person. Such authorization is to be granted upon a finding that such issuance, borrowing or assumption is compatible with the public interest, convenience, and necessity, and is necessary or appropriate for, or consistent with, carrying out the purposes and objectives of the act by Comsat. The proposed rules are designed to insure that Comsat provide the Commission with the information necessary for it to determine if this requisite statutory finding is warranted. The rules require Comsat to describe, inter alia, how the proceeds to be obtained from a proposed issuance, borrowing or assumption are to be utilized. This information as well as other relevant data should enable the Commission to decide if such utilization is consistent with Comsat's statutory obligations. Generally, other required information concerns the financial status of Comsat, the effect a proposed transaction would have on Comsat's financial structure, and a justification for and description of the type and nature of the security to be issued or sold or the assumption to be undertaken. The procedures set out in the proposed rules for the issuance of securities by Comsat are similar to those of other Federal regulatory commissions having jurisdiction over the issuance of securities by railroads, motor carriers and electric utilities. In accordance with the policy established by these commissions, competitive bidding is required in the issuance of all securities except those specifically exempted by the rules or unless the Commission for good cause shown allows an exception by specific order.

4. It is recognized that from time to time Comsat may find it necessary to borrow limited sums of working capital for particular purposes in connection with its corporate responsibilities. It does not appear to us that we should require separate application for such regular and usual activities. Accordingly, Commission authorization is provided in the proposed rules for Comsat to establish and use a limited line of banking credit without the necessity of filing an application each time this credit is drawn upon. In this authorization, however, Comsat is limited to borrowing and indebtedness of no more than $500,000 and is restricted to using notes and drafts maturing in 1 year or less. The Commission is of the opinion that any issuance of securities or borrowing of capital in the specified and limited amount set forth pursuant to such a short term credit arrangement is compatible with the public interest, convenience and necessity and is consistent with Comsat's carrying out the purposes and objectives of the act.

5. The proposed rules also provide a summary procedure through which Comsat may seek Commission authorization for the borrowing of capital. When an unexpected requirement for capital, consistent with Comsat's statutory obligations, precludes use of the normal procedures for Commission authorization and cannot be met by utilizing the aforementioned short term line of credit, we are of the opinion that a simplified method of obtaining Commission authorization is appropriate. This procedure enables Comsat to borrow through negotiation for a period not to exceed 6 months the capital necessary for its emergency needs.

6. The procedure established by these proposed rules specifies that an application for authorization is to be filed no less than 90 days prior to the date on which it is anticipated that authorization will be required. Interested parties will be afforded 15 days from the date of the public notice of the Commission's acceptance for filing an application within which to submit comments and Comsat will be allowed 5 days from the last date for filing comments in which to reply. Upon examination of the application, together with any comments filed, the Commission will determine whether an authorization will be issued as requested in the application, modified in part, or denied. The rules also provide for a hearing should the Commission determine one to be necessary or appropriate.

7. The proposed rules also set forth reporting requirements for the directors and officers of Comsat. This provision requires that each director or officer, after the rules become effective, or upon taking office, and annually thereafter, file a report indicating the nature of any financial connection with any entity engaged in the underwriting, sale or distribution of securities or the lending of capital.

8. Finally, these rules establish the procedure by which Comsat may lower the 10 percent limit, stipulated in section 304(b)(3) of the act, on the number of shares of stock that may be owned or held by any one shareholder, not an authorized carrier, or by any syndicate or affiliated group of such shareholders. Section 502(c) of Comsat's Articles of Incorporation empowers the Board of Directors to impose a lower limitation. In order that the purposes and objectives of the act be maintained, the rules require Comsat, if it desires to alter this limitation to file an application setting forth the reasons why a limitation lower than the 10 percent statutory limit is necessary or desirable. The Commission will then solicit comments from interested parties. Upon examination of the application, together with any comments, the Commission will either: (1) Determine that the proposed limitation is consistent with the purposes and objectives of the act and will issue an authorization or (2) if it is unable to find that such limitation is consistent with the purposes and objectives of the act, it will deny such application or institute such further proceedings as it deems appropriate.

9. It is intended that some of the proposed rules be applied to any subsidiary in which Comsat has ownership of more than 50 percent of the voting stock or in which Comsat otherwise exercises control. Presently, this would mean that certain rules would apply to Comsat General Corp., a recently formed wholly-owned subsidiary of Comsat, established pursuant to the Commission's domestic satellite decisions. Comsat General's activities are expected to encompass ownership and operation of Comsat's domestic satellite system, ownership of Comsat's former one-third interest in CML Satellite Corp. and ownership and participation in Comsat's other non-Intelsat activities. While Comsat General has a separate corporate identity, it is wholly-owned by Comsat and its financial structure, at least initially, will be closely linked to that of Comsat. Thus, it is felt that the Commission's authority under section 201(c)(8) extends to include the financial activities of Comsat

[1] 47 U.S.C. 721(c)(8) (1970).

[2] Comsat's initial issue of capital stock referred to in section 304(a) of the Communications Satellite Act was specifically exempted in section 201(c)(8) from the requirement for Commission authorization.

General and similarly situated subsidiaries, as well as those of Comsat. In this regard, it is requested that comments on the rules proposed herein specifically address the legal and policy questions involved in applying these rules to subsidiaries over which Comsat has control. In addition to the question of whether the rules in general should be applied to such subsidiaries, comments should specifically address the question of which rules should or should not be applied to such subsidiaries.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before July 26, 1973 and reply comments on or before August 6, 1973. All relevant and timely comments and replies will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in this proceeding the Commission may, in addition to the specific comments invited by this notice and any replies thereto, take into account other relevant information before it.

11. Authority for the amendments herein proposed is contained in sections 201(c)(8) and 201(c)(11) of the Communications Satellite Act of 1962, as amended, and section 4(i) of the Communications Act of 1934.

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

Adopted June 13, 1973.

Released June 18, 1973.

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

Subpart D of part 25 of chapter I, title 47, Code of Federal Regulations, is added as follows:

Subpart D—Financial Rules for Communications Satellite Corp.

Sec.
25.301 Scope and applicability of the subpart.
25.302 Definitions.
25.303 Commission authorization.
25.304 Line of credit.
25.305 Competitive bidding.
25.306 Emergency borrowing.
25.307–25.309 [Reserved]
25.310 Securing authorization.
25.311 Contents of application.
25.312 Required exhibits.
25.313 Application—procedures, format, signing and fees.
25.314 Procedures upon filing application.
25.315 Publications concerning proposed transaction.
25.316–25.320 [Reserved]
25.321 Reports and certificates.
25.322 Conflict of interest.
25.323 Stock ownership and financial connection reports.
25.324 Limit on ownership of corporation stock.

[1] Commissioner Reid concurring in the result; Commissioner H. Rex Lee absent.

Subpart D—Financial Rules for Communications Satellite Corp.

§ 25.301 Scope and applicability of the subpart.

The rules and regulations of this subpart are designed to implement the Commission's responsibility under section 201(c)(8) of the Communications Satellite Act of 1962 with respect to the issuance by the Communications Satellite Corp. of any shares of capital stock, the borrowing of any moneys, or the assumption of any obligation in respect of the securities of any other person upon a finding that such issuance, borrowing, or assumption is compatible with the public interest, convenience and necessity and is necessary or appropriate for or consistent with carrying out the purposes and objectives of the Satellite Act by the corporation. These rules are designed to insure that the Commission obtains the information necessary to enable it to determine whether the statutory public interest standards are met and set forth the procedures the corporation must follow in making this showing in order to receive the needed authorization as well as the procedures for issuance of securities, borrowing of moneys and in the assumption of obligations. This subpart shall apply to every issuance of a security or securities, borrowing of capital, and assumption of obligation as guarantor, endorser, surety, or otherwise in respect of any security of another person by the corporation.

§ 25.302 Definitions.

Unless the context otherwise requires, the following terms shall have the specified meanings when used in this subpart.

(a) *Security.*—Any note, draft, stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral trust certificate, transferable share, investment contract, indemnity agreement, or any other instrument commonly known as a security, any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing and, where applicable, any assumption of any obligation or liability in respect to a security or securities of another person.

(b) *Corporation.*—The Communications Satellite Corp. and any corporate entity of which the Communications Satellite Corp. owns more than 50 percent of the voting stock or in which otherwise exercises control.

(c) *Director.*—Any person elected or appointed to the board of directors of the corporation or of any business entity with which the corporation deals, directly or indirectly, with respect to the issuance or sale of securities or the assumption of obligation in respect of the securities of another.

(d) *Officer.*—The chief executive officer, chairman, president, vice president, assistant vice president, treasurer, secretary, comptroller, or any other officer of the corporation or other business, such as general counsel, general manager, chief engineer, or chief economist, and any other person who performs functions corresponding to those normally performed by the foregoing, regardless of whether he has an official title or whether his title contains a designation of assistant.

(e) *Person.*—An individual, an individual proprietorship, a corporation, a partnership, an association, a joint-stock company, a trust, an unincorporated organization, a government or political subdivision thereof, or a governmental administrative entity.

(f) *Financial connection.*—A direct or indirect financial interest in a business entity including, but not limited to, the following:

(1) The holding of the position of officer, director, or partner in, or any employment by, such business entity.

(2) Ownership, control, or holding with power to vote any stock interest in a corporation with 50 or less stockholders, or

(3) Ownership, control, or holding with the power to vote of 1 percent or more of the outstanding stock in a corporation with more than 50 stockholders.

§ 25.303 Commission authorization.

The corporation shall not issue, nor shall it cause to be issued, any security or securities, nor shall it borrow any capital, or assume any obligations in respect of the securities of another person, except as provided in § 25.304, unless and until, and then only to the extent that, the Commission by order authorizes such issuance, borrowing or assumption.

(a) The corporation will set forth in its application the reasons why a proposed issuance, borrowing, or assumption is compatible with the public interest, convenience, and necessity and why it is necessary or appropriate for, or consistent with, the Corporation's statutory obligations. The application will also contain a showing of the specific purpose for which the funds are being raised and the uses to which they will be put in accomplishing that purpose. If funds are being raised for facilities which require Commission authorization, reference should be made to the application for facilities authorization.

(b) The approval by the Commission of any transaction pursuant to this subpart shall not, in any instance, constitute a Commission finding as to the appropriateness of such a transaction for accounting, ratemaking, or program approval purposes.

§ 25.304 Line of credit.

(a) The corporation is authorized, without regard to the requirements set forth herein other than those contained in this section, to establish a short-term line of banking credit from which to obtain working capital for purposes in connection with its statutory responsibilities. All notes, drafts, or other evidence of indebtedness issued or renewed pursuant

to this line of credit shall not have a maturity of more than 1 year and shall not aggregate, at any one time, more than $500,000. Within 10 days after any such issuance or renewal, the corporation shall file with the Commission a notification setting forth the following:

(1) The kind, nature, and principal terms and conditions of the note, draft, or other evidence of indebtedness;

(2) The amount of the note, draft, or other evidence of indebtedness;

(3) A statement that the aggregate amount of all outstanding debts on notes, drafts, or other evidence of indebtedness issued pursuant to this section does not exceed $500,000;

(4) A showing that the terms and conditions of the instrument, including interest rates, are consistent with those commonly available in the capital market or, if they are not, the reasons why such criteria are not applicable;

(5) The complete details of all relationships, particularly any financial connection, between the corporation and the entity or entities issuing such note, draft or evidence of indebtedness.

(b) The corporation shall also file an annual report beginning 1 year after the initial issuance pursuant to this section setting forth the actual amounts of capital extended to the corporation during the preceding year and the manner in which this capital was utilized, provided, however, that no separate report pursuant to this requirement need be made if a schedule on form M in the annual report of the corporation to the Commission provides the information in clearly identified form and it is stated in such schedule that it is intended as compliance with this subparagraph.

§ 25.305 Competitive bidding.

(a) All proposed transactions involving the issuance of securities or the borrowing of capital for which Commission authorization must be obtained pursuant to § 25.303 shall be made in accordance with the competitive bidding requirements of paragraphs (d) and (e) of this section, except where:

(1) The net proceeds to the corporation from such an issuance of securities and all previous issuances within the preceding 12 calendar months will be less than $1 million;

(2) Such securities are sold or otherwise issued pro rata to existing holders of the corporation's securities of the same class pursuant to any preemptive right or privilege or in exchange for or in extension of outstanding securities;

(3) Such securities consist of one or more bonds, notes, or other evidence of indebtedness of a maturity of 3 years or less to a commercial bank, insurance company, or similar institution not for resale to the public, provided, that no commission, remuneration or other fee is paid or will be paid, directly or indirectly, to any third person for negotiating the transaction;

(4) Such securities are sold or otherwise issued with Commission authorization pursuant to the emergency borrowing requirements of § 25.306 of this subpart; or

(5) The Commission, on an application filed pursuant to § 25.311(d)(2) finds, upon good cause shown, that compliance with the competitive bidding requirements of paragraphs (d) and (e) of this section would not be appropriate for, or consistent with, the public interest, convenience, and necessity.

(b) If the proposed transaction is exempt from the competitive bidding requirements of this section pursuant to paragraph (a)(1), (2), or (3) of this section, the corporation will not begin negotiations on such a transaction prior to its filing an application for section 201(c)(8) authorization with the Commission.

(c) An exemption from the competitive bidding requirements of this section shall not be construed as a waiver of the requirements of section 201(c)(8) of the Communications Satellite Act of 1962, as amended, for Commission authorization nor as approval of any application filed pursuant thereto.

(d) In all transactions involving the issuance or sale of securities or the borrowing of capital, except those exempt from the competitive bidding requirements in accordance with paragraph (a) of this section, the corporation shall after securing the requisite authorization from the Commission:

(1) Publicly invite sealed written proposals for the purchase or underwriting of such securities at least 6 business days prior to entering into any contract or agreement for such issuance or sale. Such invitation shall describe the type and amount of securities, and specify the date, time and place for opening of proposals. Such proposals as may be received in response to this invitation shall not be opened at any time or place other than as specified in the invitation. A duly authorized representative of any person submitting a proposal shall be entitled to be present at the opening of the proposals and to examine each proposal submitted;

(2) Use its best efforts to distribute to prospective underwriters and dealers not later than 6 business days prior to the opening of proposals, a reasonable number of copies of the Commission order indicating the terms and conditions, if any, under which the Commission authorized such issuance or borrowing; and

(3) Not solicit or accept any proposal:

(a) From any person who, prior to the submission of proposals, has performed any service for compensation or who has or will receive any fee or compensation in connection with such issuance, sale, or borrowing;

(b) From any business entity if any officer or director of the corporation has or had at any time within the 6 months immediately preceding the proposed issuance, sale, or borrowing, a financial connection with such entity; or

(c) Under any arrangement or contract by which any officer or director of the corporation receives for his own benefit, directly or indirectly, any money or thing of value in respect of such issuance, sale, or borrowing or under which any officer or director shares in any of the proceeds thereof.

(e) If, pursuant to the public invitation, at least two independent proposals for the purchase or underwriting of the securities are received, the corporation may, without further action by the Commission, accept, with respect to debt and preferred stock, the proposal providing for the lowest cost of capital, and, with respect to common stock, the proposal providing the greatest net proceeds, and issue or sell the securities in accordance with the terms and conditions contained in the application filed by the corporation with the Commission for such issuance, sale or borrowing and in accordance with such modifications of these terms and conditions as the Commission may have ordered.

(1) If only one independent proposal is received, the corporation will not accept this proposal and will publicly reinvite sealed written proposals for such issuance or sale.

(2) If two or more independent proposals are received and if the corporation believes that the best interests of the corporation require the acceptance of a proposal other than that providing for the lowest cost of capital, or the greatest net proceeds for common stock, the corporation shall, as promptly as practicable after the opening of the proposals, file with the Commission an amendment to its original application which shall include a report containing the names of those persons submitting proposals, or in the case of a group proposal, of the group manager and participants, and the principal terms of the proposals received. When applicable, this report shall state the facts relied upon by the corporation for its belief that its best interest would require the acceptance of a proposal other than that providing for the lowest cost of capital. No such proposal shall be accepted without an order from the Commission specifically authorizing such acceptance.

(3) Nothing contained in this section shall be deemed to prohibit the corporation from rejecting all proposals if in its judgment the best interests of the corporation would thereby be served.

§ 25.306 Emergency borrowing.

(a) In the case of an emergency requiring the immediate acquisition of capital, the Commission may, without regard to the provisions of § 25.305 and §§ 25.310–25.314, inclusive, of this subpart, authorize the corporation to borrow through negotiation such capital as is necessary for its emergency needs, if such needs are consistent with its statutory obligations, for a period not to exceed 6 months, provided that no finder's fees, commissions, or other remuneration is paid in connection therewith to any third person for negotiating the borrowing.

(b) As soon as practicable after the corporation becomes aware of its emergency need to acquire capital, it shall file

with the Commission a written application setting forth the following:

(1) The nature of, and the reasons for, the emergency necessitating the immediate acquisition of capital and the reasons why the normal procedures for Commission authorization for such borrowing cannot be followed;

(2) A detailed justification for the amount of capital for which the corporation is seeking authorization to borrow; and

(3) The person or persons, if known, from whom the proposed borrowing is to be made.

On the basis of the foregoing application the Commission will authorize such emergency borrowing if it finds that the public interest will be served thereby, provided, that no agreement may be entered into until the Commission has been notified, either by telephone, telegraph, or in writing, of the principal terms and conditions of such agreement and Commission concurrence in such agreement is communicated to the corporation in writing.

(c) Within 10 days after consummation of the borrowing agreement, two copies of the complete agreement and any notes or drafts signed pursuant to the agreement will be filed with the Commission.

§ 25.307–25.309 [Reserved]

§ 25.310 Securing authorization.

Except as provided in § 25.306, applications for authorization shall be filed in the manner and form prescribed in §§ 25.311–25.314, inclusive, of this subpart, no later than 90 days prior to the date it is anticipated that the authorization will be required.

(a) Public notice will be issued by the Commission upon acceptance for filing of the application for authorization. An application will be accepted for filing if it is substantially complete with respect to the requirements of §§ 25.311–25.314. No public notice will be issued separately for the filing of a request for an exemption from competitive bidding pursuant to § 25.311(d)(2), but notice of this request will be incorporated in the aforementioned public notice.

§ 25.311 Contents of application.

Every application for authorization shall set forth in the manner and form prescribed in this section, the following information, which, in the case of an assumption of an obligation, shall be furnished by both the corporation and the person whose obligation is being assumed. When all the required information is not available at the time of filing the application, as much information as is available should be furnished, including estimates, clearly labeled as such. When required information becomes available, it shall be filed immediately with the Commission.

(a) A full description of the securities proposed to be issued or sold by the corporation or, if the corporation proposes to assume an obligation in respect of the security or securities of another person, a description of such other person's security or securities, should be submitted including, but not limited to, the following:

(1) *Equity securities.*—State the number of shares of stock to be issued, the par or stated value of each share, the estimated net proceeds of the stock issue to the corporation and, in the case of preferred stock, the dividend rate, whether dividends are cumulative or noncumulative, and, where applicable, a description of preferences, conversion and redemption privileges, and redemption premiums.

(2) *Debt securities.*—State the aggregate principal amount, the security, such as a mortgage or pledge of collateral, the rate of interest, the sinking fund provisions, the maturity date, the default that will make the debt immediately payable, and the priority for payment of the issue in case of insolvency; if the issue matures serially, give a brief description of the serial maturities, and the amount due on each such maturity date; if the payment of interest or principal is contingent a description of such contingency; if convertible, a description of the conversion privileges; and, where applicable, a description of redemption privileges and premiums.

(3) *Other type securities.*—State appropriate information of a nature comparable to that prescribed in paragraph (a) (1) and (2) of this section.

(b) A statement setting forth specific facts and evidence showing that the security proposed to be issued or sold will not cause excessive capitalization; will not result in disproportionate amounts of either equity or debt capital; will not have any avoidable adverse effects upon the corporation's revenue requirements; and will not impair the financial ability of the corporation to fulfill any of its obligations under the Communications Act of 1934 or the Communications Satellite Act of 1962, as amended.

(c) The application shall contain a description of the proposed method of issuing and selling the security or securities or in respect of which the corporation is to assume any obligation or liability as guarantor, endorser, surety, or otherwise. Such description shall indicate whether the proposed issuance of securities or borrowing of capital has been exempted by the Commission from the competitive bidding requirements of § 25.305 (d) and (e), whether it is the subject of a pending application for such an exemption, or whether it is exempt from competitive bidding pursuant to § 25.305(a) (1), (2), or (3).

(d) Except where the issuance of securities is encompassed by § 25.305(a) (1), (2), or (3), the corporation in its application shall either:

(1) Set forth the proposed method of complying with the competitive bidding requirements of § 25.305 (d) and (e) including a summary of the principal terms of the proposed invitation as part of exhibit F to the application; or

(2) Apply for exemption from the competitive bidding requirements of § 25.305 (d) and (e). Such an application may be made only where the corporation has not, prior to the filing of the application, engaged in any negotiation for the sale or underwriting of the securities and engages not to do so prior to Commission action on the application for exemption, and the application so indicates. Such application for exemption may be filed as part of an application for securities authorization, or as a separate application filed at any time prior to the filing of such an application for securities authorization. The Commission, however, will not normally act on such application for exemption until after the application for authorization has been filed. The application for exemption shall show the specific grounds relied on as warranting the findings referred to in § 25.305(a) (5). If an application for such exemption is denied by the Commission after the application for securities authorization has been filed, the requirements of paragraph (d)(1) of this section shall be complied with by amendment to the application.

(e) The application shall contain the fees, commissions, and expenses paid or incurred, or to be paid or incurred, directly or indirectly, by the corporation in connection with either the negotiation for the issuance or sale, or the issuance or sale, of the proposed security or securities, or for services in securing underwriters, sellers, or purchasers of a security or securities. This information shall be separated into categories and each person or class of persons to whom such fees or commissions have been or are to be paid and the relationship of such person or persons to the corporation, if any, shall be identified.

(f) The corporation shall state in its application, in reasonable detail, the reasons for the proposed issuance, sale, or assumption and whether the proceeds from such issuance, sale, or assumption will be utilized for services or facilities presently authorized by the Commission or for such services or facilities for which an application for authorization is pending or for which future authorization will be sought. The application should include the following:

(1) If the securities are to be issued or sold or the assumption undertaken to acquire property, facilities, or services, or for the extension, or improvement of existing facilities:

(i) A full description of the property, facilities, or services to be acquired or modified and if real property is to be acquired, the location thereof;

(ii) A statement as to how the acquired property, facilities, or services are to be utilized and how such utilization is in furtherance of the corporation's statutory obligations and responsibilities;

(iii) The name and address of the person, firm, or other entity doing the extension or improvement or from whom such property facilities, or services are to be acquired;

(iv) The price or other consideration to be paid or given for such extension, improvement, property, facilities, or services. A copy of the purchase agreement or other contract shall be attached

as part of exhibit F or filed as soon as it is available;

(v) The original cost and any additions or alterations made to the property proposed to be acquired from the date from which original cost is calculated, and the accrued depreciation thereon; (If the amounts of any of these items are not ascertainable, estimates may be supplied indicating the basis for and the method used, in determining such estimates including a statement as to the depreciation method used);

(vi) If such property proposed to be acquired has been used previously in telecommunications, indicate the date first used as such and the name of the person or persons previously owning or using the property;

(vii) A statement indicating the methods by which such acquisitions are to be made, the reason therefor, and the use to which such acquisitions are to be put;

(viii) If Commission authorization for the acquisition of the property if required, reference should be made to any application filed for such authorization or to any Commission action taken with regard thereto;

(2) If the securities are to be issued or sold or the assumption undertaken for the acquisition of any interest in any corporation or other business entity, either foreign or domestic, whether by purchase of securities or otherwise;

(i) The name and address of the corporation or business;

(ii) The nature of the business carried on by such entity;

(iii) A statement as to how such an acquisition will be in furtherance of the corporation's statutory obligations and responsibilities;

(iv) The kind of securities or other interest to be acquired;

(v) The articles of incorporation or such other document that serves the same or a similar function;

(vi) A statement as to whether any officer or director of the corporation has or had had a financial connection with such other corporation or entity, the nature of any such financial connection and the time during which such connection existed;

(vii) Consideration to be paid for such acquisition; (a copy of the purchase agreement or other contract shall be included as part of exhibit F, or filed as soon as it is available);

(viii) The reasons for such acquisition, and a description of the negotiations leading to the proposed acquisition; and

(ix) If Commission authorization for the acquisition is required, reference should be made to any application filed for such authorization or to any Commission action taken with regard thereto;

(3) If the securities are to be issued or sold or the assumption undertaken for the discharge or refunding of any securities previously issued or debt previously incurred:

(i) A full description of the securities or indebtedness to be discharged or refunded;

(ii) The unamortized costs of issue, unamortized discounts or premiums, and the proposed accounting treatment relating thereto; and

(iii) The facts relied upon by the corporation indicating that an economic or other benefit is to be derived by the corporation through the proposed refunding or discharge;

(4) If the securities are to be issued or sold or the assumption undertaken for the reimbursement of the corporation's treasury for expenditures against which securities have not previously been issued:

(i) A general description of such expenditures;

(ii) A statement as to how such expenditures were in furtherance of the corporation's statutory obligations and responsibilities;

(iii) The amounts and accounts which were charged and the source of funds for such expenditures;

(iv) The period of time during which such expenditures were made; and

(v) A reference to the Commission action authorizing such expenditures or a statement that such authorization was not required under existing law;

(5) If the securities are not to be issued for cash proceeds, but are to be issued directly for the acquisition of property or services:

(i) The basis upon which the issuance is to be made;

(ii) A statement as to how the acquired property or services are to be utilized and how such utilization is in furtherance of the corporation's statutory obligations and responsibilities; and

(iii) A reference to the Commission action authorizing such an acquisition or a statement that such authorization is not required under existing law;

(6) If the securities are to be issued, sold or the assumption undertaken for a purpose other than one listed herein, the application shall provide information comparable to that required in subparagraphs (1)–(5), inclusive, of this paragraph concerning the proposed use of whatever is to be obtained from such issuance sale or assumption.

(g) If the corporation proposes to issue voting stock, the application for authorization shall set forth a procedure to be followed to insure compliance with the requirement of section 304(b)(2) of the Communications Satellite Act of 1962, as amended, that 50 percent of the shares of stock involved in the proposed issuance are held in reserve for possible purchase by communications common carriers authorized by the Commission to own voting stock in the corporation, and that such carriers, in the aggregate, will not purchase the reserved shares in a total number that exceeds the total number of nonreserved shares of the proposed issuance purchased by other persons.

(1) When the following information relating to the proposed purchase of voting shares by authorized common carriers becomes available, it will be submitted to the Commission either as part of the application for authorization or as an amendment thereto:

(i) The number and kind of voting shares in the proposed issuance subscribed to by each authorized common carrier;

(ii) The total number of voting shares in the proposed issuance subscribed to by all authorized common carriers;

(iii) The terms and conditions of each proposed sale to authorized common carriers, if such terms and conditions differ from those that pertain in a sale of such security to either the general public or institutional investors;

(iv) The total number of voting shares previously issued by the corporation and now owned or held by each carrier that is subscribing to purchase voting shares in the proposed issuance; and

(v) The total number of voting shares that will be outstanding if the proposed issuance is authorized and if the authorized carriers that have subscribed to purchase voting shares in the proposed issuance do purchase according to their subscription, the percent of the total outstanding voting shares that will be owned by all authorized common carriers directly or indirectly through subsidiaries or affiliated companies, nominees or any persons subject to their direction or control.

(2) If the corporation proposes to issue or sell securities, other than voting securities, to any communications common carrier, it shall state in the application for such issuance or sale:

(i) The number and kind of securities proposed to be issued or sold to each such communications common carrier;

(ii) The amount of capital advanced, or the fair market value of any property leased or otherwise given for such securities to the corporation by each such carrier;

(iii) The purpose of the issuance or sale and the reason for such issuance or sale to a communications common carrier; and

(iv) The total number and kind of securities, both voting and nonvoting, previously issued by the corporation and now owned or held by each such carrier.

(h) The corporation shall state in the application for authorization whether any application, registration statement or other filing with respect to the proposed issuance or assumption, or any part thereof has been or will be filed with any Federal, State or District of Columbia regulatory body or agency, other than the Commission, and the nature and status of each such filing.

§ 25.312 Required exhibits.

There shall be filed with the application for authorization, as a part thereof, the following exhibits which, in a transaction involving an assumption of an obligation in respect of the security or

securities of another person, shall be furnished, where appropriate, by both the corporation and the person whose obligation is being assumed;

(a) Exhibit A shall include:

(1) A balance sheet as of a date not more than 90 days prior to the date of filing the application;

(2) An income statement for the 12 months ending as of the date of the balance sheet;

(i) The aforementioned financial statements shall set forth in adjoining columns the amounts per books, the pro forma adjustments, and the amounts pro forma giving effect to the proposed transactions, supported by a statement of the pro forma adjusting journal entries with sufficiently detailed explanation to reveal clearly the nature of each such transaction;

(3) A copy of the most recent financial statements prepared by independent auditors;

(4) A statement of the proposed accounting treatment to be given to all premiums, discounts, and expenses which might result from the proposed issuance or assumption;

(5) A statement of any material change in the financial status of the corporation or of the person whose obligation is being assumed by the corporation that occurred subsequent to the date of the aforementioned balance sheet. This may either be filed with the application or, if the change occurs after the application is filed, as an amendment thereto:

(b) Exhibit B shall include the following documents:

(1) A copy of all resolutions of the board of directors of the corporation authorizing the issuance or sale of securities or assumption of obligation and where an obligation is being assumed by the corporation, a copy of all resolutions of the board of directors of the person whose obligation is being assumed;

(2) If stockholder approval is required for such issuance, sale or assumption, a copy of the stockholder resolution of the corporation or person whose obligation is being assumed.

(c) Exhibit C shall include:

(1) A statement indicating whether any officer or director of the corporation presently has or has had at any time during the preceding 6 months any financial connection with any person to be engaged in the underwriting, sale or other distribution of the proposed securities or the lending of capital, or with any person from which the corporation is intending to acquire property or services in respect of the proposed issuance, sale or assumption;

(2) The statement of the exact nature and extent of each such financial connection.

(d) Exhibit D shall include:

(1) A copy of any registration statement and any financial statements filed in connection therewith with the Securities and Exchange Commission, including any amendments thereto;

(2) A copy of all applications filed with any other Federal, State or District of Columbia agency or regulatory body relating to the proposed transaction. A certified copy of any agency or regulatory order relating to such application shall be submitted as part of the exhibit or as soon as it becomes available.

(e) Exhibit E shall include:

(1) A copy of any mortgage, indenture, or other instrument under which it is proposed to issue or sell the proposed securities;

(2) Any other constituent instrument defining or limiting the rights of the holders of the securities proposed to be issued, sold, or assumed, including any amendments thereto presently proposed.

(f) Exhibit F shall include:

(1) Any agreement or contract relating to the negotiations or preparation for the issuance, sale, or assumption of the proposed securities;

(2) Any agreement or contract executed or proposed relating to the proposed issuance or assumption, including any purchase, sale, underwriting, dealer, credit, or loan agreement;

(3) A copy of the invitation for bids or proposals, statement of terms and conditions relating to bids, form of bids, and purchase agreement; and

(4) A copy of any contract or other agreement relating to the use of the proceeds to be realized from the proposed issuance, sale or assumption.

Drafts of any of the foregoing may be filed with the application if final documents have not been executed, provided that copies of the final documents are filed immediately upon execution.

(g) Exhibit G shall include:

(1) An opinion of counsel indicating whether or not the proposed issuance, sale or assumption:

(a) Is in conformity with all applicable laws, rules, and regulations;

(b) Is necessary or appropriate for or consistent with the corporation's carrying out the purposes and objectives of the Communications Act of 1934, and the Communications Satellite Act of 1962, as amended; and

(c) Will constitute a legal and binding obligation on the part of the corporation.

The names and addresses of counsel and the names and addresses of any firms of which they, or any of them, are members shall be submitted. If such counsel is an employee or officer of the corporation, so indicate.

§ 25.313 Application—procedures, format, signing and fees.

(a) If any information required to be filed by this subpart is contained in any document previously or concurrently filed with the Commission pursuant to any statute administered by it or pursuant to any of its rules and regulations, the application may incorporate such information by exact and specific reference to such previous or concurrent filings. The Commission may refuse to permit such incorporation in any instance where, in its opinion, it could be confusing, misleading, or inadequate;

(b) Notwithstanding the specific requirements of this subpart, the corporation should include in the application for authorization all relevant and material information bearing upon the proposed transaction. The Commission may, upon written request of the corporation, permit the omission of any information required herein if such information is not known to the corporation and cannot be obtained with reasonable effort and expense, or, if in the Commission's opinion, it is not necessary for a proper consideration of the application. The Commission may request such further information or exhibits as, in its opinion, may be necessary or appropriate.

(c) Each application for authorization shall be accompanied by the fee prescribed in subpart G of part 1 of this chapter.

(d) All applications shall be typewritten or prepared by mechanical processing methods on paper, 8 by 10½ inches in size, with the left hand margin not less than 1½ inches wide. The impression shall be on one side of the paper only and double spaced. All copies must be clearly legible. The original application and five copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original.

(e) Every application or amendment thereto shall be personally signed by an officer of the corporation empowered by the board of directors to sign such applications. Only the original of the application and amendments thereto need be signed; copies may be conformed. Applications and amendments thereto need not be signed under oath. However, willful false statements made therein are punishable by fine and imprisonment, 18 U.S.C. section 1001 (1970), and by appropriate administrative sanctions.

(f) Applications not in accordance with the requirements of this subpart may be deemed defective and returned by the Commission without acceptance for filing and consideration. The assignment of a file number to an application is for administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 25.314 Procedures upon filing application.

(a) Within 15 days following the issuance of a public notice of the Commission's acceptance for filing of an application for authorization, or within such other time as designated in such public notice, any interested person may file comments with respect to the application. Copies of these comments shall be served by the interested person on the corporation which will be afforded 5 days from the last date allowed for filing comments in which to file comments in reply.

(1) No action, however, will be taken on an application until the information required by §§ 25.311–25.312 is furnished and, where appropriate, reasonable opportunity to comment thereon is afforded interested parties.

(b) If, upon examination of an application for authorization together

with any comments filed in respect thereto, the Commission is unable to make a finding that the requested authorization is compatible with the public interest, convenience and necessity and is necessary or appropriate for or consistent with the corporation's carrying out the purposes and objectives of the Communications Satellite Act of 1962, as amended, the application for authorization may be denied, granted in part, or granted with such modifications and upon such terms and conditions as the Commission may deem necessary in order for it to make the requisite finding.

(c) To enable the Commission to determine whether such a finding should be made and the application for authorization granted, the Commission either on its own motion or on a motion filed by the corporation, may hold an on the record hearing or an oral argument, make such additional inquiries or investigations, examine such witnesses, books, papers, documents, contracts, and other records or institute other proceedings, as in its discretion, it deems appropriate.

§ 25.315 Publications concerning proposed transaction.

(a) Any prospectus, offering circular, or any other written or oral publication concerning the proposed issuance or sale of securities or the assumption of obligation in respect of the securities of another person by the corporation shall contain a statement indicating that:

(1) Commission authorization for such issuance, sale or assumption is required;

(2) (i) No such authorization has been obtained and an application for such authorization is pending with, or will be submitted to, the Commission or (ii) such authorization has been granted; and

(3) Such Commission authorization does not imply any guarantee or obligation on the part of the Commission or of the United States as to the availability of such securities, or as to any term or condition under which such securities are offered or such assumption undertaken, or as to any other matter whatsoever in respect to such issuance, sale or assumption.

§ 25.316–25.320 [Reserved]

§ 25.321 Reports and certificates.

(a) The corporation shall file the following documents with the Commission within 10 days after the date of the consummation of any transaction authorized pursuant to this subpart except those made pursuant to § 25.304:

(1) A report containing the names of the purchasers in bulk and underwriters, the terms of the several proposals received, the names of the persons, or in the case of a group proposal, the names of the manager of the group and participants therein, submitting proposals and the final prospectus used in connection with such issuance or sale;

(2) A "past tense" opinion of counsel stating whether or not, in the opinion of counsel, the transaction has been carried out in accordance with the Commission order authorizing such transaction.

(b) The corporation shall file the following documents with the Commission concerning the use of the proceeds realized from any transaction authorized pursuant to this subpart, except those made pursuant to § 25.304:

(1) No later than 90 days following the date of the authorized transaction and thereafter within 30 days of each 6-month period following such transaction, until the proceeds have been completely utilized, a report shall be filed detailing how the proceeds of such transaction have been utilized by the corporation;

(2) If the proceeds are not being utilized as stipulated in the application for authorization, a statement shall be included in the report submitted pursuant to paragraph (b)(1) of this section indicating the reasons for such changes; and

(3) A "past tense" opinion of counsel stating whether or not, in the opinion of counsel, the proceeds from the authorized transaction have been utilized by the corporation in accordance with the terms and conditions of the Commission order authorizing such transaction. This opinion shall be filed with the final report submitted pursuant to paragraph (b)(1) of this section.

§ 25.322 Conflict of interest.

(a) The corporation shall not enter into any contract or agreement or make any arrangement for the issuance or sale, nor shall it issue or sell, directly or indirectly, any of its securities to any person engaged in the underwriting, sale or distribution of securities or lending of capital if any officer or director of the corporation has or has had, at any time within the 6 months' immediately preceding the proposed issuance, sale or assumption, a financial connection with such person. This subparagraph applies only to the initial underwriting, sale and distribution of a new issue of securities and is not a restriction on the further purchase or sale of the corporation's securities by any person engaged in such transactions on a day to day basis. This subparagraph is also not applicable to the sale of the corporation's voting stock to communications common carriers authorized by the Commission to own such stock.

(b) No officer or director of the corporation shall accept from any source any fee, remuneration or other benefit whether in money or other thing of value with respect to the negotiation, issuance or sale of any securities issued or to be issued by the corporation or any assumption of an obligation in respect of the securities of another person, nor shall any officer or director share in the proceeds of such issuance, sale or assumption.

(c) Subject to any other applicable statute, rule or regulation, nothing contained in paragraphs (a) and (b) of this section shall preclude any officer or director of the corporation from having a financial connection with any other person provided that such other person does not participate in the initial underwriting, sale, purchase or other distribution of a new security of the corporation or in the assumption of obligation in respect of the securities of another person by the corporation.

§ 25.323 Stock ownership and financial connection reports.

Every officer and director of the corporation shall, within 15 days after the effective date of this subpart or within 15 days after taking office and annually thereafter, or at such other times as the Commission may require, file with the Commission a report describing the exact nature of any financial connection such officer or director has or has had within the preceding 12 months with any person engaged in any phase of securities underwriting, investment banking, the lending of capital or other similar financial activities.

§ 25.324 Limit on ownership of corporation stock.

Any limitation proposed by the corporation restricting the number of voting shares which may be owned or held by a stockholder, not an authorized common carrier, or which may be owned or held by any syndicate or affiliated group of such stockholders, below 10 percent of the voting shares of the corporation issued or outstanding shall become effective only in accordance with the provisions of this section.

(a) Whenever the corporation proposes to impose any such limitation, it shall file an application with the Commission at least 45 days prior to the proposed effective date of this limitation setting forth the following:

(1) The resolution of the board of directors of the corporation containing the proposed limitation;

(2) The facts relied upon by the board to show that the proposed limitation is necessary or appropriate for or consistent with the purposes and objectives of the Communications Satellite Act of 1962, as amended.

(b) Within 15 days following the issuance of public notice of the Commission's acceptance for filing of an application filed pursuant to this section, or within such other time as designated in such public notice, any interested person may file comments with respect thereto. Copies of these comments shall be served by the interested person on the corporation which will be afforded 10 days from the last date afforded for filing comments in which to file comments in reply.

(c) Upon examination of the application together with any comments pertaining thereto, the Commission will either (i) determine that the proposed limitation is consistent with the purposes and objectives of the Communications Satellite Act of 1962, as amended and will issue an authorization or, (ii) if it is unable to so find, it will deny such application or institute such further proceedings as it deems appropriate.

[FR Doc.73-12467 Filed 6-20-73;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 TREASURY

Bureau of Customs

[T.D. 73-167]

FOREIGN CURRENCIES

Certification of Rates

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from June 1 through June 8, 1973. This table is published for the information and use of Customs officers and others concerned, and denotes those currencies which vary by 5 percent or more from the quarterly rate published in T.D. 73-108.

[SEAL]

G. H. HEIDBREDER,
Acting Director, Appraisement and Collections Division.

Country	Currency	June 1	June 4	June 5	June 6	June 7	June 8
Australia	Dollar	Q	Q	Q	Q	Q	Q
Austria	Schilling	$0.0511	$0.0516	$0.0515	$0.0520	$0.0521	$0.0522
Belgium	Franc	.026290	.026738	.026750	.026200	Q	.026330
Canada	Dollar	Q	Q	Q	Q	Q	Q
Ceylon	Rupee	Q	Q	.1660	Q	.1660	.1660
Denmark	Krone	Q	.1697	.1720	.1685	.1685	.1685
Finland	Markka	Q	Q	Q	Q	Q	Q
France	Franc	.2308	.2364	.2360	.2308	.2304	.2312
Germany	Deutsche Mark	.3733	.3835	.3840	.3793	.3779	.3812
India	Rupee	Q	Q	Q	Q	Q	Q
Ireland	Pound	Q	Q	Q	Q	Q	Q
Italy	Lira	Q	Q	Q	Q	Q	Q
Japan	Yen	Q	Q	Q	Q	Q	Q
Malaysia	Dollar	Q	Q	Q	Q	Q	Q
Mexico	Peso	Q	Q	Q	Q	Q	Q
Netherlands	Guilder	.3576	.3645	.3650	.3580	.3568	.3594
New Zealand	Dollar	Q	Q	Q	Q	Q	Q
Norway	Krone	.1781	.1820	.1814	.1780	.1780	.1790
Portugal	Escudo	Q	Q	.0417	.0421	.0423	.0423
Republic of South Africa	Rand	Q	Q	1.5000	Q	Q	Q
Spain	Peseta	Q	Q	Q	Q	Q	Q
Sweden	Krona	.2339	.2385	.2383	.2336	.2335	.2348
Switzerland	Franc	.3253	.3300	.3280	.3257	.3238	.3246
United Kingdom	Pound	Q	Q	Q	Q	Q	Q

Q—Use quarterly rate published in T.D. 73-108; daily rate did not vary by 5 percent or more.

[FR Doc.73-12314 Filed 6-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

LOUISIANA

[ES 10960]

Notice of Proposed Withdrawal and Reservation of Land

The Property Management and Disposal Service, General Services Administration, has filed application ES 10960 for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights.

LOUISIANA MERIDIAN

T. 12 S., R. 6 E.,

Sec. 79, the westernmost part not patented as part of lot 1, section 6, based on the public land survey plat of October 2, 1830.

Containing approximately 17.50 acres in Iberia Parish, La.

The General Services Administration desires the land for use in connection with its disposal program for the former New Iberia Naval Auxiliary Air Station.

On or before July 25, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Md. 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

LOWELL J. UDY,
Director,
Eastern States Office.

JUNE 14, 1973.

[FR Doc.73-12378 Filed 6-20-73;8:45 am]

[Wyoming 15419]

WYOMING

Proposed Withdrawal and Reservation of Lands

JUNE 13, 1973.

Notice of Bureau of Land Management, U.S. Department of the Interior application, serial No. Wyoming 15419, for the withdrawal of certain vacant public domain lands, and patented lands with mineral estate owned by the United States, pursuant to the authority of Executive Order 10355, was published in the FEDERAL REGISTER, FR Doc. 68-11660, on pages 14477 and 14478 of the issue for September 26, 1968; amended by FR Doc. 68-12295, on page 15078 of the issue for October 9, 1968, and corrected on page 15883 of the October 26, 1968 issue. The Bureau partially cancelled the application in FR Doc. 69-1506 which published February 6, 1969 on page 1776. FR Doc. 69-6820, on page 9222 of the June 11, 1969 issue further amended the application. The Bureau again cancelled the application in part in FR Doc. 70-10148 which published August 5, 1970 on page 12485. In a notice published in the FR Doc. 73-10320, on page 13682 of the issue for May 24, 1973 additional lands were proposed for inclusion in the withdrawal application.

The subject notice is hereby amended to change the segregative effect of the proposed withdrawal as to the vacant national resource lands (formerly called the public domain) by opening them to private exchange.

The lands affected by this amendment are:

SIXTH PRINCIPAL MERIDIAN

VACANT NATIONAL RESOURCE LANDS

T. 47 N., R. 86 W.,
Sec. 5, lot 3;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼NW¼, SE¼SW¼, and SE¼;
Sec. 15, SW¼SE¼;
Sec. 34, NE¼NW¼.
T. 46 N., R. 87 W.,
Sec. 1, N½SE¼.
T. 47 N., R. 87 W.,
Sec. 22, SE¼NW¼, SE¼NE¼NW¼, and SE¼SW¼NW¼;
Sec. 28, S½SW¼;
Sec. 33, SW¼NW¼ and S½NE¼;
Sec. 34, S½NW¼.

The areas described aggregate a total of 819.53 acres of vacant national resource lands.

JESSE R. LOWE,
Acting State Director.

[FR Doc.73-12379 Filed 6-20-73;8:45 am]

Office of the Secretary

OIL SHALE LANDS IN STATES OF COLORADO, UTAH, AND WYOMING

Applications for Permits To Conduct Informational Core Drilling

This notice was published in the FEDERAL REGISTER on Wednesday, June 30, 1971, (36 FR 12319-12320) and is hereby extended for an additional period of 2 years from June 30, 1973.

1. For a period of 2 years from the date of the publication, applications may be filed for special land-use permits to conduct informational core drilling in order to allow the evaluation of the environmental characteristics, hydrology, and the oil shale resources of specific sites on oil shale lands situated in the States of Colorado, Utah, and Wyoming. Any interested party may obtain a permit to conduct informational core drilling by filing an application for a special land-use permit in the Bureau of Land Management Land Office, or any successor Office (hereinafter referred to as the Land Office), having jurisdiction over the lands sought for core drilling. Except as otherwise provided herein, applications shall be filed in accordance with the provisions of 43 CFR 2920. No specific form of application is required. The application must be accompanied by a Notice of Intent to Drill, U.S. Geological Survey Form 9-331-A, and a description of the proposed exploration program, including a description of the lands and the number and location of core holes to be drilled. Upon the filing of an application, the proposed exploration program included therewith shall be made available to the public for inspection. If the lands have been surveyed under the public land rectangular system, each application shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each application for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys.

2. Applicants for permits shall be required, upon issuance of a permit, to afford other parties a period of at least 120 days in which to participate in the proposed drilling program. A participant shall be required to pay a pro rata share of the cost of the program described in the application, including any subsequent modifications of the program by the Regional Mining Supervisor, U.S. Geological Survey (hereinafter referred to as the Mining Supervisor). The applicant must publish a notice once every 30 days for three consecutive 30-day periods in at least two mining or oil and gas trade journals and two newspapers of general circulation in the area where the lands covered by the permit application are situated. The notice must contain an invitation to the public, open for a period of 120 days from the date of the first publication, to participate in the proposed informational drilling program.

3. Prior to publication, the notice referred to in paragraph 2, and the news sources in which it is to be published, must be approved by the Land Office and the proposed exploration program must be approved by the Mining Supervisor. Upon the grant of the approvals referred to in this section, a special land-use permit to conduct informational core drilling will be issued to the applicant.

4. Copies of all notices of invitations to participate under a core drilling permit must be filed with the Land Office upon each publication and, thereafter, will be posted in that Office. The names of parties electing to participate under a permit, if any, shall be furnished to the Land Office at the close of the period provided for election to participate.

5. Detailed requirements and stipulations pertaining to operations and environmental protection shall be made known to an applicant prior to approval of an application and shall be incorporated in any permit that may be issued by the Department. For general information concerning such requirements and stipulations, interested parties are referred to the "Program Statement for the Proposed Prototype Oil Shale Leasing Program," published by the U.S. Department of the Interior, Washington, D.C., June 1971.

6. If a special land-use permit is issued, the permittee shall be required to file with the Mining Supervisor, prior to the commencement of operations on the lands covered by the permit, a detailed drilling plan which must include location of holes, drilling method, size of hole, size of core, length and size of casing, safety precautions, abandonment procedures, and a schedule of the projected time period during which the work is to be performed, including starting and completion dates. Operations under the permit shall not be commenced until the Mining Supervisor has approved the detailed drilling plan.

7. A permittee shall be required, among other things, to: (1) Commence drilling operations within 1 year from the date of approval of a detailed drilling plan for the permit; (2) conduct his operation in such a manner as not to interfere with or endanger operations on any existing or future mineral lease, nor interfere with or endanger other land uses; (3) conduct his operations in such a manner as to preserve and protect the environment, including land, water, and air, and to protect and conserve other natural resources; (4) comply with all applicable Federal, State, and local regulations or requirements pertaining to these operations, including the regulations in 43 CFR part 23 and 30 CFR 231; (5) post a $5,000 bond with the Department for each special land-use permit issued to cover damages that may be caused to the environment or resources, either onsite or offsite, by construction, maintenance, and use of roads or trails, or by other activities conducted under the permit; and (6) post a $5,000 bond with the Department for each informational core hole to be drilled, to assure compliance with regulations for drilling and abandonment operations (30 CFR 231 and 43 CFR pt. 23).

8. All data obtained by a permittee shall be shared with the Department of the Interior, at no cost to the Federal Government. Resource data, but not environmental data, which is made available to the Department by the permittee, shall be treated as confidential proprietary information for not more than 5 years or until the permit lands are leased for oil shale, whichever is sooner.

9. Neither the permittee nor any participant under a special land-use permit shall acquire any right to a lease or to preferential treatment, nor shall equities of any kind be deemed to accrue, as a result of informational core drilling conducted under such a permit. Permittees and participants shall be required to stipulate that data acquired from such informational core drilling shall not be relied upon to support an application for patent or lease, nor be submitted as evidence in any administrative contest or court proceeding concerning the validity of mining claims or the validity of sodium preference right lease applications on oil shale lands.

Date June 15, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-12405 Filed 6-20-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of Plant and Operations

FEE SCHEDULE

Pursuant to the authority delegated to the Director, Office of Plant and Operations, in title 7, Code of Federal Regulations, § 1.2(b), there is published the following:

FEE SCHEDULE

SECTION 1. *General.*—This notice sets forth the policy on providing copies of records, including photographic reproductions, microfilm, maps, and mosaics, related services, and the fees therefor. The agencies of the Department will be guided by these procedures in making copies available to the public, and in the collection of appropriate fees.

SEC. 2. *Facilities.*—Records and related services are available at the locations specified by the agencies in their statements of organization and services. Each agency establishes procedures to facilitate public inspection and copying of records. Any materials offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such materials for public sale.

Agencies do not stock copies of forms and publications or maintain records at any facility which does not of itself require these materials in its operations.

SEC. 3. *Fees for materials and services.*—All agencies of the Department shall be guided by the fees set forth herein. Any changes or additions to this fee schedule shall be made by amendment to or revision of this schedule. Agencies may set their own fees on specialized materials, such as printouts, magnetic tapes, directives, handbooks, building plans,

and other material unique to any one agency. Where a fee has not been established in this schedule, an appropriate fee will be set by the individual agency.

SEC. 4. *Circumstances governing exceptions to the charging of fees for records and related services* (for photographic reproductions, see sec. 12).—A. *Waiver of fees for records and related services.*—Fees may be waived under the following conditions:

1. Where individual collections are $1 or less.

2. Where individual collections are more than $1 and the total cost of collecting the fees would be an unduly large part of the receipts.

3. Where the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country.

4. Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.

5. Where payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program involved, all or part of the fee may be waived.

B. *Fees not to be charged for records and related services.*—Fees shall not be charged under the following conditions:

1. When the furnishing of records and related service benefits the public.

2. When filling requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number.

3. When members of the public provide their own copying equipment, in which case no copying fee will be charged.

4. When any notices, decisions, orders, or other material are required by law to be served on a party in any proceedings or matter before any Department agency.

SEC. 5. *Limitations of copies.*—Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

When transcripts are requested which have been provided the Department under a reporting service contract which requires that copies of transcripts be sold only by the contractor, the public may be shown a copy of the transcript. However, the agency shall refer the public to the contractor for purchase of copies.

SEC. 6. *Searches and deletions.*—Because of the nature of the Department's business and records, the normal location of a document in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing reasonably specific description of the record.

Where a requested record is not discovered by normal location efforts, or where deletion of part of a record is necessary, the office will notify the requester of that fact and require payment of the estimated search or deletion charge as prescribed in the fee schedule in advance before further efforts are undertaken to locate the requested record. Such searches shall be limited by availability of time and staff to perform them and to locations where the record would reasonably be expected to be found.

SEC. 7. *Payments of fees and charges.*—Payments will be made to the fullest extent possible in advance or at the time of the transaction. Except as otherwise stipulated by agency procedures, payment shall be made by check, draft, or money order made payable to Treasurer of the United States, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department Office.

SEC. 8. *Fees for records and related services.*

Class of service	Unit	Price	Minimum
Photocopies 8½" by 14" or smaller.	Each	$0.10 first copy.	No minimum.
	do	$0.05 additional copies.	
Certifications	do	$1 additional to any other charge.	$1.
Authentications under Department Seal (excluding aerial photographs).	do	$2 additional to any other charge.	$2.
Searches and deletions.	do	$1 each 15 minutes or fraction thereof.	$4.

An additional handling charge of $0.50 for each order may be imposed when a request must be sent to another office for filling, or request is handled by mail.

SEC. 9. *Photographic reproduction, microfilm, mosaic, and maps.*—Reproduction of such aerial or other photographic microfilm, mosaic, and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as prescribed in this schedule.

SEC. 10. *Agencies which furnish photographic reproductions.*—a. *Aerial photographic reproductions.*—The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS).
Forest Service (FS).
Soil Conservation Service (SCS).

b. *Other photographic reproductions.*—Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service.
Forest Service.
Office of Communication.
Soil Conservation Service.
National Agricultural Library.

SEC. 11. *Photographic Sales Committee.*—The Photographic Sales Committee consists of representatives designated by Department agencies principally concerned with the sale of photographic reproductions. The Committee recommends prices at which photographic and mosaic reproductions, except library material, shall be sold, and other matters related to photographic reproductions.

SEC. 12. *Circumstances under which photographic reproductions may be provided free.*—Reproductions may be furnished free at the discretion of the agencies of the Department to:

a. Press, radio, television, and newsreel representatives for dissemination to the general public.

b. Agencies of State and local governments which are carrying on a function related to that of the Department when furnishing the service will help to accomplish an objective of the Department.

c. Cooperators and others in furthering agricultural programs. As a general rule, only one print of each photograph should be provided free. Care should be exercised in approving requests for free prints to determine that such action is in the public interest.

SEC. 13. *Loans.*—Aerial photographic film negatives or reproductions may not be loaned to the general public.

SEC. 14. *Sales of positive prints under Government contracts.*—The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, county extension agents, and other agencies cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

SEC. 15. *Procedure for handling orders.*—In order to expedite handling, all orders shall contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

SEC. 16. *Photographic reproduction prices.*—The prices for photographic reproduction listed here are for the most generally requested items.

a. *National Agricultural Library.*—The following prices are applicable to National Agricultural Library items only:

Microfilm—$1 for each 30 pages or fraction thereof.
Photoreproduction—$1 for each 10 pages or fraction thereof.

b. *General photographic reproductions.*—Minimum charge—$1 per order. All sizes are approximate. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

Class of work:	Unit and price
1. Black and white copy negatives and film positives:	
4 by 5	each $3.30
5 by 7	do 3.55
8 by 10	do 4.20
11 by 14	do 6.80
2. Black and white enlargements:	
Up to 8 by 10	do 2.40
11 by 14	do 4.20
Over 11 by 14	per square foot 3.30
3. Reductions (from any size negative)	3.00
4. Mounting	per square foot 2.10
5. Slides:	
Black and white (from copy negative):	
2 by 2 cardboard mounted	each 2.40
3¼ by 3¼	do 3.60
Original color (from flat copy)	do 1.80
Duplicate color (2 by 2 cardboard mounted)	do .30
(Duplicate color slides are slides copied from 35 mm color slides only.) Slide made from black and white material, or from transparencies larger or smaller than 35 mm, will be charged at the same rates shown for black and white and original color slides.	
6. Color transparencies (4 by 5)	do 8.00
7. Color prints	by quotation
8. Current USDA slide sets in stock:	
1 to 50 frames	13.00
51 to 60 frames	14.00
61 to 75 frames	15.50
76 to 95 frames	17.50
96 to 105 frames	18.50
106 to 130 frames	21.00
(Prices include printed narrative guide.) The following can be purchased for the corresponding slide sets above:	
Cassettes	3.00
Records	3.00
Audiotape	1.50
9. Milk sedimentation standards (5 by 7 black and white photograph)	each 1.25
10. Seeds and seedlings (any size)	do 2.40

c. *Aerial photographic reproductions.*—No minimum charge on aerial photographic reproductions. Single or double weight paper not ferrotyped (double weight, semimatte furnished, unless otherwise specified). All contact prints and enlargements unmounted and untrimmed.

1. *Contact prints.*—The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

Size 9 by 9 inches on commercial grade paper

Quantity	Price each
1 to 25	$1.75
Excess over 25	1.00
For polyester base paper, add $0.75 for contact print (available from ASCS only).	

Size 70 mm contact prints

1 to 25	1.25
Excess over 25	1.00

2. *Enlargements (projection prints).*—The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered. For "scale accuracy" add $0.50 per print.

Size 9 by 9 inches (from 70 mm)

Quantity	Price each
1 to 25	$1.75
Excess over 25	1.25

Size 12 by 12 inches

1 to 25	3.00
Excess over 25	2.50

Size 17 by 17 inches

1 to 25	3.50
Excess over 25	3.00

Size 24 by 24 inches

1 to 25	4.50
Excess over 25	3.50

Size 38 by 38 inches

1 to 25	9.00
Excess over 25	8.00
For larger size reproductions, add $2 for each additional 12 inches or fraction thereof, linear measurement.	

3. *Aerial photo-index sheets.*

Size 20 by 24 inches

Quantity	Price each
Any quantity	$3.00

4. *Film positives.*—Contact printed from aerial negatives, size 9 by 9 inches.

Quantity	Price each
Any quantity	$3.00

5. *Copy negatives.*—On film, aerial exposures, size 9 by 9 inches.

One-step method (direct duplicating film)

Quantity	Price each
1 to 25	$3.25
Excess over 25	2.75

Two-step method

Any quantity	6.00

6. *Diapositives.*—Prints on glass, size 9 by 9 inches, thickness 0.06 inch.

Quantity	Price each
1 to 25	$6.50
Excess over 25	6.00

7. *Aperture cards and printouts.*

	First unit	Each additional unit
Duplicate of an aperture card	$1.00	$0.10
Aperture card from photoindex sheet	1.00	.25
Printout from aperture card	1.00	.50

8. *Color photography.*—Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah, and San Francisco, Calif., and the Agricultural Stabilization and Conservation Service Aerial Photography Laboratory in Salt Lake City, Utah.

Quantity	Price each
Positive contact print made from negative	
First print	$7.00
Each additional print	3.00
Enlargements 9 by 9 inches (from 70 mm)	
First print	7.00
Each additional print	3.00
Enlargements 17 by 17 inches	
First print	15.00
Each additional print	9.00
Enlargements 24 by 24 inches	
First print	20.00
Each additional print	14.00
Enlargements 38 by 38 inches	
First print	25.00
Each additional print	20.00
Color film transparencies (positives or negatives):	
Contacts 70 mm	
First print	4.00
Each additional print	2.50
Contacts 9 by 9 inches	
First print	10.00
Each additional print	8.00
Enlargements 9 by 9 inches (from 70 mm)	
First print	10.00
Each additional print	8.00
Enlargements 17 by 17 inches	
First print	20.00
Each additional print	15.00
Enlargements 24 by 24 inches	
First print	30.00
Each additional print	25.00
Enlargements 38 by 38 inches	
First print	60.00
Each additional print	55.00

9. *Special needs.*—For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in section 10a, or the Coordinator, Aerial Photographic Work, of the Department of Agriculture, ASCS, 2511 Parley's Way, Salt Lake City, Utah 84109.

SEC. 17. The fee schedule published in the FEDERAL REGISTER on October 14, 1972 (37 FR 21859), is superseded by this fee schedule.

SEC. 18. *Effective date.*—The fee schedule and related procedures shall become effective upon publication in the FEDERAL REGISTER.

Dated June 15, 1973.

T. M. BALDAUF,
Director,
Office of Plant and Operations.

[FR Doc.73-12244 Filed 6-20-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet June 28, 1973, at 1:30 p.m. in room 4833 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures

which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (cocom) controls.

Agenda items are as follows:

(1) Comments on minutes of previous meeting.
(2) Review of security classification matters by the Director, Office of Export Control, Rauer H. Meyer.
(3) Presentation of papers or comments by the public.
(4) Review of work program:
(a) Organization.
(b) Objectives.
(c) Work content.
(d) Completion date.
(5) Executive session:
(a) Progress report on work program:
(1) Foreign availability, including production in U.S.S.R., Eastern Europe, and the People's Republic of China.
(2) Performance characteristics that as a minimum identify computer systems in such a way as to be both meaningful for national security and reasonable from the standpoint of administering controls.
(a) Existing security control performance characteristics.
(b) Existing security control interpretive measurements.
(3) Safeguards to prevent the diversion of a computer system to strategic uses in Eastern Europe and the U.S.S.R.
(b) Discussion of other necessary work assignments.
(6) Adjournment.

This will be the second meeting of the Computer Systems Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the computer industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the Committee. Interested persons are also invited to file written statements with the Committee.

With respect to agenda item "(5), Executive session," the Assistant Secretary of Commerce for Administration on June 15, 1973, determined pursuant to section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated June 19, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-12622 Filed 6-20-73;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 1 p.m. to 4 p.m. on Tuesday, June 26, 1973, in room B–255, building 225, of the National Bureau of Standards in Gaithersburg, Md.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, phone 301–921–3551.

Dated June 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-12539 Filed 6-20-73;8:45 am]

VOLUNTARY PRODUCT STANDARDS

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's procedures for the development of voluntary product standards (15 CFR part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the two standards identified below:

SPR 237–49, packaging, marking, and loading methods for steel products for overseas shipments.
CS 230–60, vinyl plastic weatherstrip.

Public notice of the Department's intention to withdraw these standards was published in the FEDERAL REGISTER on April 3, 1973 (38 FR 8536). No objections to the Department's intention of withdrawing either of these standards have been received by the National Bureau of Standards.

The effective date for the withdrawal of these standards will be August 20, 1973. This withdrawal action terminates the authority to refer to these standards as Voluntary Product Standards developed under the Department of Commerce Procedures.

Dated June 15, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-12425 Filed 6-20-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Issuance of Letters of Exemption

Notice is hereby given that, on June 7 and June 13, 1973, as authorized by section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)), and § 216.13 of the regulations governing the taking and importing of marine mammals (37 FR 28177, 28182, December 21, 1972), letters of exemption from the provisions of the act on grounds of undue economic hardship were issued to the following named persons authorizing them to engage in the following described activities, subject to the conditions specified in their letters:

1. On June 7, to Sea-Arama Marineworld, P.O. Box 869, Galveston, Tex. 77550, to take five Atlantic bottle-nose dolphins (Tursiops truncatus) for public display. A request to take one killer whale (Ornicus orca) and four additional dolphins was denied, on the basis that these animals are not needed immediately and were to be kept as backup animals for those already held by the applicant or to be acquired under the letter of exemption. A notice containing a summary of this application was published in the FEDERAL REGISTER on February 16, 1973 (38 FR 4586) and, after a notice in the FEDERAL REGISTER on April 6, 1973 (38 FR 8757), a public hearing to consider the application was held in Galveston, Tex., on April 24, 1973.

2. On June 13, to Mystic Marinelife Aquarium, P.O. Box 190, Mystic, Conn., to take five Atlantic harbor seals (Phoca vitulina concolor), five Atlantic bottlenose dolphins (Tursiops truncatus), and three Pacific pilot whales (Globicephala scammoni) for public display. A request to take two additional Atlantic bottlenose dolphins was not approved since these animals were not needed immediately and did not appear crucial to the opening of the facility. A notice containing a summary of this application was published in the FEDERAL REGISTER on March 29, 1973 (38 FR 8181) and, after notice in the FEDERAL REGISTER on April 6, 1973 (38 FR 8757), a public hearing to consider the application was held on April 30, 1973 in Mystic, Conn.

3. On June 13, to Henry Doorly Zoo, Deer Park Boulevard and 10th Street, Omaha, Nebr. 68107, to take three California sea lions (Zalophus californianus) for public display. A notice containing a summary of this application was published in the FEDERAL REGISTER on

April 23, 1973 (38 FR 10031). No public hearing was held.

Copies of the letters of exemption and of all documents constituting a part of the official record except documents containing information which has been determined to be exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 522(b)), are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235. Copies of each application and letter of exemption are available for inspection at the National Marine Fisheries Service Regional Offices. The regional offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731, telephone 213–831–9575; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930, telephone 617–281–0640; Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Fla. 33701, telephone 813–893–3141; Northwest Region, Lake Union Building, 1700 West Lake Avenue North, Seattle, Wash. 98109, telephone 206–442–7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Dated June 18, 1973.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.73–12464 Filed 6–20–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–629; NADA No. 13–146V]

PFIZER, INC.

Liquamycin Intramuscular With Lidocaine; Notice of Opportunity for a Hearing

In an announcement published in the FEDERAL REGISTER of July 21, 1970 (35 FR 11646, DESI 7881V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Liquamycin Intramuscular with Lidocaine, new animal drug application (NADA) No. 13–146V; marketed by Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

The announcement invited the holder of said NADA and any other interested persons to submit pertinent data on the drugs effectiveness. Pfizer, Inc. did not submit data which would establish efficacy of the drug as labeled. By letter of January 17, 1973, the Food and Drug Administration again requested that the firm submit adequate documentation in support of the labeling used. Pfizer, Inc. has not responded to said letter.

Therefore, notice is given to the holder of the NADA and to any other interested person that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 13–146V and all amendments and supplements thereto on the grounds that new information before him with respect to the drug evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products not the subject of an approved new animal drug application are covered by the NADA reviewed. Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the NADA not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Bureau of Veterinary Medicine, Division of Compliance, 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 512 of the act and the regulations promulgated thereunder (21 CFR, pt. 135), the Commissioner hereby gives the applicant and any other interested person an opportunity for a hearing to show why approval of the NADA should not be withdrawn.

On or before July 23, 1973, the applicant and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before July 23, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file on or before July 23, 1973, a written appearance requesting the hearing, giving reasons why approval of the NADA should not be withdrawn, together with a well-organized, and full-factual analysis of the data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 135.15(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating efficacy of the product for the labeling claims involved, the Commissioner will rescind this notice of opportunity for a hearing.

If review of the data in the application and the data submitted by the applicant or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new animal drug applicant, or any other interested person, a hearing is justified, the issues will be defined, an administrative law judge will be named, and he shall issue, as soon as practicable after the expiration of July 23, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the NADA will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 343–351; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated June 15, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–12422 Filed 6–20–73;8:45 am]

[DESI 607; docket No. FDC–D–634; NDA 6–340, etc.]

METHAPYRILENE CREAM AND VARIOUS OPHTHALMIC PREPARATIONS CONTAINING AN ANTIHISTAMINE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 607) published in the FEDERAL REGISTER of October 14, 1971 (36 FR 19987), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, drug efficacy study group, on the drugs described below stating that the drugs were regarded as possibly effective or lacking substantial evidence of effectiveness for their various labeled indications. No data were submitted pursuant to the

notice and the possibly effective indications have ben reclassified as lacking substantial evidence of effectiveness for all labeled indications.

NDA 6-340; those parts of the NDA providing for histadyl ophthalmic ointment and histadyl cream, both containing methapyrilene hydrochloride; formerly marketed by Eli Lilly and Co., Indianapolis, Ind. 46206.

NDA 6-456; Antistine phosphate ophthalmic solution containing antazoline phosphate; formerly marketed by Ciba Pharmaceutical Co., division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901.

NDA 7-953; Prefrin-A ophthalmic solution containing phenylephrine hydrochloride, pyrilamine maleate and antipyrine; Allergan Pharmaceuticals, Inc., 1000 South Grand Avenue, Santa Ana, Calif. 92705.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR, pt. 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before July 23, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before July 30, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before July 23, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of July 23, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated June 15, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-12423 Filed 6-20-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-169; Administrative Proceedings Division File No. Z-215]

ALBERMARLE SHORES

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On January 4, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Edward E. Leitz, Sr., president, 3707 Virginia Beach Boulevard, Virginia Beach, Va. 23452, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Vacation Properties, Inc. has filed a statement of record for Albemarle Shores located in North Carolina (OILSR No. 0-1367-38-20) effective February 10, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Edward E. Leitz, Sr., is president of the developer.

C. The address of the developer is 3707 Virginia Beach Boulevard, Virginia Beach, Va. 23452.

D. No amendments have been filed by the developer since January 4, 1973.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, The Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1412 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative

Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of January 4, 1973, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV.B.2, C3.
   Part IV.D.
   Part VIII.A.8.d.
   Part IX.A.4.
   Part XI.C.
2. Section 1710.110:
   Paragraph 2.a.
   Paragraph 2.b.
   Paragraph 8.(c).
   Paragraph 8.(d).
   Paragraph 15.(b).
   Paragraph 15.(c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the Respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12490 Filed 6-20-73;8:45 am]

[Docket No. N-73-171; Administrative Proceedings Division File No. Z-218]

CALLIMONT

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On January 4, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Harry J. Donahue, president, The Flintlock Corp., 8811 Colesville Road, suite 701, Silver Spring, Md. 20910, a notice of proceedings and opportunity for hearing by certified mail and service was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. The Flintlock Corp., has filed a statement of record for Callimont located in Pennsylvania (OILSR No. 0-1376-44-57), effective November 30, 1970, pursuant to 24 CFR 1710.21 of the interstate land sales regulations. Said statement is still in effect.

B. Harry J. Donahue is president of the developer.

C. The address of the developer is 8811 Colesville Road, suite 701, Silver Spring, Md. 20910.

D. No amendments have been filed by the developer since January 4, 1973.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718), and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of January 4, 1973, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV.B.2,C 3.
   Part IV.D.
   Part VIII.A.8.d.
   Part IX.A.4.
   Part XI.C.
2. Section 1710.110:
   Paragraph 2.a.
   Paragraph 2.b.
   Paragraph 8.(c).
   Paragraph 8.(d).
   Paragraph 15.(b).
   Paragraph 15.(c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706), and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed wth the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 *et seq.*

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 7th Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12492 Filed 6-20-73;8:45 am]

[Docket No. N-73-166; Administrative Proceedings Division File No. Z-142]

THE HEADLANDS

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On October 24, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon R. H. McIsaac, president, Creative Properties, Ltd., Beekmantown, N.Y., a notice of

proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Creative Properties, Ltd., has filed a statement of record for The Headlands, located in New York (OILSR No. 0-0873-37-4) effective December 9, 1969, pursuant to CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. R. H. McIsaac is president of the developer.

C. The address of the developer is Beekmantown, N.Y.

D. No amendments have been filed by the developer since October 24, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of October 24, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for Completion of Statement of Record, Paragraph c.
   - Part IV. B. 2, C. 3.
   - Part IV. D.
   - Part VIII. A. 8. d.
   - Part IX. A. 4.
   - Part XI. C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12487 Filed 6-20-73;8:45 am]

[Docket No. N-73-168; Administrative Proceedings Division File No. Z-176]

HIGHLAND MEADOW ESTATES

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On December 13, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Robert L. Griffith, president, United Brokers Corp., 2439 Gairloch Drive, El Paso, Tex. 79925, a notice of proceedings and opportunity for hearing, by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. United Brokers Corp., has filed a statement of record for Highland Meadow Estates located in New Mexico (OILSR No. 0-1110-36-44) effective May 8, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Robert L. Griffith is president of the developer.

C. The address of the developer is 2439 Gairloch Drive, El Paso, Tex. 79925.

D. No amendments have been filed by the developer since December 13, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material fact to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of December 13, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to § 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12489 Filed 6-20-73;8:45 am]

[Docket No. N-73-164; Administrative Proceedings Division File No. Z-98]

KAREN DEVELOPMENT

Notice of Proceedings and Opportunity for Hearing

Notice is herbey given that:

On September 13, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Moshe Tamari, president, Overseas Investors and Developers Corp., 1411 Crescent Street, suite 505, Montreal 107, Quebec, Canada, a notice of proceedings and opportunity for hearing by registered mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Notice of Proceedings and Opportunity for Hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Overseas Investors and Developers Corp., has filed a statement of record for Karen Development located in Canada (OILSR No. 0-0485-60-16) effective September 5, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Moshe Tamari is president of the developer.

C. The address of the developer is 1411 Crescent Street, suite 505, Montreal 107, Quebec, Canada.

D. No amendments have been filed by the developer since September 13, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, The Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of September 13, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).

Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OLSER docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12403 Filed 6-20-73;8:45 am]

[Docket No. N-73-170; Administrative Proceedings Division File No. Z-110]

LAKE KIOWA

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given:

On September 12, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Edward Wrenn, Jr., president, Lake Kiowa, Inc., P.O. Box 919, Gainsville, Fla. 76240, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Lake Kiowa, Inc., has filed a statement of record for Lake Kiowa located in Texas (OILSR No. 0-0542-49-18), effective May 11, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Edward Wrenn, Jr., is president of the developer.

C. The address of the developer is P.O. Box 919, Gainsville, Tex. 76240.

D. No amendments have been filed by the developer since September 12, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material fact to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be

amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of September 12, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12491 Filed 6-20-73;8:45 am]

[Docket No. N-73-167; Administrative Proceedings Division File No. Z-301]

OZARKS WILDLIFE ESTATES

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On January 3, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Henry Burris, Jr., president, National Wildlife, Inc., 2422 Pike Avenue, North Little Rock, Ark. 72114, a notice of proceedings and opportunity for hearing, by certified mail and service of process was not possible since the address could not be located. Accordingly, pursuant to 15 U.S.C. 1706 (d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. National Wildlife, Inc. has filed a statement of record for Ozarks Wildlife Estates located in Arkansas (OILSR No. 0-1837-03-91) effective November 1, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Henry Burris, Jr., is president of the developer.

C. The address of the developer is 2422 Pike Avenue, North Little Rock, Ark. 72114.

D. No amendments have been filed by the developer since January 3, 1973.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of January 3, 1973, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the Respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12488 Filed 6-20-73;8:45 am]

[Docket No. N-73-173; Administrative Proceedings Division File No. Z-232]

PINESCAPE

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On December 20, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Bill Estland, general partner, Alpine Acres, Ltd., 1140 Airway, suite 137, El Paso, Tex. 79925, a notice of proceedings and opportunity for hearings by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Alpine Acres, Ltd., has filed a statement of record for Pinescape located in New Mexico (OILSR No. 0-1439-36-71), effective January 27, 1971, pursuant to 24 CFR 1710.21 of the interstate land sales regulations. Said statement is still in effect.

B. Bill Estland is a general partner of the developer.

C. The address of the developer is 1140 Airway, suite 137, El Paso, Tex. 79925.

D. No amendments have been filed by the developer since December 20, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of December 20, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV. B. 2, C 3.
   - Part IV. D.
   - Part VIII. A. 8. d.
   - Part IX. A. 4.
   - Part XI. C.
2. Section 1710.110:
   - Paragraph 2. a.
   - Paragraph 2. b.
   - Paragraph 8. (c).
   - Paragraph 8. (d).
   - Paragraph 15. (b).
   - Paragraph 15. (c).
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 *et seq.*

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 7th Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12485 Filed 6-20-73;8:45 am]

[Docket No. N-73-165; Administrative Proceedings Division File No. Z-174]

RAINBOW HEIGHTS

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On December 13, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Kenneth R. Heaps, president, Kerco, Inc., Highway U.S. 62, Cotter, Ark. 72626, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Kerco, Inc. has filed a statement of record for Rainbow Heights located in Arkansas (OILSR No. 0-1090-03-38) effective June 1, 1970, pursuant to 24 CFR 1710.21 of the interstate land sales regulations. Said statement is still in effect.

B. Kenneth R. Heaps is president of the developer.

C. The address of the developer is Highway U.S. 62, Cotter, Ark. 72626.

D. No amendments have been filed by the developer since December 13, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in § 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718), and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of December 13, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV. B. 2, C 3.
   - Part IV. D.
   - Part VIII. A. 8. d.
   - Part IX. A. 4.
   - Part XI. C.
2. Section 1710.110:
   - Paragraph 2. a.
   - Paragraph 2. b.
   - Paragraph 8. (c)
   - paragraph 8. (d)
   - Paragraph 15. (b)
   - Paragraph 15. (c)
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection

therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 7th Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12404 Filed 6-20-73;8:45 am]

[Docket No. N-73-162; Administrative Proceedings Division File No. Z-306]

SOUTH SHORES UNIT I

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On January 3, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon John S. Caputa, developer, South Shores Unit I, 2928 Milwaukee Avenue, Chicago, Ill. 60618, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. John S. Caputa has filed a statement of record for South Shores Unit I located in Texas (OILSR No. 0-1904-49-83) effective December 14, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. John S. Caputa is the developer.

C. The address of the developer is 2928 Milwaukee Avenue, Chicago, Ill. 60618.

D. No amendments have been filed by the developer since January 3, 1973.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of January 3, 1973, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV. B. 2, C 3.
   Part IV. D.
   Part VIII. A. 8. d.
   Part IX. A. 4.
   Part XI. C.
2. Section 1710.110:
   Paragraph 2. a.
   Paragraph 2. b.
   Paragraph 8. (c).
   Paragraph 8. (d).
   Paragraph 15. (b).
   Paragraph 15. (c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSER docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 7th Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy, Interstate Land Sales Administrator.

[FR Doc.73-12401 Filed 6-20-73;8:45 am]

[Docket No. N-73-163; Administrative Proceedings Division File No. Z-99]

ST. HUBERT 226

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On September 13, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Moshe Tamari, president, Overseas Investors and Developers Corp., 1411 Crescent Street, suite 505, Montreal 107, Quebec, Canada, a notice of proceedings and opportunity for hearing by registered mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Overseas Investors and Developers Corp. has filed a statement of record for St. Hubert 226, located in Canada (OILSR No. 0-0486-60-17), effective September 15, 1969, pursuant to CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Moshe Tamari is president of the developer.

C. The address of the developer is 1411 Crescent Street, suite 505, Montreal 107, Quebec, Canada.

D. No amendments have been filed by the developer since September 13, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, The Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718), and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of September 13, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional Requirements for Property Report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12402 Filed 6-20-73;8:45 am]

[Docket No. N-73-174; Administrative Proceedings Division File No. Z-198]

WILLAMINA ORCHARD TRACTS

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On December 13, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Robert W. Young, president, Standard Growth Properties, Inc., 222 Southwest Harrison 1-C, Portland, Oreg. 97201, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Standard Growth Properties, Inc. has filed a statement of record for Willamina Orchard Tracts located in Oregon (OILSR No. 0-1279-43-17) effective December 9, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Robert W. Young is president of the developer.

C. The address of the developer is 222 Southwest Harrison 1-C, Portland, Oreg. 97201.

D. No amendments have been filed by the developer since December 13, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of December 13, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12486 Filed 6-20-73;8:45 am]

[Docket No. N-73-172; Administrative Proceedings Division File No. Z-296]

WILLOW LAKES UNIT 1

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On January 3, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon J. Kelly Harris, president, United States Development Corp., 615 United Bank Building, 3550 North Central Avenue, Phoenix, Ariz. 85012, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706 (d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is hereby issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. United States Development Corp. has filed a statement of record for Willow Lakes Unit 1 located in Arizona (OILSR No. 0-1779-02-347) effective July 21, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. J. Kelly Harris is president of the developer.

C. The address of the developer is 615 United Bank Building, 3550 North Central Avenue, Phoenix, Ariz. 85012.

D. No amendments have been filed by the developer since January 3, 1973.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718), and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of January 3, 1973, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV.B.2, C3.
   Part IV.D.
   Part VIII.A.8.d.
   Part IX.A.4.
   Part XI.C.
2. Section 1710.110:
   Paragraph 2.a.
   Paragraph 2.b.
   Paragraph 8.(c).
   Paragraph 8.(d).
   Paragraph 15.(b).
   Paragraph 15.(c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706), and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 7th Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12484 Filed 6-20-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A, etc.]

DUKE POWER CO.

Order Extending Time and Rescheduling Prehearing Conference

It appearing to the Board that the parties are making a conscientious and effective effort to proceed with the necessary discovery and that further time is necessary to complete arrangements; it further appearing that until the next step in seeking discovery is completed another prehearing conference would be premature, now, therefore;

It is ordered that: (1) Paragraph (g) of prehearing order No. 6 is amended to extend the time of the Department of Justice and Intervenors to make additional discovery requests to and including July 20, 1973.

(2) The prehearing conference now scheduled for June 20, 1973, is hereby cancelled.

(3) The prehearing conference will be held July 24, 1973, at 9:30 a.m., local time, at the U.S. Tax Court, room 2132, 1111 Constitution Avenue NW., Washington, D.C. 20044.

THE ATOMIC SAFETY AND LICENSING BOARD
WALTER W. K. BENNETT,
Chairman.

Issued at Washington, D.C., this 15th day of June 1973.

[FR Doc.73-12377 Filed 6-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25587]

CONTINENTAL AIR LINES, INC., AND UNITED AIR LINES, INC.

Fare Reductions in the Chicago-Los Angeles Market; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 17, 1973, at 10 a.m. (local time), in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Milton H. Shapiro.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before July 2, 1973, and the other parties on or before July 11, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 18, 1973.

RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-12476 Filed 6-20-73;8:45 am]

[Docket No. 24488; Order 73-6-51]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of June 1973.

Various IATA group-fare agreements provide for forfeiture of a portion of the

air fare paid in the event the passenger voluntarily cancels within a specified number of days prior to scheduled departure. The resolutions establishing such fares have been conditioned by the Board to permit, in certain circumstances, the departure of a lesser number of passengers than prescribed; credit of the fare paid in the event of discontinuance of the journey en route; full refund in the event of death or illness of the passenger or in the passenger's immediate family; and a maximum forfeiture in the event of cancellation by the group or any member of the group. The carriers' tariffs on file with the Board reflect the agreements approved subject to the conditions imposed by the Board.

It has come to the Board's attention that a situation exists which was not foreseen at the time of our earlier approvals and which warrants further Board action. The fares reflected in tariffs on file with the Board at the time of commencement of travel are the fares which must be charged. Generally speaking, the provisions governing group fares permit full refund only upon cancellation 21 or more days prior to departure. A 25-percent penalty charge is imposed for cancellation within the last 21 days prior to departure. Deposits when required, must be made at least 30 days in advance of departure.[1] In the event of a fare increase between the date the passenger makes his travel arrangements and the date of travel, a group-fare passenger not wishing to pay the additional fare has the option of canceling his trip and securing a full refund only if he cancels within the time frame specified in the tariff. If the fare increase is implemented shortly prior to scheduled departure and if the passenger is not notified of the time by which he must cancel in order to obtain a full refund, he will be assessed a penalty of 25 percent of the air fare in accordance with the provisions of the tariff.

We find that imposition of a cancellation charge in such circumstances where the fare has been increased is adverse to the public interest and that the forfeiture penalty should not apply if the passenger chooses to cancel rather than pay the increased fare. We will therefore further condition our approval of the IATA agreements to preclude the imposition of forfeiture charges in the circumstances cited above.

Accordingly, *it is ordered*, That:

The outstanding approval of resolution 001, permanent effectiveness resolution, is subject to the following condition:

To the extent that any IATA resolution would subject a passenger to a penalty for voluntary cancellation, such penalty shall not apply if said cancellation occurs after an increase in the air fare applicable between the time of an initial payment and the date of travel.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-12475 Filed 6-20-73;8:45 am]

[1] For travel over the North Atlantic most group fares permit full refund only upon cancellation 15 or more days prior to departure; a 25-percent penalty charge is assessed for cancellation within the last 15 days prior to departure while tickets are issued at least 15 days prior to departure.

COST OF LIVING COUNCIL

[Phase III Ruling 1973-2]

AUTOMATIC RENTAL INCREASES AFTER PHASE II

Phase III Ruling

Facts.—A lease for the use of property includes among its terms the provision that upon the termination of the rent controls of the economic stabilization program the rent shall be adjusted to a specified higher level.

With the announcement of the phase III economic stabilization program, Federal rent controls ended. Executive Order 11695, which established the phase III program, provides at section 2(d):

> Renegotiation provisions in price, rent, wage, or salary contracts which are dependent for their operation on modification or termination of the economic stabilization program are hereby declared inoperative as unreasonably inconsistent with the goals of the economic stabilization program. Except to the extent permitted pursuant to the provisions of section 4(a), this order shall not operate to permit:
>
> (i) A retroactive increase in prices, rents, wages, or salaries for goods or services sold or leased or work performed while the prices, rents, wages, or salaries were subject to the rules of the Price Commission or the Pay Board, or
>
> (ii) A prospective increase in prices, rents, wages, or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

Issue.—Is the provision requiring a specified higher rent on termination or modification of the economic stabilization program inoperative under Executive Order 11695?

Ruling.—Yes. Although the rent is to be raised by an automatic increase to a specific level rather than through actual renegotiation, the operation of this portion of the rental agreement is barred by the Executive order. The provision depends on the termination or modification of the program. Because it provides for an increase in rent before the full term of the lease is complete, its effect is the same as a renegotiation clause. Section 4(d) is intended to render inoperative all provisions in rental agreements which use a change in the economic stabilization program as the reason for increasing a rent before the full term of the lease is completed. The section affects both provisions which provide for renegotiation and those which have the effect of a renegotiation.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

JUNE 18, 1973.

[FR Doc.73-12410 Filed 6-18-73;12:04 pm]

[Cost of Living Council Order No. 20, Amendment 1]

CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

Delegation of Authority

On March 6, 1973, the Council published order No. 20 (38 FR 6098), delegating authority to the Construction Industry Stabilization Committee with respect to certain collective bargaining agreements referred to in § 130.72(b) of the Council's regulations. Effective June 13, 1973, the provisions of § 130.72 (b) were restated in § 130.76(b) as part of amendments to Subpart H, Special Rules Applicable to the Construction Industry. The Council wishes to make clear that the authority delegated by order No. 20 remains in effect without any substantive change.

Accordingly, Council Order No. 20 is hereby amended by renumbering paragraph 3 to be paragraph 4 and by inserting a new paragraph 3 to read as follows:

* * * * *

3. Where references are made in this order to specific CFR sections, such delegated authority shall extend to any subsequent renumbering of such sections. Where substantive changes are made to said enumerated CFR sections, the authority delegated in this order shall extend to such changes unless expressly stated otherwise by the Council in its regulations.

This amendment shall be effective on and after January 11, 1973.

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

[FR Doc.73-12411 Filed 6-18-73;12:04 pm]

[Cost of Living Council Order 30]

DEPUTY DIRECTOR/DIRECTOR, SPECIAL FREEZE GROUP

Delegation of Authority

Pursuant to the authority delegated to me as Director of the Cost of Living Council by Cost of Living Council Order No. 29 (hereinafter referred to as the Order), it is hereby ordered as follows:

1. There is delegated to the Deputy Director of the Cost of Living Council/Director, Special Freeze Group, (hereinafter, referred to as the Deputy Director), subject to the general policy guidance of and in coordination with Director of the Cost of Living Council all of the authorities delegated to the Director of the Cost of Living Council by the Order.

2. The Deputy Director 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.

3. This delegation shall be effective as of June 14, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-12594 Filed 6-19-73;3:18 pm]

[Cost of Living Council Order 31]

ACTING DEPUTY DIRECTOR, COST OF LIVING COUNCIL

Delegation of Authority

Pursuant to the authority delegated to me as Director of the Cost of Living Council Order No. 14 (hereinafter referred to as the Order), it is hereby ordered as follows:

1. There is delegated to the Acting Deputy Director of the Cost of Living Council/General Counsel for the duration of the freeze the authority to carry out the activities heretofore carried out by the Deputy Director, subject to the general policy guidance of and in coordination with the Director and Deputy Director of the Cost of Living Council.

2. This delegation shall be effective as of June 14, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-12595 Filed 6-19-73;3:18 pm]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, June 28, 1973, in room 1600 of the Municipal Services Building in Philadelphia beginning at 2 p.m. The subject of the hearing will be a proposal to amend the comprehensive plan so as to include therein the following projects:

1. *Weatherly Municipal Authority.*—A well water supply project to augment public water supplies in the borough of Weatherly, Carbon County, Pa. Designated as well No. 1, the new facility is expected to yield 300 gal/min and will serve as an auxiliary source to an existing surface supply system.

2. *Gloucester New Communities Co.*—A groundwater recharge project associated with the Beckett-New Town development in Logan and Woolwich Townships, Gloucester County, N.J. The recharge area has been planned to offset anticipated reduction of groundwater infiltration in the 11-square-mile development area.

3. *Warminster Township Municipal Authority.*—A well water supply project to augment public water supplies in Warminster and Warwick Townships, Montgomery County, Pa. Designated as well No. 26, the new facility is expected to yield 570,000 gal/d.

4. *Warrington Sewer Co.*—Expansion of the company's existing sewage treatment plant in Warrington Township, Bucks County, Pa., to serve the "Fairways" development. Treatment facilities will handle about 59,000 gal/d and provide removal of approximately 95 percent of BOD_5. Treated effluent will discharge to an unnamed tributary of Neshaminy Creek.

5. *North Penn Water Authority.*—A well water supply project to augment public water supplies in Franconia Township, Montgomery County, Pa. The new facility will serve the hamlet of Morwood and is expected to yield 360,000 gal/d.

6. *Borough of Freeland Municipal Authority.*—A well water supply project to augment public water supplies in the borough of Freeland, Luzerne County, Pa. The new facility is expected to yield about 108,000 gal/d.

7. *U.S. Fish and Wildlife Service.*—A project to acquire and preserve the remaining Darby Creek tidal marshland in Delaware and Philadelphia Counties, Pa. The 1,200-acre marsh will be administered by the Secretary of the Interior as the Tinicum National Environmental Center in the National Wildlife Refuge System.

Documents relating to the above projects may be examined at the Commission offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

[FR Doc.73-12369 Filed 6-20-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NOR-AM AGRICULTURAL PRODUCTS, INC.

Establishment of Temporary Tolerance

NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, Ill. 60098, submitted a petition (PP 2G1261) requesting establishment of a temporary tolerance for negligible residues of the insecticide *m*-cym-5-yl methylcarbamate in or on corn grain, fodder and forage at 0.1 part-per-million. Subsequently, the petitioner amended the petition by withdrawing the tolerance proposal for corn fodder and forage.

It has been determined that a temporary tolerance for negligible residues of the insecticide in or on corn grain at 0.1 part-per-million is safe and will protect the public health. It is therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the NOR-AM Agricultural Products, Inc. name.

This temporary tolerance expires June 15, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for pesticide programs (36 FR 9038).

Dated June 15, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-12483 Filed 6-20-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8171]

ARKANSAS-MISSOURI POWER CO.

Rate Schedule Filing

JUNE 14, 1973.

Take notice that on May 1, 1973, Arkansas-Missouri Power Co. (Ark-Mo) tendered for filing a letter agreement dated April 23, 1973, between Ark-Mo and Missouri Utilities Co. The agreement is a proposed modification of the contract for electric service dated August 17, 1946 (FPC rate schedule No. 13).

Ark-Mo states that the agreement provides for the sale by Ark-Mo of an additional 1,000 kw of power and associated energy commencing June 1, 1973, and an additional delivery point. Ark-Mo estimates that the revenue from the sale will be about $28,403 for the first 12 months of service.

An effective date of June 1, 1973, is requested.

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 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 this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12436 Filed 6-20-73;8:45 am]

[Docket No. E-8250]

ARKANSAS POWER & LIGHT CO.

Proposed Changes in Rates and Charges

JUNE 15, 1973.

Take notice that on May 31, 1973, Arkansas Power & Light Co. (APLC), tendered for filing proposed changes in its rate schedule U3—resale service to municipally owned and privately owned electric distribution systems and its rate schedule B1—resale service to rural electric cooperatives. The proposed changes would increase APLC's revenues from sales and service by $962,673 for the 12-month period ending July 31, 1972.

APLC states that no facilities will be installed or modified except to accommodate additional capacity and/or to provide points of delivery for customers' load growth in the future. Furthermore, APLC states that the company does not propose to apply the 1.3-percent monthly additional facilities charge provided for in the new rate schedules to any presently installed transmission and distribution facilities. Finally, APLC states that the

rate of return from service to the municipally owned and privately owned systems is 3.74 percent and from service to rural electric cooperatives the rate of return is a negative 0.15 percent. The company states that the proposed rates will enable the company to improve the rate of return, which it feels is vital to attract the necessary amounts of capital in order to provide adequate service to its present and future customers.

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 28, 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.73-12435 Filed 6-20-73;8:45 am]

[Docket No. CI73-844]

ARMOUR PROPERTIES

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, Lacy Armour, doing business as Armour Properties (Applicant), 1107 Oil and Gas Building, Wichita Falls, Tex. 76301, filed in docket No. CI73-844 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Manahuila Field, Manahuila 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 25, 1973, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29), and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 M ft³ of gas per day at 50¢/M ft³ at 14.65 lb/in²a. Estimated monthly sales are 22,812.5 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 July 2, 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.73-12447 Filed 6-20-73;8:45 am]

[Docket No. E-7936]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS PUBLIC SERVICE CO.

Application for Sale of Electric Facility

JUNE 14, 1973.

Take notice that on December 22, 1972, Commonwealth Edison Co. (Edison) of Chicago, Ill. and Central Illinois Public Service Company (CIPS) of Springfield, Ill., filed a joint application seeking, pursuant to section 203 of the Federal Power Act, authorization for the sale by Edison and the purchase by CIPS of certain electric facilities comprising an interconnection between their systems which is located at Edison's Kincaid Station in Christian County, Ill. The purchase price will be the original cost thereof, the estimated original cost being $860,000. Additionally, CIPS will pay Edison for certain costs, estimated at $135,500, incurred by Edison to accommodate the interconnection.

These facilities establish a new interconnection, built solely for the convenience of CIPS, between the companies' systems and are located within the territory served by CIPS. Said interconnection is the subject of the application pending in docket No. E-7933.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12437 Filed 6-20-73;8:45 am]

[Docket No. CI73-848]

E. RALPH DANIEL (OPERATOR), ET AL.

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, E. Ralph Daniel (Applicant), 2108 Chamber of Commerce Building, Houston, Tex. 77002, filed in docket No. CI73-848 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 Transcontinental Gas Pipe Line Corp. from the Johnson Bayou Field, Cameron Parish, La., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 28, 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 45,000 M ft³ of gas per month at 35.0 cents per M ft³ at 15.025 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 July 2, 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.73-12438 Filed 6-20-73;8:45 am]

[Dockets Nos. RP71-137, RP72-151]

EL PASO NATURAL GAS CO.

Further Extension of Time and Postponement of Hearing

JUNE 14, 1973.

On June 7, 1973, the Commission staff counsel filed a motion for a further extension of the dates for the service of evidence and for continuance of hearing with respect to rate design and conjunctive billing issues as fixed by notice issued April 2, 1973, in the above-designated matter. The motion states that no party objects to this motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of staff's rate design and conjunctive billing evidence, July 31, 1973.
Service of answering evidence by El Paso Natural Gas Co. and interveners, August 28, 1973.
Hearing and cross-examination, September 25, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12439 Filed 6-20-73;8:45 am]

[Docket No. CI73-846]

EXXON CORP.

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, Exxon Corp. (Applicant), P.O. Box 2180, Houston, Tex. 77001 filed in docket No. CI73-846 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from South Carlsbad Field, Eddy County, N. Mex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 3,500 M ft^3 of gas per day for 1 year at 53.0 cents per M ft^3 at 14.65 lb/in^2a, subject to upward and downward Btu adjustment, within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated initial downward Btu adjustment is 0.26 cent per M ft^3 of gas. Upward Btu adjustment is limited to 1,175 Btu.

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 July 2, 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 that 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.73-12440 Filed 6-20-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER & LIGHT CO.

Contract Cancellations

JUNE 14, 1973.

Take notice that Florida Power & Light Co. (FPL) on June 4, 1973, tendered for filing pursuant to ordering paragraph (j) of the Commission's order of March 29, 1973, copies of notice of cancellation, unexecuted service agreement and exhibit A, "Delivery Point and Service Specifications," for each point of service to Lee County Electric Cooperative, Inc. (Rate Schedule FPC No. 13) and Clay Electric Cooperative, Inc. (Rate Schedule FPC No. 10).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 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.73-12441 Filed 6-20-73;8:45 am]

[Docket No. CI73-847]

JAMES M. FORGOTSON, SR.

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, James M. Forgotson, Sr. (Applicant), 406 Beck Building, Shreveport, La. 71101, filed in docket No. CI73-847 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Roanoke Field, Jefferson Davis Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on April 7, 1972, and proposes to continue such sale for 1 year from the end of the 60-day-emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 M ft^3 of gas per day at 40 c/M ft^3, subject to upward and downward British thermal unit adjustment, plus all taxes.

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 July 2, 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.73-12445 Filed 6-20-73;8:45 am]

[Docket No. CI73-851]

JAMES M. FORGOTSON, SR.

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, James M. Forgotson, Sr. (Applicant), 406 Beck Building, Shreveport, La. 71101, filed in docket No. CI73-851 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Southwest Tatum, Hosston-Cotton Valley Field, Rusk 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, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70), to continue the sale of natural gas authorized in docket No. CI71-783 to be made within the contemplation of said section. Applicant proposes to sell up to 10,000 M ft^3 of gas per day at 40c/M ft^3 at 14.65 lb/in^2a, subject to upward and downward British thermal unit adjustment, plus all taxes. Applicant and Lone Star Exploration Corp. were authorized by order issued June 25, 1971, in docket No. CI71-783 to sell 5,000 M ft^3 of gas per day for 1 year at 30c/M ft^3 at 14.65 lb/in^2a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 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.73-12446 Filed 6-20-73;8:45 am]

[Docket No. E-8243, etc.]

HARTFORD ELECTRIC LIGHT CO.

Proposed Purchase Agreement and Rate Schedule

JUNE 13, 1973.

Take notice that on May 25, 1973, the Hartford Electric Light Co. (the Hartford), of Hartford, Conn., tendered for filing its proposed rate schedule for its purchase agreement with respect to Middletown Unit No. 4, dated December 1, 1972, between the Hartford and the United Illuminating Co. The Hartford states that the rate schedule is to be effective the first day after the Middletown Unit No. 4 is declared to be in commercial operation which is now expected to be about June 30, 1973. The Hartford also states that the rate schedule has been mailed or delivered to all parties involved.

Take notice that on May 25, 1973, the Hartford Electric Light Co. (the Hartford) of Hartford, Conn., tendered for filing its proposed rate schedule for its purchase agreement with respect to Middletown Unit No. 4, dated December 1, 1972, between the Hartford and Public Service Co. of New Hampshire. The Hartford states that the rate schedule is to be effective the first day after the Middletown Unit No. 4 is declared to be in commercial operation which is now expected to be about June 30, 1973. The Hartford also states that the rate schedule has been mailed or delivered to all parties involved.

Take notice that on May 25, 1973, the Hartford Electric Light Co. (the Hartford) of Hartford, Conn., tendered for filing its proposed rate schedule for its purchase agreement with respect to Middletown Unit No. 4, dated December 1, 1972, between the Hartford and Vermont Electric Power Co. The Hartford states that the rate schedule is to be effective the first day after the Middletown Unit No. 4 is declared to be in commercial operation which is now expected to be about June 30, 1973. The Hartford also states that the rate schedule has been mailed or delivered to all parties involved.

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 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 this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12442 Filed 6-20-73;8:45 am]

[Docket No. E-8232]

INTERSTATE POWER CO.

Supplement To Interconnection Agreement

JUNE 14, 1973.

Take notice that on May 25, 1973, Interstate Power Co. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, a supplemental filing to an electric service agreement between Applicant and the U.S. Department of the Interior, Bureau of Reclamation. This filing, denoted supplement No. 2 and dated March 16, 1973, modifies the original contract (No. 14-06-600, 474A, dated Mar. 24, 1972) whereby Applicant agrees to supply energy to the Bureau of Reclamation whenever, in the sole judgment of Applicant, it has such energy available for the use of the Bureau. All sales to be made under this agreement would be of a "nonfirm" nature.

Any person desiring to be heard or to make any protests with reference to said application should, on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20226, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12443 Filed 6-20-73;8:45 am]

[Docket No. E-8249]

IOWA-ILLINOIS GAS & ELECTRIC CO.

Proposed Changes in Rates

JUNE 13, 1973.

Take notice that on June 1, 1973, Iowa-Illinois Gas & Electric Co. (Iowa-Illinois) tendered for filing tariff changes (Wholesale Electric Service—Municipal, Original Sheet Nos. 1, 1A, and 1B) for the purpose of effecting an increase based upon test year 1972 of a total of $12,589 annually for wholesale electric service to the towns of Buffalo, Callender, and Farnhamville, Iowa.

Iowa-Illinois states that the rate schedules under which said towns are presently served are identical, and are designated as rate schedule Nos. 16, 17, and 18, respectively, and that this filing contemplates consolidation of the rate schedules applicable to these three customers into one. Under the proposed tariff revisions, the annual increase to the town of Buffalo is purported to be $5,288, to the town of Callender $2,967, and to the town of Farnhamville, $4,334.

The proposed tariff sheets are proposed to become effective July 1, 1973, or 30 days from filing, whichever is later.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commisison, 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 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not 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.73-12444 Filed 6-20-73;8:45 am]

[Docket No. E-7530]

LONG ISLAND LIGHTING CO.

Notice of Application

JUNE 14, 1973.

Take notice that on April 8, 1973, Long Island Lighting Co. (Applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue through and including December 31, 1974, its unsecured promissory notes in a principal amount not to exceed $60 million and its commercial paper in a principal amount not to exceed $25 million, both promissory notes and commercial paper to have maturity dates 1 year or less from the date of issuance and aggregating more than 5 percent of the sum of the par value of the outstanding securities of the applicant having a par value and for a further order, continuing the exemption of the proposed issuance of short-term securities from the competitive bidding requirements of sections 34.1a(b) and (c) of the regulations under the Federal Power Act, if deemed applicable.

Applicant, incorporated under the laws of the State of New York, with its principal business office at 250 Old Country Road, Mineola, N.Y. 11501, is authorized to do business in the State of New York.

The interest rate applicable to the promissory notes will be at an annual rate equal to the prime rate of each lending bank to substantial and responsible commercial borrowers. The interest rate applicable to the commercial paper will be the rate in effect at the time of issuance, to be determined in the manner customary for commercial paper. The promissory notes will each mature not more than 9 months from the date of issuance. The maturity of the commercial paper will vary but in no event will any of the commercial paper mature more than 9 months after issuance.

The proceeds will be used to reimburse the treasury of the Applicant to finance expenditures against which other securities have not as yet been issued and for construction purposes.

The Commission had, by its order in docket No. E-7530 issued May 7, 1970, found the proposed issuance of similar securities aggregating $65 million to be exempt from the competitive bidding requirements of section 34.1a of the Federal Power Commission's regulations under the Federal Power Act and authorized the issuance of the securities expressly conditioned upon their final maturity not being later than June 30, 1971. The Commission, by its supplemental order in docket No. E-7530 issued June 29, 1971, found the proposed issuance of similar securities aggregating $75 million to be exempt from the competitive bidding requirements of section 34.1a of the Federal Power Commission's regulations under the Federal Power Act and authorized the issuance of the securities expressly conditioned upon their final maturity not being later than June 30, 1972. The Commission, by a supplemental order in docket No. E-7530 issued June 29, 1972, further authorized the proposed issuance of similar securities aggregating $75 million expressly conditioned upon their final maturity not being later than June 30, 1973.

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12448 Filed 6-20-73;8:45 am]

[Project 2709]

MONONGAHELA POWER CO. ET AL.

Ruling on Motion for Extension of Time

JUNE 14, 1973.

In the matter of Monongahela Power Co., Potomac Edison Co., and West Penn Power Co.

By motion filed May 4, 1973, Staff has requested an extension of time of the date set by our order of March 9, 1973, for the filing of the staff draft environmental impact statement and incidentally thereto, all subsequent dates in the schedule including the date set for hearing in this proceeding.[1]

In its recitation of the background of the request, staff points out that by letter of March 5, 1973, applicants notified the Commission that as the result of subsequent discussions on the matter of high and low level outlet at the lower dam with the West Virginia Department of Natural Resources, the applicants determined that provisions for a multilevel outlet system should be made at the lower dam, and that it is believed that such a system will provide for more operating flexibility and should be more effective in enabling applicants to maintain a good quality of water downstream from the dam. The letter further stated that as soon as a

[1] The schedule prescribed by our order of Mar. 9, 1973, was:

1. On Apr. 16, 1973, applicants filing of all updated testimony and exhibits.
2. On June 15, 1973, staff filing of its draft environmental impact statement, issuance of public notice of the availability of the statement and circulation for comments.
3. On July 30, 1973, filing of all comments to the staff's draft environmental impact statement.
4. On Oct. 5, 1973, filing of staff's and intervenor's testimony and exhibits and filing of staff's final environmental impact statement.
5. On Nov. 6, 1973, commencement of hearing in this proceeding.

The schedule proposed by staff's motion for extension of time is:

1. On Oct. 1, 1973, filing of staff's draft environmental impact statement, issuance of public notice of the availability of the statement, and circulation for comments.
2. On Nov. 15, 1973, filing of all comments to the staff's draft environmental impact statement.
3. On Jan. 21, 1974, filing of staff's and intervenor's testimony and exhibits and filing of staff's final environmental impact statement.
4. On Feb. 26, 1974, commencement of hearing in this proceeding.

hearing was scheduled on the application, the applicants planned to modify their testimony to the extent necessary to reflect the proposed change on the matter of the lower dam outlets.

Shortly thereafter Commission staff requested applicants to supply heat budget studies which it deemed necessary for preparation of a draft environmental impact statement. Materials supplied by applicants were insufficient and thus made it necessary in the opinion of staff to conduct its own additional studies, utilizing as much of the material supplied by applicants as possible, before a satisfactory draft statement can be prepared. The additional time requested, if granted, would change the filing date for staff's draft environmental impact statement from June 15, 1973, to October 1, 1973, and all other scheduled dates in our order of March 9, 1973, accordingly.

Applicants' reply filed May 21, 1973, opposes the requested extension of time by staff.

We are aware of the extreme necessity for construction of new generation at this time, however, we cannot overlook the requirements of the National Environmental Policy Act and recent court interpretations of that act calling for an independent evaluation by Commission staff of environmental impacts of proposed projects and circulation of an adequate draft statement for comment. Issuance of a draft environmental impact statement by staff which is insufficient is obviously self-defeating and could well lead to much greater delay.

Reluctant as we are to permit any extension of schedules fixed by orders, the necessity for the circulation of an adequate draft environmental impact statement far outweighs the delay involved. In granting staff's request for additional time, we are directing it to expedite the studies and to file the statement no later than August 15, 1973.

The Commission finds

For the reasons set forth above, the staff's motion for extension of time should be granted.

The Commission orders

The dates set forth in ordering paragraph (B) of our order of March 9, 1973, are changed, insofar as necessary to grant staff's motion as follows:

1. On August 15, 1973, staff shall file a draft environmental impact statement.

2. At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall be made available to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by October 1, 1973.

3. On December 7, 1973, the Commission staff and intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

4. On December 7, 1973, the Commission staff shall also file an original and 10 copies of the Commission staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

5. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the staff's final environmental impact statement, the hearing in this proceeding shall commence on January 8, 1974, 30 days after the Commission staff files its final environmental impact statement with the Secretary.

By the Commission.

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

[FR Doc.73-12449 Filed 6-20-73;8:45 am]

[Docket No. CP72-233 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA, AND TEXACO INC.

Extension of Time and Postponement of Hearing Pending Further Action

JUNE 13, 1973.

On May 31, 1973, Natural Gas Pipeline Co. of America and Texaco Inc. (Applicants), filed a joint motion for the convening of a prehearing conference and an indefinite postponement of the procedural dates set by the order issued May 23, 1973, in the above-designated matter, pending resolution of the proceeding in Tennessee Gas Pipeline Co., et al., dockets Nos. CP72-6, CP72-233, CP73-15, CI72-677, CI73-231. In the event that a prehearing conference is not convened, the motion requests that Applicants' direct case be served July 16, 1973, evidence opposing the application be served on August 13, 1973, with the hearing to commence on August 27, 1973. The motion states that the Public Service Commission for the State of New York, Consolidated Edison Co. of New York, Mobil Oil Corp., and Northern Illinois Gas Co., support the request. On May 30, 1973, Associated Gas Distributors filed a letter supporting the motion. On May 31, 1973, Commission staff counsel filed an answer opposing the motion. On June 8, 1973, Texaco Inc., filed a telegram in reply to staff counsel's answer.

Upon consideration, notice is hereby given that the procedural dates set by the order issued May 23, 1973, are modified as follows, pending further action:

Service of evidence by applicants and persons in support of the application, June 25, 1973.

Service of answering evidence by applicants and interveners, July 5, 1973.

Commencement of hearing, July 17, 1973 (10 a.m., e.d.t.).

Action on the request for a prehearing conference will be by subsequent order.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-12450 Filed 6-20-73;8:45 am]

[Docket No. E-8252]

NORTHERN STATES POWER CO. (MINNESOTA)

Proposed Changes in Rates and Charges

JUNE 15, 1973.

Take notice that Northern States Power Co. (NSP) on June 1, 1973, tendered for filing first revised schedule A to NSP's contracts with the following 16 total requirements wholesale customers:

	FPC Rate Schedule No.
City of Anoka	338
City of Arlington	378
Village of Brownton	324
Village of Buffalo	369
City of Chaska	323
City of Granite Falls	355
Home Light & Power Co.	335
Village of Kasota	318
Village of Kasson	379
City of Lake City	361
Village of North Saint Paul	371
City of Saint Peter	325
City of Shakopee	368
Town of Valley Springs	366
City of Waseca	299
City of Winthrop	364

The rate schedule is proposed to be effective for deliveries of power and energy on and after August 1, 1973.

NSP states that the proposed rate schedule will increase revenues from the total requirements sales by $1,400,610, based on sales for the 1972 test year. The company contends that the rate increase of approximately 30 percent is necessary to bring the rate of return on total requirements wholesale business into line with the rate of return on overall electric business and projects that the proposed rate increase would yield a rate of return from the affected business of 7.80 percent. The filing also proposes modifications in rate design, billing determinants provisions, power factor clause, and fuel cost adjustment clause. NSP asserts that the new fuel adjustment factors have been formulated in light of the Commission's decision in *New England Power Co.*, docket No. E-7541, Opinion No. 633, issued October 30, 1972.

The company states that a copy of the filing has been mailed to each of NSP's customers affected by the proposed change.

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 July 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a

petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12451 Filed 6-20-73;8:45 am]

[Docket No. CI73-707]

OKMAR OIL CO. ET AL.

Order Setting Hearing Date and Prescribing Procedure

JUNE 13, 1973.

On April 19, 1973, Okmar Oil Co. *et al.* (Okmar) filed an application in docket No. CI73-707 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to order No. 431, for the sale of gas to Northern Natural Gas Co. (Northern) from acreage in Camrick Field, Texas County, Okla. (Anadarko area).

Specifically, Okmar proposes to sell 2,000 M ft³ per day to Northern for 2 years pursuant to a contract dated January 30, 1973. The proposed rate is 52.47 cents, inclusive of tax reimbursement, and is subject to upward and downward British thermal unit adjustment from 900 Btu's. For 1,000 Btu gas the equivalent price is 58.29 cents which exceeds the applicable area rate of 21.315 cents established by the Commission's Opinion No. 586.

Okmar, in its application, has requested that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure.

A late petition to intervene in support of the application was filed by Northern Natural Gas Co. (Northern) on May 23, 1973.

The justification for the rate as well as other public interest issues should be presented in a full evidentiary record. Accordingly, we will set this matter for a formal, expeditious hearing.

The Commission finds

(1) The intervention of Northern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) Applicant's request that the intermediate decision be omitted, that oral hearing be waived and that the Application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure is not in the public interest and is hereby denied.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 26, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Okmar in the application filed April 19, 1973.

(C) On or before July 10, 1973, Okmar and any supporting party shall file with the Commission and serve upon all parties, including Commission staff, their testimony and exhibits in support of their positions.

(D) An administrative law Judge to be designated by the Chief Administrative Law Judge, see delegation of authority, 18 CFR 3.5(d), shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12452 Filed 6-20-73;8:45 am]

[Docket No. CI73-854]

PETROLEUM CORP.

Notice of Application

JUNE 14, 1973.

Take notice that on June 6, 1973, the Petroleum Corp. (Applicant), 3303 Lee Parkway, Dallas, Tex. 75219, filed in docket No. CI73-854 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the Sonora Upper Canyon Gas Field, Sutton 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 31, 1973, within the contemplation of section 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 M ft³ of gas per day at 45 cents per M ft³ at 14.65 lb/in²a, subject to upward or downward British thermal unit adjustment. Applicant estimates the sales volume of gas will be approximately 60,000 M ft³ per month.

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 July 2, 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.73-12454 Filed 6-20-73;8:45 am]

[Docket No. CI73-843]

PHILLIPS PETROLEUM CO.

Notice of Application

JUNE 14, 1973.

Take notice that on June 1, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in docket No. CI73-843 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from Applicant's Crane Gasoline Plant, Crane 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 29, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 62,000 M ft³ of gas per month at 45 cents per M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment.

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 July 2, 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.73-12455 Filed 6-20-73;8:45 am]

[Docket No. CI73-706]

PHILLIPS PETROLEUM CO.

Extension of Time and Postponement of Hearing

JUNE 14, 1973.

On June 11, 1973, Phillips Petroleum Co. requested an extension of the procedural dates set by order issued June 5, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits by Phillips Petroleum Co. and any supporting party, July 12, 1973.
Hearing, July 19, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12453 Filed 6-20-73;8:45 am]

[Docket No. E-7645]

PUBLIC SERVICE CO. OF INDIANA

Certification of Proposed Settlement Agreement by Presiding Administrative Law Judge

JUNE 14, 1973.

Take notice that on May 24, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement and related record in the above-captioned proceeding. The proposed agreement, filed with the Commission on May 9, 1973, provides for a settlement between Public Service Co. of Indiana (PSI), the IMEA cities and 15 REMC's.

The agreement provides for rates to produce operating jurisdictional revenues of $15.1 million annually with an overall rate of return of 6.11 percent. Significant provisions include:

(a) A moratorium stating that PSI will not file any new or revised rate schedules which will become effective prior to May 15, 1974,

(b) New power supply contracts between PSI, the IMEA cities, and all 15 REMC's,

(c) A clause providing that upon the termination of this proceeding the 12 REMC's which have a petition before the U.S. Court of Appeals for the District of Columbia Circuit (No. 72-1696) to review FPC orders in docket No. E-7645, issued on February 25, 1972, and May 25, 1972, shall withdraw such petition, and the IMEA cities shall withdraw their petition to the U.S. Court of Appeals (No. 72-1702) to review the above-mentioned orders.

(d) A clause reserving to the IMEA cities future rights to seek modification of their power supply contract with PSI to provide for a 24-month cancellation notice at any time.

Any person desiring to make comments on the proposed settlement agreement should file written comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 6, 1973. Copies of the proposed settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12456 Filed 6-20-73;8:45 am]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

[Docket No. E-8210]

Initial Rate Schedule Filing

JUNE 14, 1973.

Take notice that the Public Service Co. of New Hampshire (PSNH) tendered for filing on May 18, 1973, as an initial rate schedule a transmission contract dated as of April 1, 1973, between PSNH and Vermont Electric Power Co. (Velco), under which PSNH will transmit power for Velco to Consolidated Edison Co. of New York, Inc. (ConEd) from May 1, 1973, to October 31, 1973. PSNH states that the rate charged under the contract is the same as charged by PSNH for similar transmission service under its FPC Rate Schedules Nos. 52 and 54.

PSNH requests that the Commission waive the 30-day-notice requirement and permit the contract to become effective May 1, 1973. In support of its request, PSNH states that it was unaware of the sale of power by Velco to ConEd and the need for PSNH to transmit it until early in April 1973. Further, PSNH states that the agreement was not ready for execution until early May 1973.

PSNH states that copies of this filing have been served on Velco, ConEd, and the New Hampshire Public Utilities Commission.

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.73-12457 Filed 6-20-73;8:45 am]

[Project 2161]

ST. REGIS PAPER CO.

Application for Change In Land Rights

JUNE 8, 1973.

Public notice is hereby given that an application for change in land rights was filed July 7, 1972, and supplemented November 15, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the St. Regis Paper Co. (correspondence to: Mr. James A. Greer II, Le Boeuf, Lamb, Leiby & MacRae, 1 Chase Manhattan Plaza, New York, N.Y. 10005), licensee for Rhinelander Project No. 2161 which is located on the Wisconsin River in Oneida County, Wis., near the city of Rhinelander.

Licensee seeks approval of its proposal to remove two parcels of land from the project by transferring them to its subsidiary, St. Regis Land Development Corp.

One parcel of about 25 acres would be developed as the Lofty Pine Point Subdivision in lot 2 and the SE¼NW¼ of section 24, T. 37 N., R. 8E., along the northern shore of the project reservoir in the township of Pine Lake. The tract has been platted to provide for 20 residential building sites. Sewage disposal would be by septic tanks. As required by law, public access to the river will be provided within one-half mile of the area.

The second parcel (1.62 acres) is located on the southern shore of Thunder Lake (an arm of the reservoir) just beyond the Rhinelander city limits in lot 14, sec. 29, T. 37 N., R. 9 E., and was platted in 1892 to provide four building lots. No proposal for use of the land was included in the application.

Licensee states that neither of the parcels is needed for any project purpose including recreation and that offshore pumps and snags make the land undesirable for water-related recreational development.

Any person desiring to be heard or to make protest with reference to said application should on or before July 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12461 Filed 6-20-73;8:45 am]

[Docket No. CI73-849]

SOUTHEASTERN PUBLIC SERVICE CO.

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, Southeastern Public Service Co. (Applicant), 1417 Chamber of Commerce Building, Houston, Tex. 77002, filed in docket No. CI73-849 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 Menefee Field, 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 states it commenced sale of natural gas on April 15, 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 3 years from said date within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 25,000 M ft³ of gas per month at 40c/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 July 2, 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.73-12460 Filed 6-20-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 13, 1973.

Take notice that on May 21, 1973, South Georgia Natural Gas Co. (South Georgia) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, which would amend South Georgia's filing dated May 7, 1973. As amended, South Georgia states that the filing would increase South Georgia's annual revenues from jurisdictional sales and services by $274,207 instead of $302,512 as proposed in the May 7, 1973, filing. The proposed effective date is April 16, 1973. South Georgia further states that copies of the filing were mailed to 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 July 3, 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.73-12458 Filed 6-20-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 13, 1973.

Take notice that South Georgia Natural Gas Co. (South Georgia) on May 29, 1973, tendered for filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1 to become effective 40 days following issuance of an order approving stipulation and agreement in Southern Natural Gas Co., dockets Nos. RP72-91 (phase 2), et al. Pursuant to the purchased-gas-adjustment-clause (PGA clause) provision contained in its tariff, South Georgia proposes to increase its rates for the purpose of tracking a rate increase filing by Southern Natural Gas Co. (Southern).

South Georgia states that third revised sheet No. 3A included in the filing reflects a rate increase that provides $51,633 of additional revenues due to the increase in purchased gas cost from Southern. South Georgia further states that copies of this filing and of this letter of transmittal are being made available in South Georgia's office in Thomasville, Ga., and are being mailed to the purchasers, State commissions, and interested parties named on the attached list.

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 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12459 Filed 6-20-73;8:45 am]

[Docket No. CI73-850]

TEXAS INTERNATIONAL PETROLEUM CORP.

Notice of Application

JUNE 14, 1973.

Take notice that on June 4, 1973, Texas International Petroleum Corp. (Applicant), P.O. Box 4520, Shreveport, La. 71104, filed in docket No. CI73-850 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 (Texas Gas) Transmission Corp. from the Bayou Piquant Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 23, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 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 60,000 M ft³ of gas per month at 45 cents per million Btu at 15.025 lb/in²a, although its contract with Texas Gas provides for a rate of 50c/M ft³ subject to downward British thermal unit adjustment. Applicant reserves the right to file its full contractual rate.

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 July 2, 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.73-12463 Filed 6-20-73; 8:45 am]

[Docket No. CI73-853]

TEXAS OIL & GAS CORP.

Notice of Application

JUNE 14, 1973.

Take notice that on June 5, 1973, Texas Oil & Gas Corp. (Applicant), 2700 Fidelity Union Tower Building, Dallas, Tex. 75201, filed in docket No. CI73-853 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 to Trunkline Gas Co. from the North Magnolia City Field, Jim Wells 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 expects to have commenced the sale of natural gas on or about June 1, 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 c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit 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 July 2, 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 protest 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.73-12462 Filed 6-20-73;8:45 am]

[Docket No. CI73-803]

WAYNE D. ANKENMAN ET AL.

Notice of Application

JUNE 14, 1973.

Take notice that on May 24, 1973, Wayne D. Ankenman et al. (Applicants), 4615 Post Oak Place Drive, Houston, Tex. 77027, filed in docket No. CI73-803 an application, as supplemented June 5, 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 Eastern Transmission Corp. from the Sheridan Field, Colorado County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 60,000 M ft³ of gas per month for 1 year at 45c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

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 July 2, 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.73-12434 Filed 6-20-73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Member

JUNE 15, 1973.

By orders issued April 6, 1971, and February 23, 1973, respectively, the Commission established and renewed the national gas survey executive advisory committee.

1. *Membership.*—Hon. Hollis M. Dole has resigned his membership on the executive advisory committee. A new member to the executive advisory committee, as selected by the chairman of the Commission with the approval of the Commission, is as follows:

Hon. Stephen A. Wakefield, Assistant Secretary for Mineral Resources, Department of the Interior.

By the Commission.

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

[FR Doc.73-12433 Filed 6-20-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JUNE 15, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.*—An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. Robert C. Seamans, Jr., member, president, National Academy of Engineering.

Dr. Seamans replaces Dr. Clarence H. Linder, who retired from the presidency of the NAE effective June 1, 1973.

By the Commission.

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

[FR Doc.73-12431 Filed 6-20-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE, TECHNICAL ADVISORY COMMITTEES AND TASK FORCE

Order Designating Additional Members

JUNE 15, 1973.

The Federal Power Commission, by orders issued August 11, 1972, September 28, 1972, and December 7, 1972, established certain advisory committees and task forces.

2. *Membership.*—Additional members of executive advisory committee, technical advisory committees and task force, as selected by the chairman of the Commission, with the approval of the Commission, are as follows:

EXECUTIVE ADVISORY COMMITTEE

Mr. Jack L. Wilkins, member, chairman, National Electric Reliability Council.

TECHNICAL ADVISORY COMMITTEE ON FUELS

Professor Alfred E. Kahn, member, dean, College of Arts and Sciences, Cornell University.

TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE—FUELS USE ALTERNATIVES

Professor Alfred E. Kahn, member, dean, College of Arts and Sciences, Cornell University.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. Walter J. Bogan, member, director, Office of Environmental Education, U.S. Office of Education.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT—TASK FORCE ON ENERGY SYSTEMS RESEARCH

Mr. Walter J. Bogan, member, director, Office of Environmental Education, U.S. Office of Education.

By the Commission.

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

[FR Doc. 73-12432 Filed 6-20-73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda, meeting, Executive Advisory Committee, to be held in hearing room A (2200) of the Federal Power Commission, Union Plaza Building, 825 North Capitol Street NE., Washington, D.C., June 28, 1973, 9:30 a.m.

Presiding: John N. Nassikas, Chairman, Federal Power Commission.

1. Introductory remarks—Chairman Nassikas

2. Objectives and purposes of meeting—

A. General review—Mr. William M. Elmer, Chairman, EAC.

B. Presentation of minutes of the Executive Advisory Committee meeting of May 4, 1972—Secretary, EAC.

C. Report on FPC's determination of the proven natural gas reserves in the United States—Dr. Paul J. Root, Technical Director, NGS.

D. Report of Supply-Technical Advisory Committee—Mr. Myron A. Wright, Vice Chairman, Supply-TAC.

E. Report of Transmission-Technical Advisory Committee—Mr. Willis A. Strauss, Vice Chairman, Transmission-TAC.

F. Report Of Distribution-Technical Advisory Committee—Mr. G. J. Tankersley, Vice Chairman, Distribution, TAC.

G. Report on Staff operations of National Gas Survey—Mr. Thos. H. Jenkins, Director, NGS.

H. General discussion of National Gas Survey.

3. Adjournment—Chairman Nassikas.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-12572 Filed 6-20-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

Agenda for a meeting of the Task Force on Technical Aspects of the Technical Advisory Committee on Conservation of Energy, to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., 9:30 a.m., June 26, 1973, room 5100.

1. Meeting called to order by FPC coordinating representative.

2. Objectives and purposes of the meeting:

A. Introductory remarks by Dr. David C. White, Chairman.

B. Review of position papers.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-12570 Filed 6-20-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS

Notice of Meeting and Agenda

Agenda for a meeting of the Technical Advisory Committee on Fuels, Task Force on Fuels Availability, to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., 9:30 a.m., June 26, 1973, room assignment will be posted in room 5100.

1. Meeting called to order by FPC coordinating representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of the May 22, 1973, meeting.

B. Review and analysis of draft studies, and the preparation of the fuels availability report to the Technical Advisory Committee.

C. Other business.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-12571 Filed 6-20-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS

Notice of Meeting and Agenda

Agenda for a meeting of the Task Force-Administrative of the Technical Advisory Committee on Fuels to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C. 20426, June 26, 1973, 9:30 a.m., e.d.s.t., room 5200.

1. Meeting called to order.
2. Objectives and purposes of meeting.
A. Approval of minutes of meeting April 24, 1973.
B. Review progress of draft reports of task forces.
C. Other business.
D. Date for next full committee meeting.
E. Date for next Task Force-Administrative meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12574 Filed 6-20-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Notice of Meeting and Agenda

Agenda, meeting of the Technical Advisory Committee on Research and Development, Task Force on Energy Distribution Research, to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., 10 a.m., June 25, 1973, room 5200, and 8:30 a.m., June 26, 1973, room 5200.

1. Call to order by FPC coordinating representative.
2. Objectives and purposes of meeting.
A. Approve minutes of May 30 and 31, 1973.
B. Second review of previous work.
C. Other business.
D. Schedule date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12573 Filed 6-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

D. H. BALDWIN CO.

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges (grandfather privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments of the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the act, the Board determines that such action is necessary to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of D. H. Baldwin Co., Cincinnati, Ohio, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414 and 25204). The time for filing comments, views, and requests has expired; and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the act.

On the evidence before it, the Board makes the following findings. D. H. Baldwin Co. (Registrant), Cincinnati, Ohio, became a bank holding company on December 31, 1970, as a result of the 1970 amendments to the act, by virtue of Registrant's indirect ownership of almost all of the voting shares of Central Bank & Trust Co. (Bank), Denver, Colo. (assets of about $279 million, as of December 31, 1970). Bank, control of which was acquired by Registrant in June 1968, had total deposits of approximately $300 million as of June 30, 1972, representing about 9 percent of the total deposits in commercil banks in the Denver banking market, and is the fourth largest bank in that market.

Bank's management, financial condition, and prospects are regarded as satisfactory. During the course of its review of the grandfather privileges of Registrant, the Board noted with concern that Bank maintained correspondent balances with banks designated by Registrant and at which Registrant maintained lines of credit. In view of the Board's concern in this area, Registrant has discontinued the practice and committed itself to refraining from such practice in the future.

Registrant, a diversified corporation with about $619 million in assets as of December 31, 1970, is engaged (either directly or through subsidiaries) in three principal areas of activity, namely, (1) the manufacture and sale of musical instruments; (2) manufacture and sale of electronic components; and (3) providing financial services.

Registrant has been engaged in the music business for over 100 years and has six subsidiaries engaged in various facets of the musical instrument business. Baldwin Piano & Organ Co., headquartered in Cincinnati, is engaged in the manufacture, sale, and sales financing of musical instruments and related accessories. The Baldwin Piano Co. (Canada) Ltd., headquartered in Toronto, purchases musical instruments manufactured by other subsidiaries of Registrant and sells such instruments through independent dealers located in principal cities throughout Canada. Baldwin Export Corp., headquartered in Cincinnati, sells musical instruments in the Western Hemisphere outside the United States. C. Bechstein Pianofortefabrik, A.G., West Berlin, Germany (about 74 percent of whose shares are owned by Registrant) manufactures pianos in West Germany for sale throughout the world with Europe as its principal market. Canyon Press, Inc., Cincinnati, a wholly owned subsidiary of Registrant, is engaged in the production and sale of sheet music. Fabricantes Tecnico, S.A., a wholly owned subsidiary located in Juarez, Mexico, is engaged in the manufacture and assembly of components for use in Baldwin pianos and organs. The D. H. Baldwin Trust, established by Registrant in December 1967, assists in the sale of the musical instruments manufactured by Registrant. The sole function of the trust is to hold title to and finance dealer consignment inventory. Registrant's net sales from the musical instrument business amounted to about $47 million in 1971, representing about 5 percent of the total sales of the musical instrument industry in the United States. Registrant's piano sales that year amounted to about 19 percent of the total sales by members of the National Piano Manufacturers Association, which accounts for 90 percent of the piano and piano parts sales in the United States. Registrant's organ sales (for 1971) amounted to about 8 percent of the sales in the United States by members of the National Association of Electronic Organ Manufacturers. All of Registrant's activities relating to the musical instrument business were commenced prior to June 30, 1968, have been engaged in continuously since that date, and appear to be eligible for retention on the basis of grandfather privileges.

The activities of Registrant relating to electronics are conducted through subsidiaries with total assets of about $14 million as of December 13, 1970. Total sales from the subsidiaries engaged in the electronics business amounted to about $5 million in 1971. Baldwin Electronics, Inc., a wholly owned subsidiary acquired by Registrant in April 1958, and headquartered in Little Rock, Ark., is engaged in the manufacture and sale of photoelectric shaft position encoders for government and civilian uses; electronic components for use primarily in Registrant's electronic organs and amplifiers; and rocket motors. Baldwin Electronics is also engaged in research, development, and manufacturing of other electronic ordnance and timing devices. Quantrol Electronics, Inc., a wholly owned subsidiary of Baldwin Electronics, was formed in June 1968, for the purpose of manufacturing photoelectric and photovoltaic

devices. Another subsidiary of Baldwin Electronics, Electron Emission Systems, Inc., Tucson, Ariz., was formed in November 1969, and engages in research, development, manufacture, and sale of nuclear hardened electronics and integrated vacuum circuits. Since Electron Emission Systems was formed after June 30, 1968, it is not entitled to indefinite grandfather benefits, and must be disposed of by December 31, 1980. Siliconix Inc., headquartered in Santa Clara, Calif. (about 28 percent of whose shares are held by Registrant) was formed in 1962 and is engaged in the design, development, manufacture and sale of specialty semiconductor components and integrated circuits. Siliconix has three wholly owned subsidiaries operating, respectively, in the United Kingdom, Germany, and France. Siliconix also has direct or indirect interests in three other electronics companies: I.P.T. Corp. of California, and Ledel Semiconductor, Inc., a California corporation which owns 100 percent of the stock of Ledel Semiconductor (H.K.), Ltd., a Hong Kong corporation.

Registrant has committed itself to divestment of its electronics business (not related to the music business) with reasonable speed and in any event by December 31, 1980. Registrant has already initiated efforts to divest its interests in Quantrol Electronics and Electron Emissions Systems. In view of the fact that Registrant has committed itself to divestiture of its electronic interests at a date earlier than would be required under an order for termination of grandfather privileges, no further analysis of the grandfather privileges with respect to the electronics business is deemed necessary.

Registrant's financially related activities are conducted through several nonbank subsidiaries. The Baldwin Company, Cincinnati, Ohio (Baldwin), was originally formed in 1966 as a real estate holding company, but its only significant present activity appears to be the long-term lease of a warehouse to the Kroger Co. D. E. Pedlow & Co., Cincinnati, Ohio (Pedlow), was acquired pursuant to a contract entered into prior to June 30, 1968, to engage in various types of financing transactions but, as of December 31, 1971, its lending activities consisted solely of making home improvement loans, mainly for kitchen remodeling and swimming pools, where a second mortgage is taken as security. Wobro Leasing Corp. (Wobro), was organized by principals of Registrant in April 1966, for the purpose of leasing buildings and equipment to a piano actions manufacturer. The buildings have been sold and the company continues to engage in the leasing of machinery to a manufacturer of piano actions. Since the activities of Baldwin, Pedlow, and Wobro were engaged in, prior to June 30, 1968, Registrant may continue such activities, but this determination is not authority to enter into any new activities that were not engaged in on June 30, 1968, and continuously thereafter, nor any activity that is not the subject of this determination.

Baldwin-Central, Inc., is a holding company owning almost all the outstanding shares of Bank. Through Baldwin-Central, Inc., Registrant acquired after June 30, 1968, a convertible bond of National Farmer Union Service Corp. (NFUSC), Denver, Colo., which bond is convertible into voting shares of that company. If the bond is converted, Baldwin-Central would hold about 90 percent of the voting shares of NFUSC. NFUSC and its five subsidiaries are engaged in the underwriting of various types of insurance, all noncredit related. Since Registrant's interest in NFUSC was acquired after June 30, 1968, indefinite grandfather benefits are not available with respect to NFUSC or its subsidiaries, and Registrant must reduce its interest in NFUSC to less than 5 percent of the outstanding voting shares by December 31, 1980. Baldwin-Central also holds 99 percent of the voting shares of Empire Savings & Loan Association (Empire), Denver, Colo. ($252 million in assets, as of December 31, 1971). The interest in Empire was acquired after June 30, 1968, and must be reduced to less than 5 percent of the outstanding voting shares by December 31, 1980. Registrant (through Baldwin Piano & Organ Co.) acquired about 96 percent of the shares of Anchor Savings & Loan Association (Anchor), Kansas City, Kans. ($122 million in assets, as of September 30, 1971) in December 1971, in apparent violation of the Bank Holding Company Act since such acquisition took place without the prior approval of the Board. On the day following that acquisition, Registrant sold about 62 percent of the shares to the public while continuing to hold about 34 percent of nonvoting shares.[1] Registrant has entered into an agreement for the sale of the remaining shares that it holds in the saving and loan association, and no Board action with respect to the divestment of Anchor apppears to be necessary at this time. Central Bank Building Corp., a wholly owned subsidiary of Bank, is engaged in holding the premises occupied by Bank. The activities of this subsidiary appear to be permissible, on the basis of section 4(c)(1)(A) of the act, and no grandfather benefits are needed for Registrant to continue such activities.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its grandfathered subsidiaries do not demonstrate and undue concentration of resources, decreased, or unfair competition, conflicts of interest, nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfather interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, nor any activity that is not the subject of this determination.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent and undue concentration of resources or any of the other evils at which the act is directed. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant.[2] The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[3] effective June 14, 1973.[4]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12372 Filed 6-20-73;8:45 am]

[1] Registrant states that the shares in Anchor were converted to nonvoting prior to their acquisition by Registrant.

[2] Dissenting statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[3] Voting for this action: Chairman Burns and Governors Sheehan and Bucher. Voting against this action: Governor Brimmer. Absent and not voting: Governors Mitchell and Daane.

[4] Board action was taken before Governor Holland became a Board Member.

BANKAMERICA CORP.

Order Approving Entry De Novo in Issuance and Sale and Marketing Travelers Checks Through BA Cheque Corp.

Bankamerica Corp., San Francisco, Calif., a bank holding company within

the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval under section 4(c)(8) of the act and § 225.4(b)(1) of the Board's Regulation Y for permission to engage de novo in the activity of the issuance and sale of travelers checks and, through a subsidiary known as BA Cheque Corp., San Francisco, Calif., to distribute and market such checks issued by applicant. Such activities have not previously been determined by the Board to be closely related to the business of banking.

Notice of the application, affording opportunity for interested persons to submit comments and views on whether such activity is closely related to banking, as well as the public interest factors, has been duly published (38 FR 4816). The time for filing comments and views has expired and none has been timely received.

Applicant[1] controls Bank of America N.T. & S.A., San Francisco, Calif., the largest commercial bank in the country, with total deposits in excess of $21 billion.[2] Through its nonbanking subsidiaries, applicant is engaged in computer services, software and leasing activities, and investment advisory services. In 1928, the bank of Italy, the predecessor of Bank of America N.T. & S.A. (Bank), began issuing its own travelers checks and Bank has continuously, since that date, engaged in this activity. Today, through its Travelers Cheques Department, Bank enjoys total annual sales of travelers checks in excess of $1 billion, of which a substantial portion represent sales within the continental United States.

The sale of travelers checks has been a traditional banking service since the early years of the 20th century. Their use is comparable to and the functional equivalent of other negotiable instruments such as letters of credit or sight drafts. They apparently evolved from the need to have a convenient instrument for the financing of domestic and international travel and have replaced, for the most part, the traditional travelers letters of credit and bills of exchange. Travelers checks are today widely accepted by the public as a financing mechanism for international travel and they are recognized as a traditional banking instrument. They are sold in this country by most commercial banks, and the issuing companies have a worldwide network of offices or representatives where redemption, sales, and replacement functions are performed. Based on the facts of record, the Board finds that the issuance and sale of travelers checks is an activity closely related to banking or managing or controlling banks.

The issuance and sale of travelers checks is a recognized and distinct line of commerce. Six firms supply most of the output of the travelers check industry which, today, has annual U.S. sales of approximately $6 billion. The largest organization, American Express, accounts for about two-thirds of the industry total. Bank, and a subsidiary of First National City Corp., each have an estimated 15 percent of the industry's total U.S. sales, with the remaining three firms[3] possessing a market share of approximately 1 percent each. Barriers to entry into the industry appear high in view of the necessity for a large international sales organization to handle this low-margin, high-volume product. Thus, potential entrants are likely to be those large money center banking organizations which have, or are capable of building, correspondent or agency relationships worldwide. The Board concludes that it would be in the public interest for bank holding companies having such capabilities to engage in the activity of the issuance and sale of travelers checks in view of the limited number of competitors presently serving the industry.

The Board notes that the instant proposal represents a corporate reorganization by applicant which would create a nonbanking affiliate to take over the travelers check business of applicant's subsidiary bank, Bank of America N.T. & S.A. While approval of this application will not, therefore, add a new competitor to the travelers check industry, it should serve to promote competitive equality among the various leading participants in the industry through the elimination of reserve requirements and possibly may encourage new entry into this activity by other large money center banking organizations having international capabilities. The context of this application is unusual in that it appears that roughly two-thirds of the travelers check business in the United States is presently controlled by a company that is not a member bank and is not subject to the Federal Reserve System's reserve requirements. In such unique circumstances, there are public benefits associated with enabling applicant (and possibly other bank holding companies) to compete with the dominant institution in the industry on an equal basis, and these benefits outweigh any possible adverse effects. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable.

However, there are aspects of the proposal that cause the Board some concern, as a monetary authority. Funds received by a member bank upon the issuance of travelers checks are demand deposits included in the money supply, and Bank of America N.T. & S.A. is required to carry reserves against outstanding travelers checks as a member bank of the Federal Reserve System. (See 1929 Federal Reserve Bulletin 348; Board Interpretations para 2770.) Regrettably, consummation of the proposal may be expected to result in freeing from reserve requirements a portion of the money supply represented by outstanding travelers checks, as the new nonbanking affiliate takes over from the member bank the ongoing business of issuing travelers checks. While the Board does not look with favor upon this development, and believes that the better course would be to have all institutions engaged in deposit banking of this kind subject to common reserve requirements, present statutes do not permit achievement of competitive equity in this more desirable way. The Board has thus determined to approve this application in view of the relevant favorable considerations under the Bank Holding Company Act cited above.

Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by and make examinations of holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective June 14, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12371 Filed 6-20-73;8:45 am]

THIRD NATIONAL CORP.

Acquisition of Bank

Third National Corp., Nashville, Tenn., 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 100 percent of the voting shares of the successor by merger to the Union Bank, Pulaski, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 12, 1973.

Board of Governors of the Federal Reserve System, June 14, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12373 Filed 6-20-73;8:45 am]

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[1] As of Dec. 31, 1971, applicant possessed total resources of approximately $34 billion.

[2] Excludes foreign deposits of $10.7 billion as of June 30, 1972.

[3] Barclays, Thomas Cook & Son, and Republic National Bank of Texas.

[4] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp. Reg. F-182]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.*—This regulation is effective immediately.

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission in a proceeding involving the application of Kansas Power & Light Co. to add fuel adjustment clauses to certain electric rate schedules (docket No. 98,313-U).

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 14, 1973.

[FR Doc.73-12375 Filed 6-20-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on June 28, 1973, and 9:30 a.m. on June 29, 1973, at the Hospital Research Building conference room, National Zoological Park, Washington, D.C. Discussion at the June 28 meeting will begin at 1:30 p.m.

This meeting is for the purpose of evaluating the graphics of the National Zoological Park and recommending a course of action in line with the overall zoo master plan. This effort is part of the Federal design improvement program.

The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-12482 Filed 6-20-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5294]

AMERICAN ELECTRIC POWER CO., INC., AND OHIO POWER CO.

Notice of Proposed Amendment of Articles of Incorporation and Split of Common Stock

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its electric utility subsidiary company, Ohio Power Co. (Ohio), 301 Cleveland Avenue SW., Canton, Ohio 44701, have filed an application-declaration and amendments thereto, with this Commission designating sections 6, 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 (Act) as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to amend its articles of incorporation to increase the number of authorized shares of its common stock from 10 million to 20 million shares. If this proposed increase is authorized, Ohio proposes to split the issued and outstanding shares of its common stock on a 2-for-1 basis. Ohio presently has 7,326,236 shares of common stock issued and outstanding, all of which is owned by AEP. Ohio also presently has 1,812,403 shares of cumulative preferred stock issued and outstanding, none of which is owned by AEP. Both Ohio's common stock and cumulative preferred stock are entitled to 1 vote per-share for the election of directors and upon all other matters. The application-declaration states that there have been new issues of Ohio's cumulative preferred stock in recent years, with no new issues of Ohio's common stock, resulting in a decrease in AEP's voting control of Ohio from 94.67 percent in 1970 to 80.17 percent at present.

Applicants state that because AEP controls (and has controlled) at least 80 percent of Ohio's voting securities, AEP and Ohio have qualified for filing consolidated Federal income tax returns and that this has saved Ohio in excess of $1 million annually in Federal income taxes. If Ohio issues additional shares of its cumulative preferred stock without increasing the number of its shares of common stock issued and outstanding, applicants state that AEP's voting control of Ohio will decrease to less than 80 percent and applicants will lose their qualification for filing consolidated Federal tax returns. Applicants state that if the proposal is approved, AEP's voting control of Ohio will increase from the present 80.17 percent to 88.99 percent, and this will enable Ohio to issue additional without losing eligibility for filing consolidated Federal tax returns.

Ohio will present its plan to amend its articles of incorporation at its annual meeting of shareholders scheduled to be held on July 9, 1973. Ohio is not soliciting proxies from the holders of cumulative preferred shares in connection with this meeting. Ohio, is, however, distributing an information statement to its shareholders. AEP has informed Ohio that AEP intends to vote all of its Ohio common stock in favor of the proposed amendment to Ohio's articles of incorporation, and applicants state that this vote will be sufficient to adopt the amendment.

Applicants state that the Ohio Public Utilities Commission has jurisdiction over the proposed stock split, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Ohio's fees, commissions, and expenses in connection with the proposed transactions are estimated not to exceed $28,600 including legal fees not to exceed $500.

Notice is further given that any interested person may, not later than July 9, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-12382 Filed 6-20-73;8:45 am]

[File No. 500-1]

CONSOLIDATED MEDICAL INDUSTRIES, INC.

Order Suspending Trading

JUNE 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 25 cents par value, and all other securities of Consolidated Medical Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3 p.m., e.d.t. June 4, 1973, through June 13, 1973.

By the Commission.

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

[FR Doc.73-12383 Filed 6-20-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONNECTICUT DEVELOPMENTAL PLAN

Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.*—Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), and § 1902.11 of title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Connecticut has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. Having preliminarily reviewed the plan, the Assistant Secretary hereby gives notice that the question of approval of the plan is in issue before him.

The plan designates the Department of Labor as the agency responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the Secretary of Labor as of October 18, 1972, have been adopted by the State including 29 CFR parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring), as applicable to maritime operations outside the area of exclusive Federal jurisdiction.

The enabling legislation included in the plan was passed by the Connecticut legislature; signed by the Governor. The law as enacted gives the Department of Labor, Division of Occupational Safety and Health, statutory authority to implement an occupational safety and health program throughout the State. The law applies to all employers of employees in the State with the exception of employees of the United States and employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor.

The Commissioner of Labor has the authority to inspect workplaces and to issue citations for violations, and the law includes a prohibition on advance notice of such inspections. The law is also intended to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of such inspection; protection of employees against discrimination in terms and conditions of employment; and adequate safeguards to protect trade secrets. There is a provision made for prompt restraint of imminent danger situations through court injunction and a system of penalties for violation of the statute. The law also establishes an independent Occupational Safety and Health Review Commission to hear cases on citations, penalties, and abatement dates.

The legislation is accompanied by a legal opinion that the law will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and other laws of the State.

While the legislation provides the general authority for implementing the Connecticut plan, the plan is also developmental within the meaning of 29 CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and make it fully operational. There is set forth in the plan a developmental time schedule, including the development of a public employee program. The plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of the plan for inspection and copying.*—A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 180 Oliver Street, fifth floor, Boston, Mass. 02203; and Commissioner, Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Conn. 06109.

3. *Public participation.*—Interested persons are hereby given until July 23, 1973, to submit to the Assistant Secretary in writing data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized objections thereto are filed by July 23, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a hearing on the subjects and issues involved.

The Assistant Secretary shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 14th day of June 1973.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.73-12478 Filed 6-20-73;8:45 am]

Office of the Secretary

REGINA FOOTWEAR, INC.

Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers of Regina Footwear, Inc., Brooklyn, N.Y. (TEA-W-198). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR, part 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of 29 CFR, part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Acting Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before June 27, 1973.

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

MARVIN M. FOOKS, *Acting Director, Office of Foreign Economic Policy.*

[FR Doc.73-12380 Filed 6-20-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 280]

ASSIGNMENT OF HEARINGS

JUNE 18, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35664, *The Department of Defense* v. *Aberdeen and Rockfish Railroad Co. et al.*, now assigned June 18, 1973, at Washington, D.C. is postponed indefinitely.

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.

AB-5 sub 154, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Penn Yan industrial track between Penn Yan and Dresden, In Yates County, N.Y., now being assigned hearing August 7, 1973 (3 days), at Penn Yan, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12470 Filed 6-20-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 18, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 6, 1973.

FSA No. 42701.—Joint Water-Rail Container Rates—Seatrain International, S.A.—Filed by Seatrain International, S.A., (No. WEE-1), for and on behalf of itself and interested rail carriers. Rates on general commodities, between rail carrier's terminal in New Orleans, La., and ports in Europe, as named in the application.

Grounds for relief.—Water competition.

Tariffs.—Seatrain International, S.A. tariffs Nos. R.W. 1, W.R. 2, R.W. 3, W.R. 4, R.W. 5, and W.R. 6, ICC Nos. 9, 10, 11, 12, 13, and 14, respectively. Rates are published to become effective on July 16, 1973.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12474 Filed 6-20-73;8:45 am]

[Notice 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 13, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of *Ex parte No. MC-67* (49 CFR, part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before July 6, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 100449 (sub-No. 34 TA), filed June 4, 1973. Applicant: MALLINGER TRUCK LINE, INC., Route 4, Fort Dodge, Iowa 60601. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and empty beer containers*, between St. Louis, Mo. and Fort Dodge, Iowa, for 180 days. Supporting shipper: Humes Distributing, Inc., 400 North Fifth, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 112750 (sub-No. 296 TA), filed June 6, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between points in Franklin County, Mass. and Hartford County, Conn. (except Windsor Locks, Conn.); (2) between Indianapolis, Ind., and Hamilton, Mich.; and (3) between Chicago, Ill., on the one hand, and, on the other, points in Door, Langlade, and Menominee Counties, Wis., for 90 days. Supporting shippers: (1) First National Bank of Franklin County, 1 Federal Street, Greenfield, Mass.; (2) American Fletcher Sharedata, 450 East Washington Street, Indianapolis, Ind.; and (3) Federal Reserve Bank of Chicago, 230 South LaSalle Street, Chicago, Ill. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112750 (sub-No. 297 TA), filed June 6, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between Windsor Locks, Conn., on the one hand, and, on the other, West Gloucester, R.I., and (2) between Boston, Mass., on the one hand, and, on the other, Wolfeboro, N.H., for 90 days. Supporting shipper: Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Mass. 02106. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114632 (sub-No. 58 TA), filed June 4, 1973. Applicant: APPLE LINES, INC., 225 South Van Epps Avenue, P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Leavitt Tube Co., Division Unarco Industries, Chicago, Ill., to points in Kansas, for 180 days. Supporting shipper: Kenneth Leavitt, executive vice president, Leavitt Tube Co., Division Unarco Industries, 1717 West 115th Street, Chicago, Ill. 60643. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124144 (sub-No. 5 TA), filed June 5, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING, 1516 South George, York, Pa. 17403. Applicant's representative: Charles E. Creager, suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio, to York, Pa., for 180 days. Supporting shipper:

Brewery Products Co., 151 Hamilton Avenue, York, Pa. 17404. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 125433 (sub-No. 46 TA), filed June 1, 1973. Applicant: F-B TRUCK LINE CO., 1891 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed car bodies, scrap auto engine blocks and transmissions*, from points in Idaho south of the southern boundary of Idaho County, to Salt Lake City, Utah, for 180 days. Supporting shipper: Auto Disposal Service, Inc., Car Crushers, 4621 Morris Hill Road, Boise, Idaho 83704 (Jolly W. Kile, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 126276 (sub-No. 80 TA), filed June 5, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulated copper wire and unfinished copper rods*, from Hastings-On-Hudson, N.Y., to Nekoma, N. Dak.; Marion and Anderson, Ind.; and Sycamore, Ill., for 180 days. Supporting shipper: Raymond M. Green, manager—traffic and transportation, Anaconda Wire and Cable Co., 605 Third Avenue, New York, N.Y. 10016. Send protests to: Robert Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 126514 (sub-No. 43 TA) (correction), filed April 20, 1973, published in the FEDERAL REGISTER issue of May 4, 1973, as No. MC 138638 TA, and republished as corrected this issue. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306.

NOTE.—The purpose of this partial republication is to show that applicant now seeks to operate as a *common carrier* rather than a *contract carrier*, which was published in error and assigned MC 138638 TA. The correct MC number is No. MC 126514 (sub-No. 43 TA). The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12471 Filed 6-20-73;8:45 am]

[Notice 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 14, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex parte No. MC-67* (49 CFR pt. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before July 6, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field offices to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 48213 (sub-No. 36 TA), filed June 1, 1973. Applicant: C. E. LIZZA, INC., mail: P.O. Box 447 (box ZIP 15650), Latrobe, Pa., and office: Rural delivery No. 6, Lincoln Highway West, Greenburg, Pa. 15601. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials and supplies* used in the manufacture and distribution thereof, from Buchanan, N.Y., to Hazel Township, Luzerne County, Pa., under a contract with American Cyanamid Co. of Wayne, N.J., for 180 days. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: District Supervisor James C. Donaldson, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 111812 (sub-No. 492 TA), filed June 6, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, 900 West Delaware, Sioux Falls, S. Dak. 57101. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, frozen and cooked, *sauces, soups, and entree items*, between Minneapolis/St. Paul, Minn., on the one hand, and, on the other, Norfolk, Va., for 180 days. Supporting shipper: King Foods, Inc., P.O. Box 26, South St. Paul, Minn. 55075, George Erickson, traffic manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114457 (sub-No. 150 TA), filed June 6, 1973. Applicant: DART TRANSIT CO., 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees and accessories*, (1) from the plantsite and warehouse facilities of Gordon Industries, Inc., at Chicago, Ill., to points in the United States (except Alaska and Hawaii) and (2) from the plantsite and warehouse facilities of Gordon Industries, Inc., at Newburgh, N.Y., to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and *returned or rejected shipments* to the plantsites and storage facilities of Gordon Industries, Inc. at Chicago, Ill. and Newburgh, N.Y., for 180 days. Supporting shipper: Gordon Industries, Inc., 901 East 104th Street, Chicago, Ill. 60628. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 115162 (sub-No. 277 TA), filed June 6, 1973. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay sewer pipe and fittings, attachments, materials, and supplies* used in the installation thereof, from Streator, Ill., to Flower Mound, Tex. (near Lewisville, Tex.), for 180 days. Supporting shipper: Clow Corp., 1301 West 22d Street, Oak Brook, Ill. 60521. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814-2121 Building, Birmingham, Ala. 35203.

No. MC 118468 (sub-No. 35 TA), filed June 6, 1973. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, P.O. Box 236, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Lumber and lumber products*, from points in Washington, Oregon, Montana, Idaho, Wyoming, Colorado, North Dakota, and Nebraska, to points in Iowa, Minnesota, Nebraska, Missouri, Wisconsin, Illinois, Kansas, North Dakota, and South Dakota, for 180 days. Restriction: The authority issued herein shall be limited to a transportation service to be performed under a continuing contract or contracts with Emmer Bros., Inc. and its affiliates. Supporting shipper: Emmer Bros., Inc., 6800 France Avenue, Edina, Minn. 55435. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 127527 (sub-No. 15 TA), (correction), filed May 15, 1973, published in the FEDERAL REGISTER issue of May 31, 1973, and republished as corrected this issue. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING, 8418 C.H., R.F.D. No. 6, Ravenna, Ohio 44266. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel articles*, from Buffalo and Lackawanna, N.Y.; Sparrows Point, Md.; points in Johnstown, Bethlehem, Sharon, and Allegheny Counties, Pa.; Chicago and Sterling, Ill.; Gary, Burns Harbor and Kokomo, Ind.; Weirton, W. Va.; Detroit, Mich. and Roanoke, Va., to Akron, Ohio and (B) *Iron and steel articles and fabricated and structural steel*, from Akron, Ohio, to points in New York, Pennsylvania, Indiana, Illinois, West Virginia, and Michigan, for 180 days. Supporting shipper: Summit Steel Corp., 258 Kenmore Boulevard, Akron, Ohio 44301. Send protests to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

NOTE.—The purpose of this republication is to add part (B) which was omitted in error.

No. MC 133490 (sub-No. 7 TA), filed June 5, 1973. Applicant: LEE'S TRUCKING, INC., 122 Cedar Avenue, Minneapolis, Minn. 55404. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut houses*, knocked down, from Minneapolis, Minn., to points in Colorado and Wyoming, for 180 days.

NOTE.—Applicant states if granted, the proposed service could be joined to the authority granted in MC 133490 Sub 1, to provide partial unloading at points in Iowa, Nebraska and South Dakota.

Supporting shipper: President Homes Division—Harvey Builders, Inc., 4808 North Lilac Drive, Minneapolis, Minn. 55429. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 136408 (sub-No. 9 TA), filed June 5, 1973. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioners, electric and gas ranges, range hoods, dryers, refrigerators, and freezers*, from Maspeth, N.Y., to Cleveland, Ohio; Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; Minneapolis, Minn.; St. Louis, Mo., and Kansas City, Kans., for 180 days. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract with the Welbilt Corp. Supporting shipper: Welbilt Corp., 57–18 Flushing Avenue, Maspeth, N.Y. 11378. Send protests to: Carroll Russell, district supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 138758 (sub-No. 1 TA), filed May 30, 1973. Applicant: NORTHERN GAS, INC., Lyndonville, Vt. 05851. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, in bulk, from the ports of entry on the United States-Canadian border at or near Champlain, N.Y.; Highgate Springs, Derby Line, and Norton, Vt., to points in New Hampshire, New York, and Vermont, for 90 days.

NOTE.—Applicant intends to tack with complementary Canadian authority to provide through service, from Montreal and Sherbrooke, Canada.

Supporting shipper: Pyrofax Gas Corp., subsidiary of Texas Eastern Transmission Corp., 921 Main at McKinney, P.O. Box 2521, Houston, Tex. 77001. Send protests to: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, room 5, Montpelier, Vt. 05602.

No. MC–138786 TA, filed June 6, 1973. Applicant: CHARLES A. TERPENING TRUCKING CO., INC., 341 Driscoll Avenue, Syracuse, N.Y. 13204. Applicant's representative: C. A. Terpening (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from the international boundary line at or near Ogdensburg, N.Y., to points in Broome, Cayuga, Chemung, Cortland, Essex, Franklin, Herkimer, Jefferson, Lewis, Madison, Monroe, Oneida, Onondaga, Ontario, Oswego, St. Lawrence, Wayne, Steuben, Tompkins, and Yates Counties, N.Y., for 180 days. Supporting shipper: Mr. Thomas W. Williamson, vice president, Seaway Products Corp., P.O. Box 127, Troy, N.Y. Send protests to: Morris H. Gross, district supervisor, Bureau of Operations, Interstate Commerce Commission, room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC–138787 TA, filed June 5, 1973. Applicant: MARY JO MILLER, doing business as M. J. MILLER TRUCKING, 644 NW. 46th Terrace, Plantation, Fla. 33313. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel products* not finished manufactured, between Opa Locka, Miami, and Orlando, Fla.; Gadsden and Birmingham, Ala.; Chicago, Ill.; East Chicago and Portage, Ind.; Atlanta and Doraville, Ga., for 180 days. Supporting shipper: Whittaker Metals, Gardner and Roosevelt Road, Broadview, Ill. 60153. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 SW. 17th Street, room 105, Miami, Fla. 33155.

No. MC–138788 TA, filed June 6, 1973. Applicant: DALLAS TRANSPORTATION CO., INC., 2001 Jeff Davis Avenue, Selma, Ala. 36701. Applicant's representative: J. Douglas Harris, 1110 Union Bank Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by hardware stores, for the account of Tissier Hardware Co., Inc., in Selma, Ala., (1) from Birmingham, Ala., to the plantsite of Tissier Hardware in Selma, Ala.; (2) from Montgomery, Ala., to the plantsite of Tissier Hardware in Selma, Ala.; and (3) from the plantsite of Tissier Hardware in Selma, Ala., to all points in Alabama, and/or to Crestview, Jay, Baker Hill, and Walnut Hill, Fla.; Stateline and Waynesboro, Miss., for 180 days. Restriction: Origin or destination the plantsite of Tissier Hardware Co., Inc., in Selma, Ala.

NOTE.—Applicant intends to interline at Birmingham and Montgomery, Ala.

Supporting shipper: Tissier Hardware Co., Inc., P.O. Box 1059, Selma, Ala. 36701. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 814—2121 Building, Birmingham, Ala. 35203.

By the Commission.

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

[FR Doc.73–12472 Filed 6–20–73;8:45 am]

[Notice 299]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested

person may file a petition seeking reconsideration of the following numbered proceedings on or before July 11, 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-74491. By order of June 15, 1973, the Motor Carrier Board approved the transfer to Gilday Co., Inc., Osage City, Kans., of certificates Nos. MC-13129 and MC-13129 (sub-No. 1) issued September 6, 1943, and February 7, 1949, respectively, to Edward Joseph Gilday, doing business as Gilday's Truck Line, Osage City, Kans., authorizing the transportation of general commodities, with exceptions, between specified points in Kansas and Missouri. Edward Joseph Gilday, Gilday Co., Inc., 523 Lord Street, Osage City, Kans. 66523 for applicants.

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

[FR Doc.73-12473 Filed 6-20-73;8:45 am]

[Notice 48]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 15, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 151 (sub-No. 52), filed May 7, 1973. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Avenue, Terre Haute, Ind. 47807. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplement; medicated feeding compounds; feed, animal or poultry, conditioning powders, regulators or tonics; drugs or medicines; weed killing compounds; agricultural insecticide or fungicide; toilet preparations; dip, animal or poultry; bags, and paper;* from the plant or warehouse sites of Eli Lilly and Co. located at or near Clinton, Indianapolis, and Lafayette, Ind., on the one hand, and on the other, to points in Indiana, Illinois, Iowa, Ohio, and Missouri.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 2900 (sub-No. 238), filed May 7, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: John H. Kress, P.O. Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), serving the plantsite of the CLECO Power Plant located at or near Zimmerman, La., as an off-route point in connection with applicant's regular-route operations; and (2) serving the plantsite and facilities of Mueller Brass located at or near Fulton, Miss., as an off-route point in connection with applicant's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New Orleans, La.; or Jackson, Miss.; or Atlanta, Ga.

No. MC 2962 (sub-No. 49), filed May 11, 1973. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio, and Louisville, Ky., as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations: From Cincinnati over Interstate Highway 71 to Louisville, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 2962 (sub-No. 50), filed May 14, 1973. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 60 and U.S. Highway 41A at or near Henderson, Ky., and junction U.S. Highway 41A and Kentucky Highway 120 near Providence, Ky., serving all intermediate points: From junction U.S. Highways 60 and 41A over U.S. Highway 41A to junction U.S. Highway 41A and Kentucky Highway 120, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 3581 (sub-No. 18), filed May 10, 1973. Applicant: THE MOTOR CONVOY, INC., P.O. Box 82432, Hapeville, Ga. 30054. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *Automobiles and trucks*, in initial movement, in truckaway service, from West Palm Beach, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 3991 (sub-No. 5), filed May 4, 1973. Applicant: J. C. TRUCKING CO., INC., 70 Orchard Street, New Haven, Conn. 06519. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Women's and children's dress materials*, including cut goods, trimmings, buttons, buckles, belts, threads, and women's and children's dress materials not otherwise indexed by name, from North Bergen, N.J., and New York, N.Y., to Waterbury, Conn.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

No. MC 5888 (sub-No. 34), filed May 4, 1973. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, Mo. 64105. Applicant's representative: Louis A. Hoger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., Romeo, Mich., as an off-route point in connection with carrier's authorized regular route operations to and from Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill., or Washington, D.C.

No. MC 8943 (sub-No. 31), filed May 7, 1973. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet*, from the facilities of Alcan Aluminum Corp., at Oswego, N.Y., Warren, Ohio, and Fairmont, W. Va., to the facilities of Alcan Aluminum Corp., at Woodbridge and South Kearny, N.J.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 11207 (sub-No. 331), filed May 8, 1973. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe conduit, fittings and accessories used in the installations thereof*, from the plantsite of Certain-Teed Products Corp. at Social Circle, Ga., to points in Indiana, Illinois, Missouri, North Carolina, and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 13134 (sub-No. 34), filed May 2, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, Ohio 45656. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand additives*, from Wadsworth, Ohio, to points in Maryland, Virginia, Delaware, Rhode Island, New Hampshire, Vermont, and Maine; (2) *foundry sand additives*, in bulk, from Wadsworth, Ohio, to points in Connecticut, Massachusets, and New Jersey; and (3) *foundry sand additives* (except in bulk), from Wadsworth, Ohio, to points in Michigan, those in Indiana on and north of U.S. 30, those in New York on and west of New York Highway 12, and points in West Virginia (except those in Brooke and Hancock Counties south of U.S. Highway 60).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19553 (sub-No. 34), filed May 3, 1973. Applicant: KNOX MOTOR SERVICE, INC., P.O. Box 359, Rockford, Ill. 61105. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French & Hecht at Walcott, Iowa, as an off-route point in connection with applicant's presently authorized regular-route operations to and from Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 22182 (sub-No. 22), filed May 4, 1973. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, from points in the Norfolk, Va., and Portsmouth, Va., commerical zones, to points in Kentucky and Tennessee, restricted to the transportation of traffic originating at the plantsites and facilities of Toyo Kogyo Co. located in England, Germany, and Italy.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25869 (sub-No. 116), filed May 4, 1973. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and cleaning compounds*, in containers, from Joliet, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 29910 (sub-No. 131), filed May 9, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites and warehouse facilities of Fisher-Price Toys, Inc., located at or near Albion and Medina, N.Y., as off-route points in connection with applicant's regular-route operations to and from Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 30844 (sub-No. 464), filed May 7, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (other than frozen), as described in section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Quakertown, Pa., to points in Ohio, restricted to traffic originating at the plantsite and storage facilities of E. W. Knauss and Son, Inc., at Quakertown, Pa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30844 (sub-No. 465), filed May 7, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commerical Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Holland, Mich., to Muscatine and Iowa City, Iowa, restricted to shipments originating at and destined to the plantsites and warehouse facilities of H. J. Heinz Co.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30844 (sub-No. 466), filed May 21, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from Smithfield, Va., to points in the District of Columbia, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, restricted to shipments originating at the facilities of I.T.T. Gwaltney Co. at Smithfield, Va.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30887 (sub-No. 191), filed May 7, 1973. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, P.O. Box 55, Reistertown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Cheswold, Del., to points in the United States (including Minnesota) on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32882 (sub-No. 70), filed May 14, 1973. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (other than iron or steel pipe), *and pipe fittings, accessories, and materials used in the installation of pipe* (other than iron and steel pipe), between the plantsites of Johns-Manville Products Corp. located at or near Stockton, Calif., McNary, Oreg., Tucson, Ariz., and Pueblo, Colo., on the one hand, and, on the other, points in Washington, Oregon, California, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and Nevada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 39568 (sub-No. 12) (amendment), filed March 13, 1973, published in the FEDERAL REGISTER issue of April 19, 1973, and republished, as amended, this issue. Applicant: ARROW TRANSFER & STORAGE CO., a corporation, 1124 Market Street, Chattanooga, Tenn. 37401. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber mounted cranes and power shovels*, in driveaway service, *including the chassis, with or without their crane and shovel cabs, turntables, crane and shovel power units, booms and parts* for said cranes and power shovels, between Chattanooga, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—This republication (a) amends the previously published commodity description to include the chassis, with or without their crane and shovel cabs, turntables, crane and shovel power units; and (b) indicates that applicant seeks radial in lieu of nonradial operations. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn.

No. MC 43038 (sub-No. 456), filed May 7, 1973. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representative: E. Phillips Malone, 3800 Frederica Street, Owensboro, Ky. 42301. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, between Atlanta, Ga., on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia, restricted to the transportation of traffic manufactured, assembled, imported or distributed by General Motors Corp.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Atlanta, Ga.

No. MC 49849 (sub-No. 2), filed May 17, 1973. Applicant: TRI-BOROUGH TRANSPORTATION CORP., 116 Kent Avenue, Brooklyn, N.Y. 11211. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Clifton, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., under contract with Louis Hackmeyer, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52704 (sub-No. 99), filed May 3, 1973. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, La Fayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* (except in bulk), from Baton Rouge, La., to Laurens, S.C., and Henderson, N.C.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 54200 (sub-No. 1), filed May 2, 1973. Applicant: SEIGLE'S EXPRESS, INC., 73 Porete Avenue, North Arlington, N.J. 07032. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antique cars and classic cars*, in secondary movements, in truckaway service, between points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 56553 (sub-No. 24), filed . Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. 37203. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue NW., Washington, D.C. 20026. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special

equipment), between Lawrenceburg, Tenn., and Columbia, Tenn.: From Lawrenceburg over U.S. Highway 43 to Columbia, and return over the same route, serving no intermediate points (but serving Columbia).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, Tenn.

No. MC 56679 (sub-No. 75), filed May 18, 1973. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the above-named origin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Amarillo, Tex.

No. MC 59098 (sub-No. 6), filed April 30, 1973. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, and equipment, materials, and supplies*, used in the installation of floor coverings, (1) between points in Bergen, Essex, Hudson, Mercer, Middlesex, Ocean, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, points in Suffolk, and Rockland Counties, N.Y.; and (2) between points in Ocean and Monmouth Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61396 (sub-No. 246) (correction), filed April 2, 1973, published FEDERAL REGISTER issue of June 7, 1973, and republished, as corrected this issue. Applicant: HERMAN BROS., INC., 2501 Number 11th Street, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank or hopper type vehicles, from points in St. Louis County, Mo. (except points in the St. Louis, Mo., commercial zone and East St. Louis, Ill.), to Lincoln, Nebr.

NOTE.—Previous publication appeared in FEDERAL REGISTER in error under MC 67200 (sub-No. 41). Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 61592 (sub-No. 306), filed May 17, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toolboxes*, from Rochester, Ind., to points in the United States (except Alaska and Hawaii); and (2) *Hardware and paint*, from Chicago, Ill., to the plantsite of Utrail Co., Inc., at Rochester, Ind.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65660 (sub-No. 7), filed April 13, 1973. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., P.O. Box 96, Masury, Ohio 44438. Applicant's representative: C. Robert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Titusville, Pa., and Farmers Valley, Pa., serving all intermediate points: From Titusville over Pennsylvania Highway 27 via Pleasantville, Pa., to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Pennsylvania Highway 59, thence over Pennsylvania Highway 59 to junction Pennsylvania Highway 770, thence over Pennsylvania Highway 770 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 46, thence over Pennsylvania Highway 46 to Farmers Valley, and return over the same routes; (2) between Oil City, Pa., and Tidioute, Pa., serving all intermediate points: From Oil City over U.S. Highway 62 to junction Pennsylvania Highway 127, thence over Pennsylvania Highway 127 to Tidioute, and return over the same routes; (3) between Franklin, Pa., and Luthersburg, Pa., serving all intermediate points: From Franklin over U.S. Highway 322 to Luthersburg, and return over the same route; (4) between Barkeyville (Venango County), Pa., and Frills Corners (Clarion County), Pa., serving all intermediate points: From Barkeyville over Pennsylvania Highway 208 to Frills Corners, and return over the same route; (5) between Brookville, Pa., and Tionesta, Pa., serving all intermediate points: From Brookville over Pennsylvania Highway 36 to Tionesta, and return over the same route; and (6) between Brookville, Pa., and Luthersburg, Pa., serving all intermediate points: From Brookville over Pennsylvania Highway 28 to junction U.S. Highway 219, thence over U.S. Highway 219 to Luthersburg, and return over the same routes; serving in connection with routes (1) through (6) above all intermediate points, and the off-route points of Callensburg, East Hickory, Falls Creek, Foxburg, Lucinda, Marienville, North East, Parker, Rimersburg, Sligo, and Townville, Pa.; restricted in all of the above against the transportation of truckload shipments of glass containers and fiberboard boxes to and from Clarion County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 67200 (sub-No. 41) (correction), filed April 23, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished as corrected this issue. Applicant: THE FURNITURE TRANSPORT CO., INC., Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organs*, from the warehouse and storage facilities of Warwick Electronics, Inc., at Harrisburg, Pa., to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, New York, New Jersey, and those in that part of Pennsylvania on and east of U.S. Highway 15, including Harrisburg, Pa.

NOTE.—Previous publication appeared in FEDERAL REGISTER in error. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 69116 (sub-No. 156), filed April 12, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Marion, Ind., and the junction of U.S. Highway 30 and Indiana Highway 15, as an alternate route for operating convenience only, serving the described junction for purposes of joinder only: From Marion over Indiana Highway 15 to junction U.S. Highway 30, and return over the same route; (2) between the junction of U.S. Highways 24 and 31 and the junction of U.S. Highways 30 and 31, as an alternate route for operating convenience only, serving the junction of U.S. Highways 30 and 31 for joinder only: From the junction of U.S. Highways 24 and 31 over U.S. Highway 31 to junction U.S. Highway 30, and return over the same route; (3) between the junction of U.S. Highways 30 and 41 and Fort Wayne, Ind., as an alternate route for operating convenience only, and

serving the described junction for purposes of joinder only: From the junction of U.S. Highways 30 and 41 over U.S. Highway 30 to Fort Wayne, and return over the same route; (4) between the junction of U.S. Highways 30 and 31 and South Bend, Ind., as an alternate route for operating convenience only, serving the described junction for purposes of joinder only: From the junction of U.S. Highways 30 and 31 over U.S. Highway 31 to South Bend, Ind., and return over the same route; (5) between Logansport, Ind., and the junction of U.S. Highways 24 and 41, as an alternate route for operating convenience only, and serving the described junction for purposes of joinder only: From Logansport over U.S. Highway 24 to junction U.S. Highway 41, and return over the same route; and (6) between Marion, Ind., and the junction of U.S. Highways 40 and 33, as an alternate route for operating convenience only, serving the described junction for purposes of joinder only: From Marion over Indiana Highway 18 to Indiana Highway 67, thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 40, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69224 (sub-No. 41), filed May 3, 1973. Applicant: H & W MOTOR EXPRESS CO., a corporation, 3000 Elm Street, Dubuque, Iowa 52001. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French & Hecht at Walcott, Iowa, as an off-route point in connection with applicant's regular-route operations to and from Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 69275 (sub-No. 44), filed April 20, 1973. Applicant: M & M TRANSPORTATION CO., a corporation, 186 Alewife Brook Parkway, Cambridge, Mass. 02138. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Boots, shoes, slippers, and materials and supplies* used in the distribution of boots, shoes, and slippers, serving the facilities of F & M Shoe Corp. at Brentwood, N.Y., as an off-route point in connection with applicant's regular-route operations to and from Boston, Mass., and Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 73165 (sub-No. 324), filed May 7, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, compacters, and materials, machinery, equipment, parts, attachments, accessories, and supplies* for such commodities (except commodities in bulk), between Newark, Ohio, on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 82841 (sub-No. 117), filed April 27, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers used to transport recreational vehicles, and parts*, from Lenox, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *returned or rejected shipments* of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Lenox, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 82841 (sub-No. 118), filed May 14, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Illinois and Indiana to points in Colorado, Iowa, Missouri, and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (sub-No. 119), filed May 14, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems*, from Eugene, Oreg., to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials, and supplies* used in the manufacture of irrigation systems, from points in the United States (except Alaska and Hawaii), to Eugene, Oreg.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 93980 (sub-No. 59), filed May 9, 1973. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Pittsburgh and Aliquippa, Pa., to points in Florida; (2) *insulated steel panels and aluminum sheets and accessories therefor*, from Pittsburgh, Pa., to points in Florida; and (3) *plastic sheets and accessories therefor*, from Zelienople and Pittsburgh, Pa., to points in Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 95876 (sub-No. 140), filed May 21, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in containers, and (2) *empty containers*, between points in the United States (except Alaska and Hawaii), in nonradial movements.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 95876 (sub-No. 141), filed May 25, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Cloquet, Minn. to points in Indiana, Illinois, Iowa, Michigan, Ohio, and Wisconsin; and (2) *paper and paper products* from Cloquet and Brainerd, Minn., to points in Illinois (except Chicago and points in its commercial zone), Iowa, Wisconsin, and St. Louis, Mo., restricted to shipments originating at the plantsite and warehouse of the Northwest Paper Co. located at Brainerd and Cloquet, Minn.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 97690 (sub-No. 39), filed May 10, 1973. Applicant: BARBER TRANSPORTATION CO., a corporation, Deadwood Avenue, Rapid City, S. Dak. 57701.

Applicant's representative: Leslie R. Kehl, suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Billings, Mont.: From Denver over Interstate Highway 25 to the junction of Interstate Highway 90 and U.S. Highway 87, thence over Interstate Highway 90 and U.S. Highway 87 to Billings, and return over the same route, serving the intermediate points of Wheatland, Douglas, Casper, Buffalo, and Sheridan, Wyo., and Hardin and Crow Agency, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Billings, Mont.

No. MC 103051 (sub-No. 277), filed April 30, 1973. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in tank vehicles, from the sites of Bulk Distribution Centers, Inc., located in Palm Beach and Broward Counties, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments having prior movement by rail.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103498 (sub-No. 32), filed May 16, 1973. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, De Queen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Simsboro, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 106497 (sub-No. 78), filed May 7, 1973. Applicant: PARKHILL TRUCK CO., a corporation, P.O. Box 912, 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) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers, and* (2) *parts, attachments and accessories* of the commodities named in (1) above, between the plantsite of Hyster Co. located at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, Texas, and Wyoming, restricted to shipments originating at or destined to the named plantsite.

NOTE.—Common control was approved in MC-F-10006. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106644 (sub-No. 151), filed May 9, 1973. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: R. W. Gefson, 15th Floor-Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, valves, hydrants, meter boxes, and accessories* for all the preceding, from Holt, Ala., to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Arkansas, Texas, Oklahoma, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 106644 (sub-No. 152), filed May 9, 1973. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Laurinburg and Clinton, N.C., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108119 (Sub-No. 38), filed April 13, 1973. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, St. Paul, Minn. 55121. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require special handling or special equipment, *related parts, materials, and supplies* when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require special handling or special equipment; and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (1) between points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio, restricted in service between the above-named States to operations through Cheyenne, Wyo., and Chicago, Ill. (as gateways), (2) between points in Arizona, California, Nevada, and New Mexico, on the one hand, and, on the other, points in Michigan, and Ohio, restricted in service between the immediately above-named States to operations through Albuquerque, N. Mex., and Toledo, Ohio (as gateways), and (3) between points in Ada and Jerome Counties, Idaho, on the one hand, and, on the other, points in the United States east of the Mississippi River (except points in Minnesota), those in Arkansas, Missouri, Iowa, and those in that part of Nebraska, South Dakota, and North Dakota on and east of U.S. Highway 281.

NOTE.—Applicant is presently authorized to perform operations under the commodity descriptions named above, and between the States named above through a Minnesota gateway. This application seeks alternate gateways in the performance of the above-described operations, and therefore no new service is proposed. Common control was approved in No. MC-F-8180. Applicant states that the requested authority can be tacked with its existing authority in sub-30 at points in Ada and Jerome Counties, Idaho, for service between those destination States named in (3) above, on the one hand, and, on the other, points in Washington, Oregon, and Idaho. Applicant further states that a grant of the requested authority will have a positive effect upon the quality of the human environment by eliminating consumption of fuel and emission of exhaust gases to the extent that vehicles can avoid circuitous distances and thereby enabling the greater utilization of equipment resulting in less vehicles necessary to move a given amount of traffic. If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109821 (sub-No. 34), filed May 7, 1973. Applicant: H. W. TAYNTON CO., INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Robert DeKroyft, 201 Bloomfield Avenue, Verona, N.J. 07044. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Leather*, from Westfield, Pa., to Boston, Bridgewater, Brockton, and Worcester, Mass., and *materials and supplies* used in the manufacture of leather, from Boston, Mass., to Westfield, Pa.

NOTE.—Common control may be involved Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Elmira, Binghamton, or New York, N.Y., or Washington, D.C.

No. MC-110098 (sub-No. 135) (correction), filed April 11, 1973, published in the FEDERAL REGISTER issue May 24, 1973, and republished, as corrected this issue. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportiing: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766. (1) From Wagner, S. Dak., to points in Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, and New Mexico; and (2) from points in Colorado, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, and New Mexico, to Wagner, S. Dak., restricted to transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—The purpose of this republication is to add the destination States of Texas and Louisiana in (1) above, which were omitted in the previous notice. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or San Antonio, Tex.

No. MC 110325 (sub-No. 56), filed April 18, 1973. Applicant: TRANSCON LINES, a corporation, P.O. Box 54005, Terminal Annex, Los Angeles, Calif. 90054. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling) (1) between Albany, N.Y., and Sprinfield, Mass.: From Albany over Interstate Highway 87 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 5, thence over U.S. Highway 5 to Springfield, and return over the same route, serving Albany, N.Y., and Springfield, Mass., for purposes of joinder only. Restriction: The route requested herein shall be used only as an alternate route for operating convenience for the movement of traffic to or from points west of the States of New York, Pennsylvania, and Ohio; (2) between South Bend, Ind., and St. Joseph, Mich.: From South Bend over U.S. Highways 31 and 33 to junction U.S. Highway 31.

Thence over U.S. Highway 31 to St. Joseph, and return over the same route, serving South Bend, Ind., and St. Joseph, Mich., for purposes of joinder only. Restriction: The service requested herein is restricted against the transportation of shipments originating at or destined to points in Ohio, Indiana, Illinois, and Missouri; (3) between Scranton, and Harrisburg, Pa.: From Scranton over Interstate Highway 81 to junction Interstate Highways 81 and 83 near Harrisburg, thence over Interstate Highway 83 to Harrisburg, Pa., and return over the same route, serving Scranton and Harrisburg, Pa., for purposes of joinder only; (4) between Oklahoma City, Okla., and junction Interstate Highway 35 and U.S. Highway 81, at Wichita, Kans.: From Oklahoma City over Interstate Highway 35 to the junction of U.S. Highway 81 at Wichita, Kans., and return over the same route, serving Oklahoma City, Okla., and the junction of Interstate Highway 35 and U.S. Highway 81, at Wichita, Kans., for the purpose of joinder only; (5) between the junction of Interstate Highway 35 and U.S. Highway 81, at Wichita, Kans., and Omaha, Nebr.: (a) From the junction of Interstate Highway 35 and U.S. Highway 81 at Wichita, Kans., over U.S. Highway 81 to the junction of U.S. Highway 50.

Thence over U.S. Highway 50 to junction of U.S. Highway 77, thence over U.S. Highway 77 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction, U.S. Highway 75, thence over U.S. Highway 75 to Omaha, Nebr., and return over the same route, serving the junction of Interstate Highway 35 and U.S. Highway 81, at Wichita, Kans., and Omaha, Nebr., for the purpose of joinder only, and (b) from the junction of Interstate Highway 35 and U.S. Highway 81, at Wichita, Kans., over U.S. Highway 81 to the junction of Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, serving the junction of Interstate Highway 80 and U.S. Highway 81 and Omaha, Nebr., for the purpose of joinder only; (6) between the junction of Interstate Highway 40 and U.S. Highway 66, at or near Pineveta, Ariz., and the junction of Interstate Highway 40 and U.S. Highway 66, at or near Kingman, Ariz.: from the junction of Interstate Highway 40 and U.S. Highway 66 at or near Pineveta, over Interstate Highway 40 to the junction of U.S. Highway 66 at or near Kingman, and return over the same route, serving the junctions of Interstate Highway 40 and U.S. Highway 66 for the purpose of joinder only; (7) between the junction of Interstate Highway 40 and U.S. Highway 66 near Fenner, Calif., and the junction of Interstate Highway 40 and U.S. Highway 66, at or near Ludlow, Calif.:

From the junction of Interstate Highway 40 and U.S. Highway 66, over Interstate Highway 40 to junction U.S. Highway 66, and return over the same route, serving the junction of Interstate Highway 40 and U.S. Highway 66 for the purpose of joinder only; (8) between junction of Interstate Highways 15 and 40, at or near Barstow, Calif., and the junction of Interstate Highway 15 and California Highway 60, at or near Riverside, Calif.: From the junction of Interstate Highways 15 and 40, over Interstate Highway 15 to junction California Highway 60 and return over the same route, serving the junctions of Interstate Highways 15 and 40 and Interstate Highway 15 and California Highway 60 for the purpose of joinder only; (9) between Flagstaff, Ariz., and junction Interstate Highway 17 and U.S. Highway 60 and Interstate Highway 10: From Flagstaff over Interstate Highway 17 to junction U.S. Highway 60 and or Interstate Highway 10, and return over the same route, serving Flagstaff and the junction of U.S. Highway 60 and Interstate Highway 10 for the purpose of joinder only; (10) between New River and Morristown, Ariz.: From New River over Arizona Highway 7 to Morristown, and return over the same route, serving New River and Morristown for the purpose of joinder only; (11) between Oklahoma City, Okla., and Phoenix, Ariz.:

From Oklahoma City over Interstate Highway 40 to junction Interstate Highway 17, thence over Interstate Highway 17 to Phoenix, and return over the same route, serving Oklahoma City, Okla., and Phoenix, Ariz., for the purpose of joinder only; (12) between Memphis, Tenn., and junction U.S. Highways 60 and 63: From Memphis over Interstate Highway 55 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 60, and return over the same route, serving Memphis, Tenn., and junction of U.S. Highways 60 and 63 for the purpose of joinder only; (13) between junction U.S. Highways 60 and 63 and junction U.S. Highway 71 and Interstate Highway 70 at Kansas City, Mo.: From junction U.S. Highways 60 and 63 over U.S. Highway 60 to junction Missouri Highway 13, at or near Springfield, Mo., thence over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Interstate Highway 70, and return over the same route, serving junction U.S. Highways 60 and 63, and junction U.S. Highway 71 and Interstate Highway 70 for the purpose of joinder only; (14) between junction U.S. Highway 71 and Interstate Highway 70 and Denver, Colo.:

From junction of U.S. Highway 71 and Interstate Highway 70 over Interstate Highway 70 to Denver, Colo., and return over the same route, serving junction of U.S. Highway 71 and Interstate Highway 70 and Denver, Colo., for the purpose of joinder only; (15) between Dallas, Tex., and junction U.S. Highway 69 and Interstate Highway 44: From

Dallas over U.S. Highway 75 to junction U.S. Highways 75 and 69, thence over U.S. Highways 75 and 69 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Interstate Highway 44, and return over the same route, serving Dallas, Tex., and junction U.S. Highway 69 and Interstate Highway 44, for the purpose of joinder only; (16) between junction U.S. Highway 69 and Interstate Highway 44 and Kansas City, Mo.: From junction U.S. Highway 69 and Interstate Highway 44 over Interstate Highway 44 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Interstate Highway 435, thence over Interstate Highway 435 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route, serving the junction of U.S. Highway 69 and Interstate Highway 44 and Kansas City, Mo., for the purpose of joinder only; (17) between Dallas and Fort Worth, Tex.:

From Dallas over Interstate Highway 20 to Fort Worth, and return over the same route, serving Fort Worth for the purpose of joinder only; (18) between Fort Worth, Tex., and junction Interstate Highways 10 and 20 near Kent, Tex.: From Fort Worth over Interstate Highway 20 (U.S. Highway 80) to junction Interstate Highways 10 and 20 near Kent, Tex., and return over the same route, serving junction Interstate Highways 10 and 20 for the purpose of joinder only; (19) between Houston, Tex., and junction Interstate Highways 10 and 20 near Kent, Tex.: From Houston over Interstate Highway 10 (U.S. Highways 90 and 290) to junction Interstate Highways 10 and 20 near Kent, Tex., and return over the same route (also from Houston over U.S. Highway 290 to junction Interstate Highway 10), serving junction Interstate Highways 10 and 20 for the purpose of joinder only; (20) between junction Interstate Highways 10 and 20 near Kent, Tex., and junction Interstate Highway 10 and U.S. Highway 70: From junction of Interstate Highways 10 and 20 near Kent, Tex., over Interstate Highway 10 to junction U.S. Highway 70, and return over the same route, serving the junction of Interstate Highway 10 and U.S. Highway 70 for the purpose of joinder only; (21) between junction of Interstate Highway 10 and U.S. Highway 70 and junction of Interstate Highways 10 and 8 at or near Arizola, Ariz.:

From junction Interstate Highway 10 and U.S. Highway 70 over Interstate Highway 10 to junction Interstate Highways 10 and 8 at or near Arizola, Ariz., and return over the some route, serving the junction of Interstate Highways 10 and 8 for the purpose of joinder only; (22) between junction of Interstate Highways 10 and 8 near Arizola, Ariz., and junction Interstate Highways 10 and 15: From junction of Interstate Highways 10 and 8 near Arizola over Interstate Highway 10 (also U.S. Highway 60) to junction Interstate Highways 10 and 15, and return over the same route, serving junction of Interstate Highways 10 and 15 for the purpose of joinder only; (23) between junction of Interstate Highways 10 and 15 and junction Interstate Highways 10 and 605: From junction Interstate Highways 10 and 15 over Interstate Highway 10 to junction of Interstate Highways 10 and 605, and return over the same route, serving the junction of Interstate Highways 10 and 605 for the purpose of joinder only; (24) between junction Interstate Highways 10 and 8 near Arizola, Ariz., and junction Interstate Highways 8 and 805: From junction of Interstate Highways 10 and 8 near Arizola over Interstate Highway 8 to junction of Interstate Highways 8 and 805, and return over the same route, serving junction of Interstate Highways 8 and 805 for the purpose of joinder only; (25) between junction of Interstate Highways 8 and 805 and junction of Interstate Highways 5 and 605:

From junction of Interstate Highways 8 and 805 over Interstate Highway 805 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction of Interstate Highway 605, and return over the same route, serving junction of Interstate Highways 5 and 605 for the purpose of joinder only; and (26) between junction of Interstate Highways 10 and 15 and junction Interstate Highways 5 and 605: From junction of Interstate Highways 10 and 15 over U.S. Highway 395 to junction California Highway 91, thence over California Highway 91 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction Interstate Highway 605, and return over the same route, serving the junction of Interstate Highways 5 and 605 for the purpose of joinder only, with all routes (1) through (26) as alternate routes for operating convenience only, in connection with carrier's authorized regular-route operations, and serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Oklahoma City, Okla., or Kansas City, Mo.

No. MC 111302 (sub-No. 72), filed May 14, 1973. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk and in bags, from points in Cumberland County, Tenn., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 113009 (sub-No. 8), filed May 14, 1973. Applicant: L. J. BEAL AND SON, INC., 212 South Main Street, Brooklyn, Mich. 49230. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of General Portland, Inc., Lansing, Mich., to points in Ohio and Indiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (sub-No. 495), filed May 17, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and automatic lubricators*, from Port Chester, N.Y., to points in California.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Denver, Colo.

No. MC 113843 (sub-No. 193), filed April 16, 1973. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Milton, Del., to points in Ohio and West Virginia and those in that part of Pennsylvania on and west of U.S. Highway 220, restricted to traffic originating at Milton, Del.

NOTE.—Common control was approved in MC-F-6781. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (sub-No. 275), filed May 16, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, light poles, parts for light poles, and pipe;* and (2) *materials, equipment, and supplies* used in the manufacture of irrigation systems, light poles, and pipe, from points in the United States (except Alaska and Hawaii), to Valley, Nebr.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application

may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113855 (sub-No. 276), filed May 16, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board, and plywood, accessories, materials, and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (including the District of Columbia); and (2) *materials, supplies, and accessories* used in the manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above, to the plant and warehouse sites of Abitibi Corp. in Calhoun County, Fla., restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (sub-No. 263) (correction), filed April 5, 1973, published in the FEDERAL REGISTER issue May 24, 1973, and republished, as corrected, this issue. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale, Springfield, Mo. 65804. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap products, liquid soap, and cleaning commodities*, in bulk, in tank or hopper type vehicles, (1) from Denver, Colo., to Chicago, Ill., and Lansing, Mich.; and (2) from Denver, Colo., to the ports of entry on the international boundary line between the United States and Canada at or near Piegan, Mont.

NOTE.—The purpose of this republication is to include Lansing, Mich., as a destination point in (1) above which was omitted in the previous notice. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114106 (sub-No. 97), filed May 7, 1973. Applicant: MAYBELLE TRANSPORT CO., a corporation, P.O. Box 849, Lexington, N.C. 27292. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the sites of Bulk Distribution Centers, Inc., in Mecklenburg and Union Counties, N.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to shipments having a prior movement by rail.

NOTE.—Applicant currently holds contract carrier authority in MC 115176 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 114211 (sub-No. 198), filed May 7, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments thereof*, from Romeo, Mich., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and the ports of entry on the international boundary line between the United States and Canada located in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to the transportation of traffic (a) originating at the named origin point, and (b) destined to the points in the named destination States (except that the restriction in (b) shall not apply to traffic moving in foreign commerce).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 114211 (sub-No. 199), filed May 9, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Warren, Ohio, to points in Nebraska, Illinois, Iowa, Minnesota, Missouri, Wisconsin, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 114533 (sub-No. 277), filed April 27, 1973. Applicant: BANKERS DISPATCH CORP., 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between points in Jackson County, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Iowa, Minnesota, and Wisconsin; and (2) *eyeglasses, lenses, frames, and parts* thereof, between Palatine, Ill., on the one hand, and, on the other, points in Indiana, Wisconsin, and Michigan.

NOTE.—Applicant holds contract carrier authority under MC 128616 and subs thereto, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 114632 (sub-No. 56), filed April 23, 1973. Applicant: APPLE LINES, INC., P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Robert A. Applewick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, dairy products, and articles distributed by packinghouses*, from Wagner, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and Wisconsin; and (2) *meat products and meat byproducts* from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and Wisconsin, to Wagner, S. Dak., restricted in (1) and (2) above to traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant currently holds contract carrier authority in MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114632 (sub-No. 57), filed April 27, 1973. Applicant: APPLE LINES, INC., P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and can ends*, from points in the Chicago, Ill., commercial zone, and Porter County, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant also holds contract carrier authority under MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (sub-No. 150), filed May 10, 1973. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (including the District of Columbia); and (2) *materials, supplies, and accessories* used in the manufacture and installation of the commodities in (1) above, to the plant and warehouse sites of Abitibi Corp. in Calhoun County, Fla., restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 115826 (sub-No. 250), filed May 14, 1973. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado National Bank, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin, restricted to traffic originating at the named origin.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Denver, Colo.

No. MC 115840 (sub-No. 91), filed May 14, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1214 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, and fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), from St. Louis, Mo., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except those in New York, Rhode Island, Connecticut, New Hampshire, Missouri, Vermont, and Maine), and points in Oklahoma, Texas, Kansas, Arkansas, and Louisiana, restricted to traffic originating at the plantsite and warehouse facilities of Certain-Teed Products Corp., located at or near St. Louis, Mo.

NOTE.—Common control was approved in No. MC-F-7304. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at a point in either Missouri, Nebraska, or New Mexico.

No. MC 116254 (sub-No. 136), filed April 30, 1973. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, between Ozark, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority to serve numerous points in Alabama but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Nashville, Tenn.

No. MC 116300 (sub-No. 12), filed April 5, 1973. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, (1) from points in Louisiana (except New Orleans, Gretna and Destrehan), to points in that part of Florida on and west of a line formed by the Chattahoochee and Apalachicola Rivers; and (2) from Jefferson Island, La., to points in Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117184 (sub-No. 9), filed May 11, 1973. Applicant: APEX TRUCKING CO., INC., 1221 Avenue of the Americas, New York, N.Y. 10020. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, materials, supplies, and equipment* as are sold by, dealt in, or used by manufacturers of business forms, between New York, N.Y., and points in Bergen, Essex, and Hudson Counties, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Bergen, Passaic, Essex, Morris, Somerset, Middlesex, Monmouth, Hudson, Union, and Mercer Counties, N.J., under a continuing contract, or contracts, with Moore Business Forms, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 117940 (sub-No. 91), filed May 15, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald M. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Kansas, Massachusetts, Minnesota, Missouri, Maryland, New Jersey, New Hampshire, Nebraska, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments orginating at Terminal Ice & Cold Storage, at or near Bettendorf, Iowa.

NOTE.—Applicant also holds contract carrier authority under MC 114789 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests consolidated hearing with other carriers requesting similar authority.

No. MC 118831 (sub-No. 101), filed May 1, 1973. Applicant: CENTRAL TRANSPORT, INC., Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from North Charleston, and Charleston Heights, S.C., to points in Alabama, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia; and (2) *spent phosphoric acid*, in bulk, from points in Alabama, Florida, Georgia, Mississippi, Tennessee, and Virginia, to points in North Carolina and South Carolina.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119407 (sub-No. 6), filed May 14, 1973. Applicant: ASHLINE TRUCKING, INC., 14 Beech Street, Corinth, N.Y. 12822. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from South Corinth, N.Y., and points in Fulton and Saratoga Counties, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 119762 (sub-No. 5), filed May 9, 1973. Applicant: KIMBERLAIN TRUCKING, INC., 5307 Cynthia Lane, Racine, Wis. 53406. Applicant's representative: Paul Pike Pullen, 4920 West Vliet Street, Milwaukee, Wis. 53208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fermented malt beverages* (except in bulk) and *advertising material*, from Milwaukee, Wis., to Waukegan, Ill., under a contract with Waukegan Jack Donelson Sales Co.; and (2) *nonalcoholic beverages* (except in (bulk), and *advertising material*, from Chicago, Ill. (except those points in the Chicago, Ill., commercial zone in Indiana), to Racine, Wis., under a contract with Seven-Up, Inc.

NOTE.—If a hearing is deemed necessary, plicant requests it be held at Milwaukee and Racine, Wis.

No. MC 119808 (sub-No. 8), filed May 7, 1973. Applicant: DuBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk and bags, from ports of entry on the international boundary line between the United States and Canada at or near Rooseveltown, N.Y., to points in New Hampshire and Vermont.

NOTE.—Applicant holds a motor contract carrier permit in No. MC-129876 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. Applicant further states it will provide a through service with its presently authorized Canadian authority. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass., or Albany, N.Y.

No. MC 123255 (sub-No. 37), filed May 4, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Terre Haute, Ind., to Memphis, Tenn.

NOTE.—Applicant also holds contract carrier authority under MC 81968 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123872 (sub-No. 9), filed May 7, 1973. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 2607, 10th and C Streets SE., Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Alexander, Caldwell, Cleveland, Iredell, Lincoln, McDowell, and Wilkes Counties, N.C., to points in Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 125254 (sub-No. 19), filed May 16, 1973. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East Fifth Street, P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, Ninth Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and inedible foods*, in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in South Dakota, North Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Michigan, restricted to shipments originating at the facilities of Terminal Ice & Cold Storage located at or near Bettendorf, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, or Davenport, Iowa.

No. MC 126111 (sub-No. 5), filed May 7, 1973. Applicant: LYLE W. SCHAETZEL, doing business as SCHAETZEL TRUCKING CO., 520 Sullivan Drive, Fond du Lac, Wis. 54935. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweetened condensed milk*, in bulk, in tank vehicles, from Fond du Lac, Wis., to points in Georgia under a continuing contract with Galloway-West Co., a division of the Borden Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126276 (sub-No. 78), filed April 30, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from Carteret and Jersey City, N.J., and Washington, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Georgia, Ohio, New York, Tennessee, and Pennsylvania; and (2) *plastic containers*, from Mount Carmel, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Georgia, Ohio, New York, and Tennessee, under a continuing contract with Kraftco Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126402 (sub-No. 12), filed April 27, 1973. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt beverages*, in containers, and *related advertising materials*, (1) from Memphis, Tenn., to points in Nelson and Madison Counties, Ky.; (2) from Detroit, Mich., to points in Madison, Clark, and Jefferson Counties, Ky.; (3) from Columbus, Ohio, to points in Madison County, Ky.; and (4) from Evansville, Ind., to points in Clark County, Ky., and (B) *empty malt beverage containers* from the destination points to the origin points named in (1) through (4) above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 126736 (sub-No. 68), filed May 7, 1973. Applicant: PETROLEUM CARRIER CORP. OF FLORIDA, 737 May Street, Jacksonville, Fla. 32204. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulp mill waste*, in bulk, in tank vehicles, from Clyattville, Ga., to Jacksonville, Fla.; and (2) *crude sulphate turpentine*, in bulk, in tank vehicles, from Foley, Fla., to Brunswick, Ga.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 127042 (sub-No. 119), filed May 8, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sealants, coatings, adhesives, tape, sound deadner, undercoating, condensation preventive and control coatings, caulking and sealing compounds, glue and paint*, in vehicles equipped with mechanical refrigeration, from Kankakee, Ill., to points in California, Colorado, Kansas, Nebraska, Idaho, Oregon, Washington, Arizona,

New Mexico, Utah, Nevada, Montana, and Wyoming.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant does not state a location.

No. MC 128273 (sub-No. 141), filed May 7, 1973. Applicant: MIDWESTERN EXPRESS, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products:* (a) From Lock Haven, Pa., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina; (b) from Hamilton, Ohio, to points in Tennessee, Mississippi, Alabama, Georgia, Florida, and Louisville, Ky.; (c) from Erie, Pa., to points in Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama (except Selma), and Florida; (d) from Oswego, N.Y., to points in Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida; (e) from Westfield, West Springfield, Woronoco, and Turners Falls, Mass., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida; and (f) from Watervliet, Mich., to Louisville, Ky., and (2) materials and supplies, used in the production and distribution of paper and paper products: (a) From points in Alabama, Georgia, Florida, North Carolina, and South Carolina, to Lock Haven, Pa.; (b) from points in Tennessee, Mississippi, Alabama, Georgia, Florida, and Louisville, Ky., to Hamilton, Ohio; (c) from points in Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama (except Selma), and Florida, to Erie, Pa.; (d) from points in Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida, to Oswego, N.Y.; (e) from points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida, to Westfield, West Springfield, Woronoco, and Turners Falls, Mass., and (f) from Louisville, Ky., to Watervliet, Mich.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 12994 (sub-No. 1), filed May 15, 1973. Applicant: RAY BETHERS, P.O. Box 116, Kamas, Utah 84036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between Kamas, Utah, on the one hand, and, on the other, Heber City and Salt Lake City, Utah.

NOTE.—Applicant states that it intends to tack the requested authority with its existing authority at Kamas or Heber City, Utah, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133689 (sub-No. 27), filed May 10, 1973. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 businesses (except commodities in bulk), from Jonathon, Minn., and the plantsites and storage facilities of Super-Valu Stores, Inc., at Minneapolis-St. Paul, Minn., and points in their commercial zone, to Bismarck, N. Dak.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds a motor contract carrier permit in No. MC-76025 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 133867 (sub-No. 6), filed May 17, 1973. Applicant: STARLING TRANSPORT LINES, INC., 3501 South Federal Highway, Fort Pierce, Fla. 33450. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, Fla. 33134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Highland, N.Y., to points in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont; and (2) from Weathersfield, Conn., to points in the United States (except Alaska, Connecticut, and Hawaii), under contract with Foodways, Inc.

NOTE.—Applicant holds common carrier authority under MC 119349, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miama, Fla., or New York, N.Y.

No. MC 134404 (sub-No. 8), filed May 24, 1973. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic plumbing fixtures*, including but not limited to plastic bath tubs, shower stalls, equipment, supplies, and accessories, (1) from Metter, Ga., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, Alabama, Georgia, Florida, North Carolina, West Virginia, Virginia, Pennsylvania, Delaware, Maryland, New York, New Jersey, Connecticut, Rhode Island, Maine, Massachusetts, Vermont, New Hampshire, and the District of Columbia; (2) from Richmond, Mich., to points in Alabama, Georgia, Florida, Mississippi, South Carolina, North Carolina, and Virginia, under a continuing contract, or contracts, in all of the above with American Standard, Inc., at Brunswick, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134467 (sub-No. 4), filed May 4, 1973. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities* exempt from economic regulation under section 203 (b)(6) of the Interstate Commerce Act, as amended, when moving in the same vehicle with frozen foods, from Shelbyville and Humboldt, Tenn., North Little Rock, Bentonville, Berryville, Springdale, Nashville, Green Forest and Rogers, Ark., and Monett, Mo., to points in the United States (except Alaska and Hawaii), restricted on traffic from all points other than Shelbyville, Tenn., to partial loading at Shelbyville, Tenn.; and (2) *materials and supplies*, used in the manufacture and processing of the commodities named in part (1) above, from points in the United States (except Alaska and Hawaii), to Shelbyville, Tenn., restricted to traffic destined to Shelbyville, Tenn.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 135052 (sub-No. 6), filed May 10, 1973. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (glasswool), *rock*, slag or glass (fiberglass), *batts*, batting, or blankets, in packages or boxes, plain or saturated, with or without vapor barriers (cloth, paper, plastic, film, or foil), from Cleveland, Ohio, to points in Illinois, Indiana, Kentucky, Missouri, and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135359 (sub-No. 8), filed May 16, 1973. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creager, 816 Easley Street, suite 523, Silver Spring, Md. 20910.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and agricultural chemicals*, from Lancaster, Pa., Bridgeville, Del., and Chesapeake, Va., to points in Anne Arundel, Calvert, Charles, Prince Georges, and St. Marys Counties, Md., under contract with Royster Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135878 (sub-No. 4), filed May 14, 1973. Applicant: AVERIL W. HUNTER, an individual, rural route No. 3, Florenceville, New Brunswick, Canada. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, from points in Maine, to the ports of entry on the international boundary line between the United States and Canada at or near Houlton, Calais, Vanceboro, and Bridgewater, Maine.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 136835 (sub-No. 2), filed March 9, 1973. Applicant: BING CONSTRUCTION CO. OF NEVADA, a corporation, P.O. Box 487, Minden, Nev. 89423. Applicant's representative: D. Gerald Bing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving materials, rock, and sand*, from points in Douglas County, Nev., to points in Alpine, Amador, El Dorado, and Mono Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City or Reno, Nev.

No. MC 136935 (sub-No. 2), filed April 19, 1973. Applicant: WRANGELL TRANSPORT CO., INC., Box 191, Wrangell, Alaska 99929. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and classes A and B explosives) between Seattle and Tacoma, Wash., on the one hand, and, on the other, Wrangell, Alaska, and the plantsite of Alaska Wood Products, Inc., located at or near Wrangell, Alaska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136981 (sub-No. 1) (Amendment), filed March 16, 1973, published in the FEDERAL REGISTER issue of April 26, 1973, and republished as amended this issue. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, Newbury, Ohio 44065. Applicant's representative: Lewis S. Witherspoon, 1825 The Illuminating Building, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and accessories therefor*, from Middlefield, Ohio, and Burton Township (Geauga County), Ohio, to points in Connecticut, Delaware, Indiana, Kentucky, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under contract with Normandy Industries, Inc.

NOTE.—Applicant holds temporary contract carrier authority under MC 136981 TA, therefore dual operations may be involved. The purpose of this republication is to broaden the territorial scope of the authority sought by adding additional states. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 138045 (sub-No. 1), filed May 14, 1973. Applicant: INTERCONTINENTAL DISTRIBUTION SYSTEMS, a division of The Hawaii Corp., 1140 Ala Moana Boulevard, Honolulu, Hawaii 96813. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 138060 (sub-No. 1), filed May 14, 1973. Applicant: WINDERMERE STORAGE CO., INC., doing business as HEIL'S WINDERMERE STORAGE AND MOVING CO., a corporation, 14441 Euclid Avenue, Cleveland, Ohio 44112. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in the counties of Cuyahoga, Lake, Lorain, Summit, Geauga, Portage, Erie, and Huron, including the city of Bellevue, State of Ohio, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 138133 (sub-No. 1), filed April 30, 1973. Applicant: GENERAL CRANE SERVICE, INC., doing business as GENERAL CRANE AND TRUCKING SERVICE, 1038 East North Avenue, Fresno, Calif. 93725. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size and weight require special equipment, and related machinery parts and contractor's materials and supplies* when their transportation is incidental to transportation by carrier of commodities which by reason of size and weight require special equipment, between points in Merced, Madera, Fresno, Kings, Tulare, Kern, and Mariposa Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Fresno, Calif.

No. MC 138299 (sub-No. 1), filed May 10, 1973. Applicant: TRAILS TRUCKING, INC., 719 Union Street, Montebello, Calif. 90640. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass products*, limited to insulating materials, pipe and duct, mats, matting, pads, padding, air filtering media, and roofing, from Santa Clara, Calif., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and El Paso, Tex., under contract with Owens-Corning Fiberglas Corp.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 138313 (sub-No. 4), filed May 10, 1973. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, in bulk, from Malad, Idaho, to Great Falls, Mont.

NOTE.—Applicant currently holds contract carrier status in MC 126780 and subs thereunder, therefore, dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Malad, Idaho, or Great Falls, Mont.

No. MC 138372 (sub-No. 2), filed May 10, 1973. Applicant: GOSHEN TRANSPORT, INC., P.O. Box 76, Goshen, Oreg. 97401. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden shakes and shingles, and shake felt*, from points in Oregon and Washington on and west of U.S. Highway 97, to points in California and Arizona, under a continuing contract with Wesco Cedar, Inc.; (2) *roofing granules*, from Corona, Calif., to Portland, Oreg.; and (3) *asphalt*, in boxes, from Southgate, Calif., to Portland, Oreg., under a continuing contract with Herbert Malarkey Roofing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138417 (sub-No. 1), filed May 7, 1973. Applicant: NORTH SHORE DELIVERY SERVICE, INC., 1325 Cooch's

Bridge Road, Newark, Del. 19711. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished textile fabric products*, between Newark, Del., and points in the New York, N.Y., commercial zone, under a continuing contract, or contracts, with F. Schumacher & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del.

No. MC 138429 (sub-No. 4), filed May 25, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, between points in North Carolina, under contract with Amway Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 138443 (sub-No. 1), filed April 16, 1973. Applicant: RED BIRD DEVELOPMENT, INC., 256 Wilkins Street, Rochester, N.Y. 14620. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles, parts and components thereof*, compressed flat or in bales, on flat-bed or dump body semitrailers, from points in New York on and east of U.S. Highway 15 to points on the international boundary line between the United States and Canada along the Niagara River, restricted to traffic moving to Hamilton, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either (1) Buffalo; (2) Rochester; or (3) New York, N.Y.

No. MC 138486 (sub-No. 2) (correction), filed April 19, 1973, published in the FEDERAL REGISTER issue May 24, 1973, and republished, as corrected, this issue. Applicant: DAVE WHITE, doing business as DAVE WHITE TRUCKING, Cerro Gordo, Ill.

NOTE.—The purpose of this republication is to reflect applicant's correct name which was previously published in error. The rest of the notice remains as previously published.

No. MC 138543 (sub-No. 1), filed May 7, 1973. Applicant: WINZLER TRUCKING, INC., rural route No. 1, Tremont, Ill. 61568. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from the warehouse facilities of Cargo Carriers, Inc., near Pekin, Ill., to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 138614 (sub-No. 1), filed April 23, 1973. Applicant: FRANK NEW, doing business as NEW TRUCKING, route No. 1, Stearns, Ky. 42642. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tents, and parts and accessories therefor*, from points in McCreary County, Ky., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment, and supplies* used in the manufacture and distribution of tents, *and parts and accessories therefor*, from points in the United States (except Alaska and Hawaii), to points in McCreary County, Ky.; (3) *cotton piece goods* in bales or rolls from points in the United States (except Alaska and Hawaii), to New Haven, Mo., and Coshocton, Ohio; and (4) *tent tubing*, from Chicago, Ill., to Jamestown, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Louisville, Ky.

No. MC 138641, filed April 16, 1973. Applicant: MORRIS LEVENBURG, doing business as MORRIS LEVENBURG TRUCKING CO., 1949 Meadowfield NE., Grand Rapids, Mich. 49505. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin-operated phonographs and music boxes, vending machines, coin changers and materials and supplies and accessories* incidental to the installation, repair, maintenance, or operation of the foregoing commodities, from Grand Rapids, Mich.; Miami, Fla.; Houston, Tex.; Springfield and Whippany, N.J.; Dedham, Mass.; Chicago, Ill.; and Indianapolis, Ind.; to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, restricted to traffic moving to or from the plantsites, warehouses and other facilities of Rowe International, Inc., under contract with Rowe International, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 138656, filed April 12, 1973. Applicant: WTB TRUCKING, 3775 North 36th Avenue, Phoenix, Ariz. 85019. Applicant's representative: Eldon M. Johnson, 650 California Street, suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, (1) between points in California and Arizona; (2) between points in Arizona and Nevada; and (3) between points in Nevada and points in and south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., under contract with Williams Insulation Co., Inc., and its affiliated subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Phoenix, Ariz.

No. MC 138665, filed April 26, 1973. Applicant: J. H. L. CONSTRUCTION CO., INC., P.O. Box 8, Somerdale, N.J. 08083. Applicant's representative: Alan P. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast and prestressed concrete products and miscellaneous steel items and structural steel items* used in the erection of precast and prestressed concrete products, (a) from the plantsites of Formigli Corp. located at or near Berlin, Williamstown Junction, and Vineland, N.J., to points in Delaware, Maryland, Virginia, Pennsylvania, New York, Connecticut, and the District of Columbia; (b) from the plantsite of Interbuild Corp. located at or near Mercerville, N.J., to the destination points named in (a) above; and (2) *materials, supplies, and equipment* used in the manufacture of precast and prestressed concrete products and damaged and defective shipments of precast and prestressed concrete products from points in Delaware, Maryland, Virginia, Pennsylvania, New York, Connecticut, and the District of Columbia, at (a) the plantsites of Formigli Corp. located at or near Berlin, Williamstown Junction, and Vineland, N.J., and (b) the plantsite of Interbuild Corp. located at or near Mercerville, N.J., under a continuing contract, or contracts, with Formigli Corp. and Interbuild Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 138701, filed May 4, 1973. Applicant: G. D. & K., INC., c/o International Wire, Compton Road, Inman, S.C. 29349. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire, empty reels, styrofoam pallets, and disposal containers of waste*, from the plantsites of International Wire Co. at Wyckoff, N.J., and Inman, S.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, to the international boundary line between the United States and Canada, and St. Louis, Mo., under a continuing contract with International Wire Co., division of Carlisle Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138711, filed April 26, 1973. Applicant: BOYD TRUCKING CO., INC., 637 South Hamilton Street, Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, Ga. 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile and textile products*, (1) between points in Whitfield, Catoosa, Murray, Walker, and Dade Counties, Ga., on the one hand, and, on the other, Winchester, Tenn.; and (2) between points in that part of Georgia north of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 to Atlanta, and points north of Interstate Highway 85 from Atlanta to the South Carolina-Georgia State line, on the one hand, and, on the other, points in Meigs County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 138719, filed May 7, 1973. Applicant: PATTEN TRUCKING CO., INC., Box 297, Patten, Maine 04765. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Patten, Maine, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under contract with Northern Mill & Paper Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138738, filed May 11, 1973. Applicant: MYERS MOLASSES CO., INC., 2205 West State Street, Alliance, Ohio 44601. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from East Liverpool, Ohio, to points in Ohio, Pennsylvania, New York, and West Virginia, under contract with Rico Liquids, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 183740, filed May 8, 1973. Applicant: PULL' EMS, INC., Route 3, Russellville, Ala. 35653. Applicant's representative: E. Stephen Heilsey, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers designed to be drawn by passenger automobiles*, in initial movements, *buildings, in sections*, when moving on their own or removable undercarriages, and *modular buildings*, when moving on their own or removable undercarriages, from points in Marion and Franklin Counties, Ala., to points in the United States (except Alaska and Hawaii); and (2) *repossessed, wrecked, disabled, rejected, and refused trailers designed to be drawn by passenger automobiles*, in secondary movements, *building, in sections*, when moving on their own or removable undercarriages, and *modular buildings* when moving on their own or removable undercarriages, from points in the United States (except Alaska and Hawaii), to points in Marion and Franklin Counties, Ala., restricted to traffic originating at or destined to the facilities of Franklin Homes, Inc., and Indies House, Inc., in Marion and Franklin Counties, Ala., under a continuing contract or contracts, with Franklin Homes, Inc., Russellville, Ala., and Indies House, Inc., Hackleburg, Ala.

NOTE.—Applicant states that the purpose of this application is to substitute the commonly controlled contract carrier services of applicant for the private carriage operations of the contracting shippers. The two contracting shippers and applicant are commonly controlled. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (sub-No. 73), filed May 14, 1973. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in sightseeing or pleasure tours, beginning and ending at points in Bergen County, N.J., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138712, filed May 3, 1973. Applicant: NEW SIGMA CAR CORP., doing business as ALLIED LIMOUSINE SERVICE, 525 Riverdale Avenue, Yonkers, N.Y. Applicant's representative: C. Evans Tilles, 275 Madison Avenue, New York City, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, between points in Berkshire County, Mass., on the one hand, and, on the other, New York City, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 138713, filed May 4, 1973. Applicant: R & G TRANSIT CORP., Rural Route 2, P.O. Box 248, Staunton, Ill. 62088. Applicant's representative: George Gillespie, 217 South Seventh Street, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, (A) over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Hillsboro, Ill., and St. Louis, Mo.: From Hillsboro over Illinois Highway 16 to Litchfield, Ill., thence over Interstate Highway 55 to junction Illinois Highway 138, thence over Interstate Highway 55 to Staunton Road, thence over Staunton Road to junction Illinois Highway 4, thence over Illinois Highway 4 to junction Interstate Highway 55 (known as Worden Y), thence over Interstate Highway 55 to St. Louis, and return over the same route, serving all intermediate points (except Edwardsville, Troy, and Collinsville, Ill.); (2) between junction Interstate Highway 55 and Illinois Highway 138, and Mount Olive, Ill.: From junction Interstate Highway 55 and Illinois Highway 138 over Illinois Highway 138 to Mount Olive, and return over the same route, serving all intermediate points; and (3) between Carlinville, Ill., and junction Interstate Highway 55 and Illinois Highway 4 at or near Staunton, Ill.: From Carlinville over Illinois Highway 4 to Gillespie, Ill., thence over Illinois Highway 4 to Benld, Ill., thence over Illinois Highway 4 to junction Interstate Highway 55 (known as Worden Y), and return over the same route, serving all intermediate points; and (B) over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, (1) between points in Macoupin County, Ill., and St. Louis, Mo.; and (2) between Hillsboro, Litchfield, Livingston, Prairie Town, Worden, Hamel, and New Douglas, Ill., and points in Missouri.

NOTE.—Applicant indicates it does not seek to perform operations to points in the St. Louis, Mo., commercial zone beyond Missouri. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

APPLICATION FOR FILING BROKERAGE LICENSE

No. MC 130016 (sub-No. 1), filed May 4, 1973. Applicant: MTS CO., doing business as JEFFERSON TRAVEL SERVICE, 1114 Currie Avenue, Minneapolis, Minn. 55403. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to engage in operation in Minneapolis, Rochester, and St. Paul, Minn., Des Moines, Iowa, and Kansas City, Mo., in interstate or foreign commerce, as a *broker* to sell or offer to sell the transportation of *passengers and their baggage*, both individuals and groups, in special and charter operations, in one-way and round trip tours, between points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

APPLICATION FOR FREIGHT FORWARDER

No. FF-438, DEAN FORWARDING CO. INC., FREIGHT FORWARDER APPLICATION, filed May 21, 1973. Applicant: DEAN FORWARDING CO., INC., 555 East Ocean Boulevard, suite 800, Long Beach, Calif. 90802. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Application of Dean Forwarding Co., Inc., filed May 21, 1973, for a permit to institute a new operation to engage in

operation, in interstate commerce as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, express, in the transportation of (a) *used household goods and unaccompanied baggage, and* (b) *used automobiles* between points in the United States (including Hawaii but excluding Alaska), restricted in (b) to the transportation of import-export traffic.

NOTE.—If the application is assigned for oral hearing, applicant requests it be held at Long Beach, Calif. Applicant further requests handling under modified procedure.

No. FF 439, filed May 24, 1973. Applicant: "EDCO" EXHIBIT DRAYAGE CO., a corporation, 444 Treat Avenue, San Francisco, Calif. 94110. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, suite 1400, San Francisco, Calif. 94104. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, express, water, air, and motor vehicle, in the transportation of *exhibits, displays, and exhibit and display materials, supplies, equipment, and booths*, (1) from points in San Francisco, Los Angeles, and Alameda Counties, Calif., to points in the United States (except Alaska and Hawaii), and (2) between points in San Francisco County, Calif., and points in Oahu County, Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

APPLICATION FOR WATER CARRIER

No. W 1270, filed May 29, 1973. Applicant: MASCONY TRANSPORT AND FERRY SERVICE, INC., 206 Masonic Building, 558 Pleasant Street, New Bedford, Mass. 02740. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier by water* in the transportation of *general commodities and passengers*, by self-propelled vessels, between the ports of New London, Conn., and Greenport, Long Island, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New London or Hartford, Conn., or Greenport, Long Island, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 47171 (sub-No. 87), filed May 1, 1973. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4255, Park Place (301 Hammet Street), Greenville, S.C. 29608. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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), between Baltimore, Md., on the one hand, and, on the other, points in Salem and Cumberland Counties, N.J., and points in that part of Pennsylvania east of the Susquehanna River, restricted to service at Baltimore, Md., for the purpose of joinder only.

NOTE.—Common control and dual operations may be involved. Applicant presently serves the territory requested herein through a Wilmington, Del., gateway by joinder of the authority in its lead certificate with that in its sub-85. The instant application seeks to serve the same territory as requested herein through a Baltimore, Md., gateway. Applicant states that it intends to tack only at Baltimore, Md., as indicated above. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C.

No. MC 116702 (sub-No. 42) filed May 4, 1973. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada, N.O.R.-1-G.O. Applicant's representative: Bernard J. Hasson, Jr., 927 15th Street NW., suite 306, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, in bulk, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada at Detroit, Mich., and from Clinton and Muscatine, Iowa, and Atchison, Kans., to Allen Park, Mich., and Hartford, Conn., under a continuing contract, or contracts, with Heublein, Inc., of Hartford, Conn.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

By the Commission.

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

[FR Doc.73-12325 Filed 6-20-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

ASSISTANCE PROGRAMS AND ELIGIBILITY REQUIREMENTS FOR MEDICAID

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR, Parts 205, 233, 234]

SOCIAL AND REHABILITATION SERVICE—ASSISTANCE PROGRAMS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement several provisions of Public Law 92-603, Social Security Amendments of 1972, approved October 30, 1972, relating to the financial assistance programs.

The amendments:

1. Provide options for States to:

a. Charge for the cost of reproducing State program manuals and other policy issuances, made available to individuals, organizations, or agencies (section 406 of Public Law 92-603; 45 CFR 205.70); and

b. Deny or discontinue assistance to aged, blind, or disabled individuals who have been out of the State for more than 90 days, and until they have been back in the State for specified periods of time (section 408 of Public Law 92-603; 45 CFR 233.40).

2. Impose a fiscal penalty (1 percent reduction in Federal payments under title IV-A) on any State that fails to comply with the requirements for offering and providing family planning services to current recipients and to former applicants for and recipients of Aid to Families with Dependent Children (sec. 299E(d) of Public Law 92-603; 45 CFR 205.146).

3. Require States to pass on part of increases in social security benefits (OASDI) in determining need and the amount of assistance payments to needy aged, blind, or disabled persons (secs. 304 and 306 of Public Law 92-603; 45 CFR 233.20).

4. Provide Federal financial participation in:

a. Cost of institutional services in intermediate care facilities under title XI of the act, for States that do not have an approved plan under title XIX (sec. 292 of Public Law 92-603; 45 CFR 233.145 and 234.120).

b. Rent payments made directly to public housing agencies on behalf of aged, blind, or disabled recipients of financial assistance (sec. 409 of Public Law 92-603; 45 CFR 234.75 and 234.120).

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before July 23, 1973. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated May 31, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved June 12, 1973.

FRANK CARLUCCI,
Acting Secretary.

Chapter II, of title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 205.70 of part 205 is revised as follows:

§ 205.70 Availability of agency program manuals.

State plan requirements.—A State plan under title I, IV-A, IV-B, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(a) Program manuals and other policy issuances which affect the public, including the State agency's rules and regulations governing eligibility, need and amount of assistance, recipient rights and responsibilities, and services offered by the agency, will be maintained in the State office and in each local and district office for examination on regular workdays during regular office hours by individuals, upon request for review, study, or reproduction by the individual.

(b) (1) A current copy of such material will be made available without charge or at a charge related to the cost of reproduction for access by the public through custodians who (i) request the material for this purpose, (ii) are centrally located and publicly accessible to a substantial number of the recipient population they serve, and (iii) agree to accept responsibility for filing all amendments and changes forwarded by the agency.

(2) Under this requirement the material, if requested, must be made available without charge or at a charge related to the cost of reproduction to public or university libraries, the local or district offices of the Bureau of Indian Affairs, and welfare or legal services offices or organizations. The material may also be made available, with or without charge, to other groups and to individuals. Wide availability of agency policy materials is recommended.

(c) Upon request, the agency will reproduce without charge or at a charge related to the cost of reproduction the specific policy materials necessary for an applicant or recipient, or his representative, to determine whether a fair hearing should be requested or to prepare for a fair hearing; and will establish policies for reproducing policy materials without charge, or at a charge related to cost, for any individual who requests such material for other purposes.

2. A new § 205.146 is added to part 205, as set forth below, and part 233 is amended by deleting paragraph (b)(5) of § 233.10 and transferring its content to paragraph (a) of the new § 205.146:

§ 205.146 Specific limitations on Federal financial participation under title IV-A.

(a) *Penalty for failure to certify WIN registrants.*—Pursuant to section 403(c) of the act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under title IV-A of the act, with respect to any State, for any fiscal year beginning on or after July 1, 1973, shall be reduced by 1 percentage point (calculated without regard to any other reduction under this section) for each percentage point by which the number of individuals certified to the manpower agency as ready for employment or training under the State's WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year. (See § 220.35(b)(5) of this chapter.)

(b) *Penalty for failure to offer and arrange for provision of family planning services under title IV-A of the Act.*—Pursuant to section 403(f) of the act, notwithstanding any other provision of this chapter, total payments to a State under title IV-A of the Act, for any fiscal year beginning on or after July 1, 1973, shall be reduced by 1 percent (calculated without regard to any other reduction under this section) if such State:

(1) In the immediately preceding fiscal year failed to carry out the provisions of section 402(a)(15) of the act, which require the offering and arrangement for provision of family planning services, or

(2) In the immediately preceding fiscal year (but in the case of the fiscal year beginning July 1, 1972, considering only the third and fourth quarters thereof), failed to carry out the provisions of section 402(a)(15) of the act with respect to any individual who within 3 months had been an applicant for or a recipient of AFDC under the State's approved title IV-A plan.

This penalty will be applied in accordance with instructions to be issued by SRS.

3. Section 233.20 is amended by revising paragraph (d) as set forth below:

§ 233.20 Need and amount of assistance.

* * * * *

(d) *Other requirements.*—(1) Pass-on of part of the increase in OASDI benefits enacted in 1969. In the case of any individual who is a recipient of OAA, AB, APTD, or AABD for any month through December 1973 and in such month also receives OASDI benefits, the total of his aid or assistance for such month, plus OASDI benefits received in such month, shall exceed by $4 (or, if less, the amount of the increase in his OASDI benefits under Public Law 91-172) the sum of the OASDI benefits he would have received in such month without regard to the increase enacted by Public Law 91-172, plus the supplementary aid or assistance payment he would have received for such month under the applicable State plan as in effect for March 1970.

(2) Pass-on of part of the increase in OASDI benefits enacted in 1972. In addition to the amount specified in subparagraph (1) of this paragraph, in the case of any individual who is a recipient of OAA, AB, APTD, or AABD for any month after October 1972 (or, at the option of the State, September 1972) and before January 1974, and in such month also receives a monthly OASDI benefit which was increased as a result of the enactment of Public Law 92-336, the total of his aid or assistance for such month, plus OASDI benefits received in such month, shall exceed by $4 (or, if less, the amount of the increase in his OASDI benefit) the sum of the OASDI benefit he would have received in such month without regard to the increase enacted by Public Law 92-336, plus the supplementary aid or assistance payments he would have received for such month under the applicable State plan as in effect for October 1972 (or September 1972 if the State chose that option).

(3) The State agency must submit to the Regional Commissioner a description of the methods it uses to implement the requirements specified in paragraphs (d) (1) and (2) of this section, and must submit promptly a description of any changes in such methods.

4. Section 233.40 is revised as set forth below:

§ 233.40 Residence.

(a) *Condition for plan approval.* A State plan under title I, IV-A, X, XIV, or XVI of the Social Security Act may not impose any residence requirement which excludes any individual who is a resident of the State, except as provided in paragraph (b) of this section. For purposes of this section:

(1) A resident of a State is one who is living in the State voluntarily with the intention of making his home there and not for a temporary purpose. A child is a resident of the State in which he is living other than on a temporary basis. Residence may not depend upon the reason for which the individual entered the State, except insofar as it may bear upon whether he is there voluntarily or for a "temporary purpose."

(2) Residence is retained until abandoned. Temporary absence from the State, with subsequent returns to the State, or intent to return when the purposes of the absence have been accomplished, does not interrupt continuity of residence.

(b) *Exception.* A State plan under title I, X, XIV, or XVI need not include an individual who has been absent from the State for a period in excess of 90 consecutive days (regardless of whether he has maintained his residence in the State during this period) until he has been present in the State for a period of 30 consecutive days (or a shorter period specified by the State) in the case of such individual who has maintained his residence in the State during such period of absence or for a period of 90 consecutive days (or a shorter period as specified by the State) in the case of any other such individual. An individual thus excluded under any such plan may not, as a consequence of that exclusion, be excluded from assistance under the State's title XIX plan if otherwise eligible under the title XIX plan (see § 248.40 of this chapter).

5. Section 233.145 of part 233, chapter II, title 45 of the Code of Federal Regulations is revised to read as follows:

§ 233.145 Expiration of medical assistance programs under titles I, IV-A, X, XIV and XVI of the Social Security Act.

(a) Under the provisions of section 121 (b) of Public Law 89-97, enacted July 30, 1965, no payment may be made to any State under title I, IV-A, X, XIV or XVI of the Social Security Act for aid or assistance in the form of medical or any other type of remedial care for any period after December 31, 1969. However, under the provisions of sections 403(a)(5) and 406(e) of the act, Federal financial participation is available in the cost of medical or remedial care furnished, under title IV-A of the Act, as emergency assistance to needy families with children (see § 233.120 of this part), subject to the provisions of paragraph (c) of this section. Federal financial participation in vendor payments for medical care and services is not otherwise available except under title XIX of the Act.

(b) Under the provisions of section 4(c) of Public Law 92-223, enacted December 28, 1971, and the provisions of section 292 of Public Law 92-603, enacted October 30, 1972:

(1) In the case of any State which on January 1, 1972, had in effect a State plan approved under title XIX of the Social Security Act, section 1121 of the Act authorizing payments under title I, X, XIV, or XVI of the Act for assistance in the form of institutional services in intermediate care facilities is rescinded; and

(2) In the case of any State which on January 1, 1972, did not have in effect a State plan approved under title XIX of the act, Federal financial participation is available in assistance in the form of institutional services in intermediate care facilities pursuant to section 1121 of the act and under the provisions of § 234.130 of this chapter until the first day of the first month after January 1, 1972, that the State has in effect a State plan approved under title XIX.

6. A new § 234.75 is added to part 234, as set forth below:

§ 234.75 Rent payments to public housing agencies.

At the option of a State, if its plan approved under title I, X, XIV, or XVI of the Social Security Act so provides, Federal financial participation under such title is available in rent payments made directly to a public housing agency on behalf of a recipient or a group or groups of recipients of OAA, AB, APTD, or AABD. Such Federal financial participation is available in rent payments only to the extent that they do not exceed the amount included for rent under the State's standard of assistance or the amount of rent due under applicable law, whichever is less.

7. Section 234.120 is revised to read as set forth below:

§ 234.120 Federal financial participation.

Federal financial participation is available in assistance payments made under a State plan under title I, IV-A, X, XIV, or XVI of the Social Security Act to any family or individual for periods beginning with the month in which they meet all eligibility conditions under the plan and in which an application has been received by the agency. Such assistance payments include:

(a) Money payments (titles I, IV-A, X, XIV, and XVI, see § 234.11 of this chapter);

(b) Protective and vendor payments for dependent children (title IV-A, see § 234.60 of this chapter);

(c) Protective payments for the aged, blind, or disabled (titles I, X, XIV, and XVI, see § 234.70 of this chapter);

(d) AFDC foster care payments (title IV-A, see § 233.110 of this chapter);

(e) Vendor payments for institutional services in intermediate care facilities (titles I, X, XIV, and XVI), but only in a State that did not, as of January 1, 1972, have an approved plan under title XIX of the act, and only until such State has such a plan in effect (see § 234.130 of this chapter);

(f) Emergency assistance to needy families with children (title IV-A, see § 233.120 of this chapter);

(g) Vendor payments for home repairs (titles I, IV-A, X, XIV, and XVI, see § 233.20(c) of this chapter); and

(h) Rent payments to public housing agencies (titles I, X, XIV, and XVI, see § 234.75 of this chapter).

[FR Doc.73-12156 Filed 6-20-73;8:45 am]

[45 CFR, Parts 206, 248, and 249]

MEDICAID

Proposed Eligibility Requirements

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the following provisions of Public Law 92-603 (Social Security Amendments of 1972) relating to the medicaid program.

1. *Section 255.*—Requires that entitlement to medicaid be retroactive to the third month prior to the month of application if the applicant received medial or remedial care and was (or would have been) eligible for medicaid at the time he received it (§ 206.10(a)(6)).

2. *Section 249E.*—Requires that individuals eligible for financial assistance and entitled to OASDI benefits for August 1972, who become ineligible for financial assistance solely because of the 20-percent increase in OASDI benefits shall continue to be eligible for medicaid through September 1974, as though they

were "categorically needy", i.e., still eligible for a money payment (§§ 248.10 (a)(1) and (b)(3); 248.21 (b) and (c)(2)).

3. *Section 209(a).*—Requires that certain AFDC families which become ineligible for financial assistance solely because of increased income from employment shall continue to be eligible for medicaid for 4 months. (§§ 248.10 (a)(1) and (b)(4); 248.21 (b) and (c)(2)).

4. *Section 299B.*—Provides Federal financial participation in expenditures for inpatient psychiatric care for individuals under 21, and, under certain circumstances, up to age 22 (§§ 248.10 (b)(2)(iv) and (d)(2)(i); 248.30 (b)(1); and 248.60 (a)(2) and (3)(iv)). (Other proposed regulations prescribing requirements for providing such care under the medicaid program will be published with opportunity for public comment in the near future.)

5. *Section 230.*—Repealed section 1903(e) of the act, which required States to gradually broaden the scope of care and services and liberalize eligibility requirements under their medicaid plans so that, by July 1, 1977, comprehensive care and services would be furnished to substantially all individuals who met the eligibility conditions with respect to income and resources under the State plan. On the basis of this requirement, Federal financial participation was made available in the administrative costs of providing medical care and services to persons, such as recipients of general assistance, whose medical care costs were not subject to Federal sharing. The expectation that medical costs for such persons would eventually qualify for Federal reimbursement, as States progressed toward the 1977 goal, justified participation in the administrative costs. The repeal of section 1903(e) removes the justification (§ 248.10(d)(1)). This provision will be effective as of October 30, 1972, the date of the repeal.

The regulations also make some technical amendments relating to intermediate care facilities and provide additional time for delayed claims under title XIX.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201, on or before July 23, 1973. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m., to 5 p.m. (area code 202–963–7361).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated June 6, 1973.

FRANCIS D. DEGEORGE,
Administrator, Social and Rehabilitation Service.

Approved, June 15, 1973.

FRANK CARLUCCI,
Acting Secretary.

Chapter II, title 45 of the Code of Federal Regulations, is amended as set forth below:

1. Section 206.10 is amended by revising paragraph (a)(6) to read as follows:

§ 206.10 Application, determination of eligibility and furnishing assistance.

(a) *State plan requirements.* * * *

(6) Entitlement will begin as specified in the State plan, which (i) for financial assistance must be no later than the date of authorization of payment and, for purposes of Federal financial participation, may be as early as the first of the month in which an application has been received and the individual meets all the eligibility conditions, and (ii) for medical assistance must be no later than the third month prior to the month of application for financial or medical assistance if the individual was eligible, or on application (regardless of whether or not the individual was alive at the time of application) would have been eligible on the date that he received medical care or services; and may be as early as the first day of such third prior month if he was eligible at any time in such month.

* * * * *

2. Section 248.10 is amended, as set forth below, by revising paragraphs (a)(1) and (b)(2)(ii) and (iv); renumbering paragraph (b)(3), (4), and (5) as (b)(5), (6), and (7) respectively, revising the renumbered paragraph (b)(7), and adding new paragraphs (b)(3) and (4); and revising paragraphs (d)(1) and (2).

§ 248.10 Coverage and conditions of eligibility for medical assistance.

(a) *Definitions.*—When used in this part:

(1) The term "categorically needy" refers to an individual who is receiving financial assistance under the State's approved plan under title I, IV–A, X, XIV, or XVI of the Social Security Act, or is in need under the State's standards for financial eligibility in such plan. (See § 233.20 of this chapter. See also paragraphs (b)(3) and (4) of this section for individuals who are treated as if they were "categorically needy".)

(2) The term "medically needy" refers to an individual whose income and resources equal or exceed the State's standards under the appropriate financial assistance plan but are insufficient to meet his costs for medical insurance premiums and for necessary medical and remedial care and services recognized under State law but not encompassed in the State plan for medical assistance, plus his costs for medical and remedial care and services included in the State plan.

(b) *State plan requirements.*—A State plan under title XIX of the Social Security Act must:

(1) Provide that medical assistance will be available to the following groups of "categorically needy" persons:

(i) All individuals receiving aid or assistance under the State's approved plans under titles I, IV–A, X, XIV, and XVI of the act; this includes all individuals who (*a*) are essential persons under the State plan and (*b*) could be recipients, if the State plan were as broad as permitted for Federal financial participation;

(ii) All individuals under 21 who are, or would be, except for age or school attendance requirements, dependent children under the State's approved AFDC plan;

(iii) All persons who would be eligible for aid or assistance under one of the other approved State plans except for any eligibility condition or other requirement in such plan that is specifically prohibited in a program of medical assistance under title XIX of the act.

(2) Specify any other groups of "categorically needy" individuals (not covered by subparagraph (1) of this paragraph), that will be included in the program. These may include:

(i) Persons who meet all the conditions of eligibility, including financial eligibility, of one of the State's other approved plans, but have not applied for such assistance.

(ii) Persons in a medical or intermediate care facility who, if they left such facility would be eligible for financial assistance under another of the State's approved plans. This includes persons who have enough income to meet their personal needs while in the facility, but not enough to meet their needs outside the facility according to the appropriate State plan. Children may be included in this group if they would meet all conditions of eligibility under the State's AFDC plan if outside the facility.

(iii) Persons who would be eligible for financial assistance under another State public assistance plan, except that the State plan imposes eligibility conditions more stringent than, or in addition to, those required under the Social Security Act. For example, persons who are needy and 18 years of age or older and permanently and totally disabled under the Federal definition of permanent and total disability, but who are excluded from APTD under the State's more restricted definition of disability; or persons who would be eligible for AFDC if the State's program covered families with children deprived of parental support or care to the full extent permitted under title IV–A of the act, including AFDC for families with unemployed fathers.

(iv) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan; or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities, including institutions for the mentally retarded, or in psychiatric hospitals, also constitute a reasonable classification.

(v) Caretaker relatives enumerated in section 406(a)(1) of the Act who have in their care one or more children under 21 who, except for age or school attendance requirements, would be dependent children under the State's AFDC plan.

(vi) Individuals who would be eligible for financial assistance if their work-related child care costs were paid out of earnings rather than as a service expenditure by the agency, provided the State plan for financial assistance otherwise recognizes child care costs in determining the amount of the payment.

(3) Provide that medical assistance, to the same extent and under the same conditions as it is furnished to the categorically needy, will also be furnished, for any month after August 1972 and prior to October 1, 1974, to any individual:

(i) Who, for the month of August 1972, was receiving or eligible for financial assistance under the State's plan approved under title I, IV-A, X, XIV, or XVI of the act and who was also entitled to monthly insurance benefits under title II of the act for the month of August 1972, and

(ii) Who, except for the increase in monthly insurance benefits under title II resulting from enactment of Public Law 92-336, would have been eligible for financial assistance for the current month. Under this requirement:

(A) An individual qualifies as receiving or eligible for financial assistance for August 1972 if, with respect to such month:

(1) He was receiving financial assistance; or

(2) He met all conditions of eligibility for financial assistance but had not applied, provided the State title XIX plan included such individuals as categorically needy in August 1972; or

(3) He was in a medical facility or intermediate care facility, and, had he left, would have been eligible for financial assistance, provided the State title XIX plan included such individuals as categorically needy in August 1972.

(B) An individual is considered as though he were eligible for financial assistance for the current month (after August 1972 and prior to October 1974) if with respect to such month, except for the increase in monthly insurance benefits under title II resulting from enactment of Public Law 92-336:

(1) He would meet all conditions of eligibility for financial assistance (except that he need not file an application). In such case he is eligible under the current title XIX plan to the same extent as individuals who are receiving financial assistance; or

(2) He is in a medical or intermediate care facility and, if he left, would be eligible for financial assistance, provided the State title XIX plan as then in effect includes such individuals as categorically needy. In such case he is considered as though he were categorically needy and is eligible under the title XIX plan to the same extent as other individuals in such a facility who have the same amount of countable income. For individuals in such a facility, countable income includes the social security increase under Public Law 92-336, except for the pass-along.

(4) Effective January 1, 1974, provide that any family that was receiving assistance under the State's plan under title IV-A in at least 3 of the 6 months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment, will continue to be eligible for medical assistance to the same extent and under the same conditions as it is furnished to the categorically needy under the current title XIX plan, for a period of 4 calendar months beginning with the month in which such family became ineligible for assistance under title IV-A because of increased earnings, as long as a member of the family is employed.

(5) Specify, if the plan includes the medically needy, that it covers and medically needy groups that correspond to the covered categorically needy groups. Exception: Coverage of "essential" spouses of recipients of OAA, AB, APTD, or AABD does not require coverage of essential spouses of nonmoney payment recipients, either categorically needy or medically needy.

(6) Specify all conditions of eligibility that must be met by members of all optional groups included in the plan.

(7) If the plan includes groups of individuals for whose medical care and services Federal financial participation is not available, specify such groups, and provide that the State agency will establish methods for identifying the expenditures for medical care and services and administration in which Federal financial participation may not be claimed (see para. (d)(1) of this section).

* * * * *

(d) *Federal financial participation*—(1) *Administrative costs.*—Federal financial participation is available in the administrative costs of providing medical care and services to all persons covered under the plan, in the cost of whose medical care and services the Federal Government shares.

(2) *Medical assistance.*—Federal financial participation is available, pursuant to part 250 of this chapter, in payments for medical care and services provided under the State plan to any financially eligible individual who is:

(i) Under the age of 21 (or under age 22 and receiving inpatient psychiatric hospital services pursuant to § 249.10(b)(16) of this chapter); or

(ii) A parent or other caretaker relative specified in section 406(a)(1) of the act (see § 233.90(c)(1)(v)(*a*) of this chapter) with whom a child under the age of 21 is living, if such relative is eligible or would, except that the child is not regularly attending school or a course of vocational training, and except for need, be eligible to receive payments within the scope of Federal financial participation under title IV-A of the act; only one such parent or other caretaker relative, plus the spouse of such parent (who meets the conditions specified in section 406(b)(1) of the act (see § 237.50(b)(3)(4) of this chapter)), are within the scope of Federal financial participation under title IV-A of the act; or

(iii) 65 years of age or older; or

(iv) Blind; or

(v) 18 years of age or older and permanently and totally disabled; or

(vi) The spouse of a recipient of OAA, AB, APTD, or AABD who is considered "an essential person" (see § 248.11 of this part);

but excluding any such care or services provided to any individual who is an inmate of a public institution (except as a patient in a medical institution or a resident in an intermediate care facility), or who is under age 65 and a patient in an institution for tuberculosis or mental diseases (see exception in paragraph (d)(2)(i) of this section for individuals under age 22). See § 248.60.

* * * * *

3. Section 248.21 is amended, as set forth below, by revising paragraph (a); adding a new paragraph (b); and redesignating paragraph (b) as (c), adding thereto a new paragraph (c)(2), and redesignating paragraphs (c) (2) and (3) thereof as (3) and (4).

§ 248.21 Financial eligibility—medical assistance programs.

(a) *State plan requirements.*—A State plan under title XIX of the Social Security Act must:

(1) With respect to the categorically needy:

(i) Specify that the financial eligibility conditions of the pertinent financial assistance plan will apply;

(ii) Provide for the application of income first to maintenance costs.

(2) With respect to both the categorically needy and, if they are included in the plan, the medically needy;

(i) Provide that only such income and resources as are actually available will be considered and that income and resources will be reasonably evaluated;

(ii) Provide that financial responsibility of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21, or blind, or permanently and totally disabled;

(iii) Specify the extent to which the financial responsibility of any such relatives is taken into account.

(3) With respect to the medically needy, if they are included in the plan:

(i) Provide levels of income and resources for maintenance, in total dollar amounts, as a basis for establishing financial eligibility for medical assistance. Under this requirement:

(A) Such income levels must be comparable as among individuals and families of varying sizes;

(B) The income levels for maintenance must be, as a minimum, at the levels of the most liberal money payment standard used by the State, at any time on or after January 1, 1966, as a measure of financial eligibility in any categorical money payment program in the State,

or at the level for which Federal financial participation is available pursuant to paragraph (b) of this section, whichever is less. Where a State imposes any deduction, cost sharing, enrollment fee, premium, or similar charge under the plan with respect to any medical assistance furnished to an individual thereunder, such charge may not be imposed to the extent that it would reduce the individual's income below the most liberal money payment standard referred to in the preceding sentence;

(C) A lower income level for maintenance must be used for individuals not living in their own homes but receiving care in nursing homes, institutions for tuberculosis or mental diseases or other medical or intermediate care facilities providing long-term care. This lower income level must be reasonable in amount for clothing and personal needs for such individuals. When such an individual's home is maintained for a spouse or other dependents, the appropriate income level for such dependents, plus the individual's income level for maintenance in a long-term care facility, is aplicable; and

(D) Resources which may be held must, as a minimum, be at the most liberal level used in any money payment program in the State on or after January 1, 1966, and the amount of liquid assets which may be held must increase with an increase in the number of individuals in the family. There must be separate levels established for resources.

(ii) Provide that there will be a flexible measurement of available income which will be applied in the following order of priority:

(A) First, for maintenance, so that any income in an amount at or below the established level will be protected for maintenance;

(B) Next, income in excess of that needed for maintenance will be applied to costs incurred for medical insurance premiums and for necessary medical or remedial care recognized under State law and not encompassed within the State plan for medical assistance. States may set reasonable limits on such medical services for which excess income may be applied; and

(C) All of the remaining excess income will be applied to costs of medical assistance included in the State plan.

(iii) Provide that all income and resources (after all State policies governing the disregard, or setting aside for future needs, of income and resources in the State's approved plans under titles I, IV-A, X, XIV, and XVI have been applied) will be considered in establishing eligibility, and in the flexible application of income to medical costs not in the State plan, and payment toward the medical assistance costs.

(iv) Provide that only such income and resources will be considered as will be "in hand" within a period, preferably of not more than 3 months, but not in excess of 6 months, ahead, including the month in which medical services were rendered, for which payment would be made under the plan.

(b) *Special situations.*—See § 248.10 (b) (3) and (4) of this chapter which provides that certain individuals receiving increased social security benefits pursuant to Public Law 92-336, and certain families with increased earnings, are covered to the same extent and under the same conditions as the categorically needy.

(c) *Federal financial participation.*—(1) Federal financial participation is available in payments made in behalf of categorically needy individuals.

(2) Federal financial participation is available in payments made in behalf of the individuals and families described in § 248.10(b) (3) and (4) of this ter.

(3) Payments in behalf of medically needy individuals are subject to Federal financial participation only to the extent that they are made for a member of a family the annual income of which is within the income levels established in the following:

(i) In the case of any State, the applicable income levels with respect to periods after December 31, 1969, are 133⅓ percent of the amounts specified in paragraph (c) (3) (ii). Any total yearly income levels established by applying the above percentage which are not multiples of $100 shall be rounded to the next higher multiple of $100. Federal financial participation is available for a person whose annual income exceeds this level to the extent that medical expenses exceed the income excess (see paragraph (c) (3) (ii) (C)).

(ii) The amounts to be applied in calculating the income levels referred to in paragraph (c) (3) (i) are the highest amounts which would ordinarily be paid to a family of the same size without any income or resources in the form of money payments, under the approved AFDC plan of the State, subject to the following modifications:

(A) In the case of a single individual the amount of the income level shall be reasonably related to the amounts payable under such plan to families consisting of two or more individuals who are without income or resources.

(B) If the amounts established under such plan are subject to a maximum family limit, the income level for families which exceed such limit will be determined by adding an amount for each member of the family to such limit. The amounts to be added shall be reasonably related to those established under the plan for families which are within the maximum family limit.

(C) In computing a family's or individual's income for purposes of subdivisions (i) and (ii) of this subparagraph, there shall be excluded any costs (whether in the form of insurance premiums or otherwise) incurred by such family or individual for medical care or for any other type of remedial care recognized under State law.

(4) If a State furnishes medical assistance on the basis of income levels which are higher than those specified in this section, the State agency must submit to the Department of Health, Education, and Welfare for its approval income levels which are calculated on the basis provided in this section, and must establish procedures to assure that claims for Federal financial participation are limited accordingly.

4. Section 248.30(b) (1) is revised as set forth below:

§ 248.30 Age.

* * * * *

(b) *Federal financial participation.*—(1) Federal financial participation is available in medical assistance provided to otherwise eligible persons who were, for any portion of the month in which they received medical care or services, under 21 years of age (or under 22 years of age and receiving inpatient psychiatric hospital services pursuant to § 249.10(b) (16) of this chapter), or 65 years of age or over, or 18 years of age or over and permanently and totally disabled. There is no Federal requirement as to age for blind persons.

* * * * *

5. Section 248.60(a) (1), (2), and (3) (iv) is revised as set forth below:

§ 248.60 Institutional status.

(a) *Federal financial participation.*—(1) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who is an inmate of a public institution except as a patient in a medical institution or as a resident in an intermediate care facility.

(2) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases, except for an individual under age 22 who is receiving inpatient psychiatric hospital services pursuant to § 249.10(b) (16) of this chapter.

(3) For purposes of this paragraph:

* * * * *

(iv) An individual on conditional release or convalescent leave from an institution for mental diseases is not considered to be a patient in such institution except that such an individual under age 22 who was previously receiving inpatient psychiatric hospital services pursuant to § 249.10(b) (16) of this chapter may be considered to be a patient in such institution until he is unconditionally released or, if earlier, the date such individual attains age 22.

* * * * *

6. Section 249.81 is revised as follows:

§ 249.81 Time limitations for Federal financial participation in medical assistance payments.

Vendor payments for medical care and services are eligible for Federal financial participation for the month in which they are paid, regardless of the eligibility status of the individual in the month of payment, provided:

(a) He was found eligible for medical assistance for the month during which the medical care and services were rendered;

(b) He received such medical care and services in or after the third month before the month in which application was made; and

(c) Not more than 24 months have elapsed since the month of the latest services for which the particular payment is being made with respect to the individual, except that:

(1) This time limitation does not apply with respect to retroactive adjustment payments;

(2) Where a claim for payment for services has been filed timely for title XVIII purposes with the Social Security Administration, an intermediary or a carrier, Federal financial participation is available in payments for such services made by the title XIX agency after the 24-month period provided they are made within 6 months after the month in which the title XIX agency or the vendor receives notice regarding the claim. However, for a claim filed after March 1968, Federal financial participation will be available, notwithstanding the preceding sentence, if actual payment is made no later than 3 months following the publication of this regulation.

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PART III

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

■

Revision of Chapter

Title 41—Public Contracts and Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

On March 6, 1973, notice was published in the FEDERAL REGISTER (38 FR 6076), proposing revised regulations to describe the policies and procedures for the administration of Public Law 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter referred to as the Act.). Interested persons were given 30 days in which to submit written comments regarding the proposed regulations. After consideration of all such relevant matter presented by interested persons, the proposed regulations have been changed as follows:

1. Section 51-1.2 has been modified by adding definitions for "Military Resale Commodities" and "Ordering Office" as new paragraphs (k) and (m).

2. Section 51-5.11 Recommendations has been redesignated § 51-1.4.

3. Section 51-2.4 has been modified by subdividing the section into paragraphs and adding paragraph (c) on military resale commodities.

4. Paragraph (d) of § 51-3.2 has been deleted and paragraphs (e)-(k) redesignated as (d)-(j).

5. Section 51-4.2 has been modified by adding subparagraph (a)(2) on State-owned or State-operated workshops and subparagraph (a)(3) on the review and notification of workshops of their nonprofit status.

6. Section 51-4.4 has been modified by adding paragraph (b) on subcontracting to small business concerns.

7. Section 51-5.1-1 has been reworded to express better the application of the Act.

8. Sections 51-5.1-2 and 51-5.1-3 have been combined into § 51-5.1-2 "Allocations and Orders" and expanded to clarify the procedures for processing allocations and orders.

9. Section 51-5.2 has been modified to clarify procedures for processing purchase exceptions and to make these procedures consistent with the new section 51.5.1-2 on allocations and orders.

10. Section 51-5.3 has been modified by adding paragraph (e) on special packing, packaging, or marking.

11. Section 51-5.11 has been redesignated "Specification Changes"; § 51-5.9(c) has been redesignated paragraph (a) of this section; and paragraph (b) has been added on changes in the design of commodities on the procurement list.

12. There have been a number of minor modifications primarily editorial in nature.

Effective date.—This revision is effective upon issuance.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

JUNE 15, 1973.

Chapter 51 of title 41 of the Code of Federal Regulations is revised to read as follows:

TABLE OF PARTS

Part
51-1 General.
51-2 Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.
51-3 Central nonprofit agencies.
51-4 Workshops.
51-5 Procurement requirements and procedures.

PART 51-1—GENERAL

Sec.
51-1.1 Policy.
51-1.2 Definitions.
51-1.3 Priorities.
51-1.4 Recommendations.

AUTHORITY.—Public Law 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48).

§ 51-1.1 Policy.

(a) The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped was established by Public Law 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the FEDERAL REGISTER a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency which the Committee determines are suitable for procurement by the Government pursuant to the Act.

(b) The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

§ 51-1.2 Definitions.

As used in this chapter:

(a) "Committee" means the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

(b) "Direct labor" means all work required for preparation, processing, and packing of a commodity or work directly related to the performance of a service but not supervision, administration, inspection, and shipping.

(c) "Fiscal year" means the 12-month period beginning on July 1 of each year.

(d) "Government" and "entity of the Government" means any entity of the legislative branch or the judicial branch, any executive agency or military department, the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

(e) "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(f) "Blind" means an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20°.

(g) "Other severely handicapped individual" means any person (other than a blind person) who is so severely incapacitated by any physical or mental disability that he cannot engage in normal competitive employment because of such disability.

(1) Some specific categories of severely handicapped persons include those disabled by the following:

(i) Spinal cord injury;
(ii) Deafness;
(iii) Muscular dystrophy (adults);
(iv) Multiple sclerosis;
(v) Developmental disability or other neurological disorders;
(vi) Severe orthopedic handicaps;
(vii) Multiple disabilities;
(viii) Severe personality or behavioral disorders including psychoses and neuroses;
(ix) Severe pulmonary disease;
(x) Severe cardiac disorders.

The foregoing represent examples only and should not be considered exclusive.

(2) A severely handicapped person who is able to engage in normal competitive employment because he has overcome his handicap or his condition has been substantially corrected is not an "other severely handicapped individual" within the meaning of this definition.

(3) Capability for normal competitive employment shall be determined from information developed by an ongoing placement program conducted by the workshop. Such placement program shall include at least (i) a preadmission evaluation and annual review to determine each worker's capability for normal competitive employment, and (ii) maintenance of liaison with appropriate community services for the placement in such employment of any of its workers who may qualify for such placement.

(h) "Qualified nonprofit agency for the blind" (hereinafter workshop for the blind) means an agency organized under the laws of the United States or of any State, operated in the interest of blind individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the Secretary of Labor; and which in the production of commodities

and the provision of services (whether or not the commodities or services are procured under these regulations) during the fiscal year employs blind individuals for not less than 75 percent of the man-hours of direct labor required for the production or provision of the commodities or services.

(i) "Qualified nonprofit agency for other severely handicapped" (hereinafter workshop for other severely handicapped) means an agency organized under the laws of the United States or of any State, operated in the interests of severely handicapped individuals who are not blind, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the Secretary of Labor; and which in the production of commodities and the provision of services (whether or not the commodities or services are procured under these regulations) during the fiscal year employs severely handicapped individuals (including blind) for not less than 75 percent of the man-hours of direct labor required for the production or provision of commodities or services.

(j) "Procurement list" means a list of (1) the commodities, including military resale commodities, produced by any workshop for the blind or by any workshop for other severely handicapped, and (2) the services, provided by any such workshop, which the Committee determines are suitable for procurement by the Government pursuant to these regulations.

(k) "Military resale commodities" means commodities on the procurement list sold for the private, individual use of authorized patrons of Armed Forces commissaries and exchanges, or like activities of other Government departments and agencies.

(l) "Central nonprofit agency" means an agency organized under the laws of the United States or of any State, operated in the interest of the blind or other severely handicapped, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual, and designated by the Committee to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for commodities and services on the procurement list among workshops for the blind or workshops for other severely handicapped, and to assist the Committee in administering these regulations.

(m) "Ordering office" means any activity in an entity of the Government that places orders for the procurement of any commodity or service on the procurement list.

(n) "Workshop" means a workshop for the blind or a workshop for other severely handicapped, as appropriate.

§ 51–1.3 Priorities.

(a) The Committee, in assigning priorities for the procurement of commodities and services on the procurement list, will make such assignments in accordance with paragraphs (b) and (c) of this section.

(b) In the purchase by the Government of commodities, including military resale commodities, produced and offered for sale by workshops for the blind or workshops for other severely handicapped, priority shall be accorded to commodities produced and offered for sale by workshops for the blind.

(c) In the purchase by the Government of services offered by workshops for the blind or workshops for other severely handicapped, priority shall, until December 31, 1976, be accorded to services offered for sale by workshops for the blind.

§ 51–1.4 Recommendations.

All individuals, particularly those concerned with procurement, are encouraged to recommend to the Committee any commodities and services which appear to be suitable for procurement by the Government from blind or other severely handicapped workshops.

PART 51–2—COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Sec.

51–2.1 Membership.
51–2.2 Responsibility.
51–2.3 Duties and powers.
51–2.4 Procurement list.
51–2.5 Fair market price.

AUTHORITY.—Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–2.1 Membership.

Under the Act the Committee is composed of 14 members appointed by the President. There is one representative from each of the following departments or agencies of the Government: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of Justice, the Department of Labor, the Veterans' Administration, and the General Services Administration. Three members are private citizens: One who is conversant with the problems incident to the employment of blind and other severely handicapped individuals; one who represents blind individuals employed in qualified nonprofit agencies for the blind; and one who represents severely handicapped individuals (other than blind) employed in qualified nonprofit agencies for the other severely handicapped.

§ 51–2.2 Responsibility.

It is the Committee's responsibility to administer the Act, the purpose of which is to direct the procurement of selected products and services by the Federal Government to qualified workshops for the blind and other severely handicapped. The objective is to increase the opportunities for the employment of blind and other severely handicapped individuals and, whenever possible, to prepare these individuals to engage in normal competitive employment.

§ 51–2.3 Duties and powers.

The duties and powers of the Committee are:

(a) To establish and publish in the FEDERAL REGISTER a procurement list of those commodities and services which it determines are suitable for workshops for the blind or other severely handicapped to supply to the Government.

(b) To determine the fair market price of the commodities or services on the procurement list and to revise its price determinations in accordance with changing market conditions.

(c) To designate a central nonprofit agency or agencies to facilitate the distribution, among the workshops for the blind and other severely handicapped, of orders of the Government for commodities or services appearing on the procurement list (by direct allocation, subcontract, or any other means).

(d) To establish rules and regulations regarding the effective implementation of the Act.

(e) To assure that workshops for the blind will have priority over workshops for other severely handicapped in the production of commodities and, until December 31, 1976, in the provision of services.

(f) To conduct a continuing study and evaluation of its activities under the Act for the purpose of assuring effective and efficient administration of the Act. On its own, or in cooperation with other public or nonprofit private agencies, the Committee may study problems relating to the employment of the blind and other severely handicapped individuals, and to the development and adaptation of production methods which would enable a greater utilization of these individuals.

§ 51–2.4 Procurement list.

The Committee shall issue to each ordering office a procurement list which will include commodities and services which shall be procured from the indicated central nonprofit agency or its workshops.

(a) For commodities (except military resale commodities), the procurement list includes the item description, specification identification, price, and other pertinent information.

(b) For services, the procurement list identifies the type of service to be provided, the area(s) and/or agency(s) to be serviced and includes information on prices.

(c) For military resale commodities, the procurement list includes name of commodity, identification number, and price.

§ 51–2.5 Fair market price.

The Committee is responsible for determining the fair market prices including changes thereto, for commodities or services on the procurement list and shall consider recommendations from the procuring agencies and the central nonprofit agency concerned. Recommendations for fair market prices or changes thereto shall be submitted by the workshops to the central nonprofit agency representing the workshop. The central nonprofit

agency shall analyze the data and submit a recommended fair market price to the Committee along with the detailed justification necessary to support the recommended price.

PART 51–3—CENTRAL NONPROFIT AGENCIES

Sec.
51–3.1 General.
51–3.2 Responsibilities.
51–3.3 Assignment of commodity or service.
51–3.4 Distribution of orders.
51–3.5 Fees.

AUTHORITY.—Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–3.1 General.

Under the provisions of section 2(c) of the Act, the following are designated central nonprofit agencies:

(a) To represent the workshops for the blind:

National Industries for the Blind.

(b) To represent the workshops for other severely handicapped:

Goodwill Industries of America.
International Association of Rehabilitation Facilities.
Jewish Occupational Council.
National Association for Retarded Children.
National Easter Seal Society for Crippled Children and Adults.
United Cerebral Palsy Association.

§ 51–3.2 Responsibilities.

Each central nonprofit agency for its participating workshops shall:

(a) Represent them in dealing with the Committee under the Act.

(b) Evaluate the qualifications and capabilities of its workshops and provide the Committee with pertinent data concerning its workshops, their status as qualified nonprofit agencies, their manufacturing or service capabilities, and other information required by the Committee.

(c) Recommend to the Committee, with appropriate justification including recommended prices, suitable commodities or services for procurement from its workshops.

(d) Distribute within the policy guidelines of the Committee (by direct allocation, subcontract, or any other means) orders from Government activities among its workshops.

(e) Maintain the necessary records and data on its workshops to enable it to allocate orders equitably.

(f) Supervise its workshops to insure contract compliance in the production of a commodity or performance of a service.

(g) As market conditions change, recommend price changes with appropriate justification for assigned commodities or services on the procurement list.

(h) Monitor and inspect the activities of its workshops to insure compliance with the Act and appropriate regulations.

(i) Enter as required into contracts with the Federal procuring activities for the furnishing of commodities or services provided by its workshops.

(j) Submit to the Committee a comprehensive annual report for each fiscal year concerning the operations of its workshops under the Act, including significant accomplishments and developments, and such other details as the central nonprofit agency considers appropriate or the Committee may request. This report will be submitted by September 30 for the fiscal year ending the preceding June 30.

§ 51–3.3 Assignment of commodity or service.

(a) The central nonprofit agency first proposing a commodity or service for addition to the procurement list shall have priority on its assignment unless Federal Prison Industries, Inc., or National Industries for the Blind (representing the workshops for the blind) exercises a priority (see §§ 51–1.1 and 51–1.3).

(b) Within 60 days after notification by the Committee that a central nonprofit agency has proposed a commodity or service for addition to the procurement list, Federal Prison Industries, Inc. (for commodities only) and National Industries for the Blind (for both commodities and services) shall notify the Committee of their intentions to exercise or waive their priorities on the proposed commodity or service.

(c) The Committee shall assign commodities or services to central nonprofit agencies based on paragraphs (a) and (b) of this section.

(d) A central nonprofit agency assigned a commodity or service shall complete action to place it on the procurement list within 9 months after assignment. If within 9 months the central nonprofit agency has not completed action, the Committee may reassign the commodity or service to another central nonprofit agency representing a workshop capable of producing the commodity or performing the service provided that the agency is prepared to promptly place the commodity or service on the procurement list. Priority on reassignment will be determined by the order in which the central nonprofit agencies proposed the commodity or service for addition to the procurement list, the first proponent having the highest priority.

§ 51–3.4 Distribution of orders.

Central nonprofit agencies shall distribute orders from the Government only to workshops which the Committee has approved to produce the specific commodity or to perform the particular service. When the Committee has approved two or more workshops to produce a specific commodity or perform a particular service, the central nonprofit agency shall distribute orders among those workshops in a fair and equitable manner.

§ 51–3.5 Fees.

The fees the central nonprofit agency shall charge workshops for facilitating participation by their workshops under the Act shall not exceed the rates approved by the Committee.

PART 51–4—WORKSHOPS

Sec.
51–4.1 General.
51–4.2 Procedures for qualification.
51–4.3 Responsibilities.
51–4.4 Subcontracting.
51–4.5 Production.
51–4.6 Violations.

AUTHORITY.—Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–4.1 General.

A workshop affiliated with more than one central nonprofit agency shall designate one central nonprofit agency to represent its interests to the Committee. A workshop shall not change the designation of its central nonprofit agency without prior written approval of the Committee.

§ 51–4.2 Procedures for qualification.

(a) To qualify for participation under the Act,

(1) A workshop, other than a State-owned or State-operated workshop, shall submit to the Committee through its central nonprofit agency the following documents, transmitted by a letter signed by an officer of the corporation:

(i) A legible copy (preferably a photocopy) of the articles of incorporation showing the date of filing and the signature of an appropriate State official.

(ii) A copy of the bylaws certified by an officer of the corporation.

(iii) If available, a copy of the Internal Revenue Service certificate indicating that the corporation has been accepted as a nonprofit agency for taxation purposes.

(2) A State-owned or State-operated workshop for the blind or other severely handicapped shall submit to the Committee through its central nonprofit agency the following documents, transmitted by a letter signed by an officer of the wholly-owned State corporation or an official of the agency that directs the operations of the workshop, as applicable:

(i) A certified true copy of the State statute establishing or authorizing the establishment of workshop(s) for the blind or other severely handicapped.

(ii) In the case of a wholly-owned State corporation, a certified true copy of the corporation bylaws; and, in the case of a State agency, a certified true copy of implementing regulations, operating procedures, notice of establishment of the workshop, or other similar documents.

(3) The Committee shall review the documents submitted and, if they are acceptable, notify the workshop through the central nonprofit agency of the workshop's eligibility to participate under the Act.

(b) At the time the central nonprofit agency recommends to the Committee the addition of a commodity or service to the procurement list, it shall submit a signed copy of the appropriate initial workshop certification for the workshop concerned. This requirement does not

apply when a workshop is already authorized to produce a commodity or provide a service under the Act.

(c) To maintain its qualification under the Act, each workshop authorized to produce a commodity or provide a service under the Act shall complete an annual workshop certification and submit a signed copy to the Committee through its central nonprofit agency by September 30 for the fiscal year ending the preceding June 30.

§ 51–4.3 Responsibilities.

(a) Each workshop participating under the Act shall:

(1) Furnish commodities or services in strict accordance with the allocation and Government orders.

(2) Make its records available for inspection at any reasonable time to representatives of the Committee or the central nonprofit agency representing the workshop.

(3) Maintain records of direct labor hours performed in the workshop by each worker.

(4) Submit the appropriate annual workshop certification to the Committee through its central nonprofit agency by September 30 for the fiscal year ending the preceding June 30.

(5) Comply with applicable occupational health and safety standards prescribed by the Secretary of Labor.

(6) Maintain a file on each blind individual which includes a written report prepared by a licensed physician reflecting visual acuity and field of vision of each eye with and without glasses.

(7) Maintain a file on each blind and other severely handicapped individual which includes reports of preadmission evaluation, and annual reevaluations of the individual's capability for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes and abilities of handicapped persons.

(8) Maintain an ongoing placement program that includes staff assigned evaluation duties and liaison responsibilities with appropriate community services such as the State employment service, employer groups, and others; and list with one or more of these services those individuals whose most recent evaluations show them to be capable of normal competitive employment.

(b) Each workshop for other severely handicapped participating under the Act shall, in addition to the requirements of paragraph (a) of this section, maintain a file for each other severely handicapped individual which includes a written report prepared by a licensed physician, psychiatrist, and/or qualified psychologist, reflecting the nature and extent of the disability or disabilities that cause such person to qualify as severely handicapped.

§ 51–4.4 Subcontracting.

(a) Workshops shall seek broad competition in the purchase of raw materials and components used in the commodities and services provided the Government under the Act. Workshops shall inform the Committee before entering into multiyear contracts for raw materials or components used in the commodities and services provided the Government under the Act.

(b) Each workshop shall accomplish the maximum amount of subcontracting to small business concerns that the workshop finds to be consistent with efficient performance in producing commodities or providing services under the Act.

§ 51–4.5 Production.

In the production of commodities under the Act, a workshop shall make an appreciable contribution to the reforming of raw materials or the assembly of components or a combination thereof.

§ 51–4.6 Violations.

Any alleged violations of these regulations by a workshop shall be investigated by the appropriate central nonprofit agency which shall notify the workshop concerned and afford it an opportunity to submit a statement of facts and evidence. The central nonprofit agency shall report its findings to the Committee, together with its recommendations, including a recommendation regarding whether allocations to workshops concerned should be suspended for a period of time. In reviewing the case, the Committee may request the submission of additional evidence or may hold a hearing on the matter. Pending a decision by the Committee, the central nonprofit agency concerned may be directed by the Committee to temporarily suspend allocations to the workshop.

PART 51–5—PROCUREMENT REQUIREMENTS AND PROCEDURES

Sec.

51–5.1 Purchase procedure.
51–5.1–1 General.
51–5.1–2 Allocations and orders.
51–5.2 Purchase exceptions.
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51–5.7 Adjustment and cancellation of orders.
51–5.8 Correspondence and inquiries.
51–5.9 Quality of merchandise.
51–5.10 Quality complaints.
51–5.11 Specification changes.

AUTHORITY.—Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–5.1–1 General.

(a) Ordering offices shall obtain commodities and services on the procurement list from the central nonprofit agency shown thereon or its designated workshop(s), except for commodities identified on the procurement list as available through Defense Supply Agency (DSA) or from General Services Administration (GSA) supply distribution facilities.

(b) When a commodity is identified on the procurement list as being available through DSA or from GSA supply distribution facilities, it shall be obtained in accordance with the requisitioning procedures of the supplying agency.

(c) DSA supply centers and GSA supply distribution facilities shall also obtain commodities on the procurement list from the central nonprofit agency shown thereon or its designated workshop(s).

(d) Procedures for obtaining military resale commodities are contained in section 51–5.6.

§ 51–5.1–2 Allocations and orders.

(a) Allocation is the action to be taken by a central nonprofit agency to designate the workshop(s) that will produce definite quantities of commodities or perform specific services upon receipt of an order from the ordering office.

(b) Letter requests for allocation shall be submitted to the appropriate central nonprofit agency listed below:

Agency:	*Agency symbol*
Goodwill Industries of America, 9200 Wisconsin Ave., Washington, D.C. 20014	GI
International Association of Rehabilitation Facilities, 5530 Wisconsin Ave., Washington, D.C. 20015	RF
Jewish Occupational Council, 114 Fifth Ave., New York, N.Y. 10011	JO
National Association for Retarded Children, 2709 Avenue E, East Arlington, Tex. 76011	RC
National Easter Seal Society for Crippled Children and Adults, 2023 West Ogden Ave., Chicago, Ill. 60612	ES
National Industries for the Blind, 1511 K St., Washington, D.C. 20005	IB
United Cerebral Palsy Association, 66 East 34th St., New York, N.Y. 10016	CP

(c) Central nonprofit agencies may authorize the ordering office to transmit orders for specified commodities or services directly to the workshop(s) concerned without requesting an allocation for each order. In these cases the central nonprofit agency shall specify the normal leadtime required for orders transmitted directly to the workshop(s). This method shall be used whenever possible since it eliminates double handling and decreases the time required for processing orders.

(d) Requests for allocations shall contain for:

(1) Commodities: Name, stock number, latest specification, quantity, unit price, and place and time of delivery.

(2) Services: Type and location of service required, latest specification, work to be performed, estimated volume, and time for completion.

(e) Ordering offices shall request allocations in sufficient time for the central nonprofit agency to reply, for the order(s) to be placed, and for the workshops to produce the commodity or provide the service (see paragraph (k) of this section).

(f) When a commodity on the procurement list also appears on the schedule of products, Federal Prison Industries, Inc. (FPI), the ordering office shall obtain clearance from FPI prior to requesting an allocation or placing an order directly to the workshop(s).

(g) The central nonprofit agency shall make allocations to the appropriate workshop(s) upon receipt of a request from the ordering office and instruct the ordering office to forward the order to the central nonprofit agency or direct to the workshop(s).

(h) Central nonprofit agencies shall reply promptly to requests for allocations. When a request for allocation provides a delivery schedule which cannot be met, the central nonprofit agency shall request a revision, which the ordering office should grant, if feasible, or the central nonprofit agency shall issue a purchase exception authorizing procurement from commercial sources as provided in section 51–5.2.

(i) Allocations are not an obligation to supply any commodity or service, nor an obligation for the ordering office to issue an order, nor are workshops authorized to commence production until receipt of an order.

(j) Upon receipt of an allocation, the ordering office shall promptly submit an order to the appropriate central nonprofit agency or designated workshop(s). Where this cannot be done promptly, the ordering office shall so advise the central nonprofit agency and the workshop(s) immediately.

(k) An order for commodities or services shall provide leadtime sufficient for purchase of materials, production or preparation, and delivery or completion.

(l) The central nonprofit agency shall keep the ordering office informed of any changes in leadtime experienced by its workshop(s) in order to keep to a minimum requests for extensions once an order is placed by the ordering office. Where, due to unusual conditions, an order does not provide sufficient leadtime, the central nonprofit agency or workshop, depending on which received the order, may request an extension of delivery or completion date which should be granted, if feasible. If extension of delivery or completion date is not feasible, the ordering office shall (i) notify the central nonprofit agency and workshop(s) as appropriate, and (ii) request the central nonprofit agency to reallocate or to issue a purchase exception authorizing procurement from commercial sources as provided in § 51–5.2.

(m) The ordering office shall provide to the central nonprofit agency concerned a copy of all orders to workshops.

§ 51–5.2 Purchase exceptions.

(a) A central nonprofit agency shall grant a purchase exception for an ordering office to procure from commercial sources commodities or services on the procurement list when both of the following conditions are met:

(1) The central nonprofit agency cannot furnish a commodity or service within the period specified, and

(2) The commodity or service is available from commercial sources in the quantities and at an earlier time than it is available from the workshop(s).

(b) The central nonprofit agency may grant a purchase exception when the quantity involved is not sufficient for economical production or provision by the workshop(s).

(c) When the conditions in paragraphs (a) or (b) are met, the central nonprofit agency shall provide a purchase exception promptly and shall specify the quantities and delivery period covered by the exception. The central nonprofit agency shall inform the Committee prior to issuing a purchase exception to procure a commodity or service from commercial sources when the value of the procurement is $2,500 or more.

(d) When a purchase exception is granted for procurement from commercial sources under paragraph (a) above:

(i) Purchase action shall be taken within 15 days following the date of the purchase exception or as may be extended by the central nonprofit agency with the concurrence of the Committee.

(ii) A copy of the solicitation shall be provided to the appropriate central nonprofit agency at the time it is issued.

§ 51–5.3 Prices.

(a) The prices included in the procurement list are fair market prices established by the Committee.

(b) Prices for commodities, except for military resale commodities, are for delivery aboard the vehicle of the initial carrier at point of production (f.o.b. shipping point), and include packaging, packing, and marking as shown on the procurement list.

(c) Price changes for commodities and services shall apply to all orders placed on or after the effective date of the change and in special cases, with the concurrence of the ordering office, to undelivered orders on hand at the workshop on the effective date of the change.

(d) Some prices are different for eastern and western areas of the United States. The western area includes the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington. Western-area prices are applicable to items manufactured by workshops located in these States.

(e) If an ordering office desires packing, packaging, or marking of products other than the standard pack or as provided in the procurement list, the difference in cost thereof, if any, shall be added to the purchase price.

§ 51–5.4 Shipping and packing.

(a) Commodities, except for military resale commodities, shall be delivered aboard the vehicle of the initial carrier at point of production (f.o.b. shipping point) for transportation to destination on Government bills of lading. Delivery is accomplished when a shipment is placed aboard the vehicle of the initial carrier. Time of delivery is the date shipment is released to and accepted by the initial carrier. Bills of lading may accompany orders or be otherwise furnished, but they must be supplied promptly. Failure by an ordering office to furnish bills of lading promptly may result in an excusable cause for delay in delivery.

(b) Standard pack information is stated in item descriptions. In ascending order, standard pack is given in multiples of the unit of issue contained within the inner wrap(s) and the outer shipping container pack.

(c) Shipping weights, where available, are included in the procurement list. The weight indicated applies to the last quantity shown in the information on standard pack.

§ 51–5.5 Payments.

Payments for products or services of the blind or other severely handicapped shall normally be made within 20 days, but in no event later than 30 days, after shipment or receipt of a correct invoice or voucher.

§ 51–5.6 Military resale commodities.

(a) Purchase procedures for ordering military resale commodities are contained in instructions issued by the designated central nonprofit agency and are available upon request from that agency. Armed Forces commissaries and exchanges and like activities of other Government departments and agencies (authorized resale outlets) shall request the central nonprofit agency to designate the workshop to which orders shall be forwarded.

(b) Authorized resale outlets shall stock military resale commodities in as broad a range as is practicable. Comparable brand name items procured from commercial sources may also be stocked in authorized resale outlets, except in military commissaries, to meet patron demand, but not the exclusion of military resale commodities.

(c) The price of military resale commodities includes delivery to destination or, in the case of destinations overseas (including Alaska and Hawaii), to designated depots at ports of embarkation.

§ 51–5.7 Adjustment and cancellation of orders.

When the central nonprofit agency or a workshop fails to comply with the terms of a Government order, the ordering office shall make every effort to negotiate an adjustment before taking action to cancel the order. When a Government order is canceled for failure to comply with its terms, the central nonprofit agency shall be notified, and, if practicable, requested to reallocate the order. The central nonprofit agency shall notify the Committee of any cancellation of an order and the reasons therefor.

§ 51–5.8 Correspondence and inquiries.

Routine correspondence or inquiries concerning deliveries of commodities being shipped from or performance of service by blind and other severely handicapped workshops shall be with the workshop involved. Major problems shall be referred to the appropriate central nonprofit agency.

§ 51–5.9 Quality of merchandise.

(a) Commodities furnished under Government specification by blind or other severely handicapped workshops shall be

manufactured in strict compliance with such specifications. Where no specifications exist, commodities produced shall be of the highest quality and equal to similar items available on the commercial market. Commodities shall be inspected utilizing nationally recognized test methods and procedures for sampling and inspection.

(b) Services provided by blind or other severely handicapped workshops shall be performed in accordance with Government specifications and standards. Where no Government specification or standard exists, the services shall be performed in accordance with good commercial practices.

§ 51–5.10 Quality complaints.

(a) When the quality of a commodity received is not considered satisfactory by the using activity, the activity shall take the following actions as appropriate:

(1) For commodities received from DSA supply centers or GSA supply distribution facilities, notify the supplying agency in accordance with that agency's procedures.

(2) For commodities received from blind or other severely handicapped workshops, address complaints to the workshop involved with a copy to the central nonprofit agency with which it is affiliated.

(b) When the quality of a service is not considered satisfactory by the using activity, the activity shall address complaints to the workshop involved with a copy to the central nonprofit agency with which it is affiliated.

(c) In those instances where quality problems cannot be resolved by the workshop and the using actvity, the Committee and the central nonprofit agency shall be advised.

§ 51–5.11 Specification changes.

(a) Specifications cited in the procurement list may undergo a series of changes, indicated by successive suffix letters, to keep current with industry changes and agency needs. Since it is not feasible to show the latest revision current on the publication date, only the basic specification is referenced in the procurement list. Procurement agencies shall notify the central nonprofit agency concerned of the latest applicable specification.

(b) When a Government department or agency is changing the design or construction of a commodity on the procurement list that involves the assignment of a new Federal stock number, the Committee and the central nonprofit agency concerned shall normally be permitted to comment on such change and shall be notified of the change prior to its effective date.

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1973)

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