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

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 19

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 17, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP—QUESTIONS AND ANSWERS No. 19

1. Q: Under Phase II, sellers of products and services through vending machines were permitted to determine their base prices by reference to customary pricing methods which were based on marketing areas rather than by reference to actual transactions at each machine during the 1971 Phase II base period. This special rule was promulgated because a considerable length of time is often required after a price increase decision is made to adjust vending machines to accept additional or different coins or to dispense items of different size or weight. Does the special rule apply in calculating the 1973 freeze price?

A: Yes.

2. Q: Company A imports and resells shirts. On June 15, 1973 Company A bought the shirts for $10 each and resold them for $15 each. It now costs Company A $12 to buy a shirt. May Company A raise the selling price of shirts entered into inventory after June 15 to $17 each to reflect the replacement cost?

A: No. Importers and resellers of imports may pass on increases in the landed cost for imported commodities incurred after June 12, 1973 on a dollar-for-dollar basis so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. However, an importer may not use this rule to reprice his inventory on the basis of replacement costs. The cost allowed to be passed on by the import rule is actual cost, not replacement cost.

3. Q: A public utility bills customers each month for delivery of electrical services during the previous month. Under authority from its State regulatory commission, the utility calculates its overall rate by a formula in a fuel adjustment clause which allows an adjustment to represent changes in the cost of fuel between the third and fourth month prior to the billing month. This adjustment is figured as a percentage of the rate per kilowatt hour. When the service is delivered each month, the utility knows the amount it will charge per kilowatt hour and the percentage that will be added under the formula. May the utility continue to adjust its rates during the freeze under the fuel adjustment formula?

A: No. The fuel adjustment formula should not be treated differently than the rate per kilowatt hour. Under the rules of the freeze, a transaction occurs when a service is performed. Therefore, the overall rate in effect for electrical services delivered during June 1 through June 8, which would be reflected in the July billing, establishes the freeze price. The fact that the fuel adjustment formula is based on costs occurring before the freeze requires no different treatment because costs which are not reflected in a freeze price are not allowed to be passed through during the freeze except under the special rule for imports.

4. Q: A local government has provided free trash collection service during the past year. On July 1, the local government decided to begin charging a fee for the collection service. Can it implement this charge during the freeze?

A: No. Having provided the service free during June 1 through June 8, the local government is considered to have had transactions which established a zero freeze price. The government must continue to provide the trash collection service free of charge for the duration of the freeze.

5. Q: A bank operates a charge card service as a subsidiary. Merchants honoring the charge card pay for the service through a discount system. Under the discount, the charge card service retains 4% of every bill it handles, paying the rest to the participating merchant. The charge card service takes the risk of loss on all bad debts. Is the merchants' discount a fee for a service or a finance charge which is exempt?

A: The merchants' discount is a finance charge and is, therefore, not subject to the freeze. The merchants are paying for a faster receipt of payment on charged items and for protection against bad debts. In effect, they are paying interest on amounts received from the charge card service prior to collection of the bill by the charge card service.

6. Q: If an insurance company has implemented a rate revision for new business prior to the freeze base period in a particular coverage, e.g., private passenger automobiles in South Dakota, may those revised rates be used on renewal business even though the effective date for those renewals is subsequent to the freeze base period? All the business in the particular coverage written during the freeze base period was new business and was written at the new (higher) rate.

A: New business and renewal business are part of the same class of purchaser since the rates charged for comparable risks for both types of businesses are identical. The new business's effective date established a freeze price for both new and renewal business in that particular coverage since at least 10% (in this case, 100%) of the transactions in the particular coverage which occurred during the freeze base period were at the new (higher) rate.

7. Q: To what extent can firms change their business practices during the freeze?

A: Businesses may change their operating practices during the freeze, so long as the change in these practices does not result in a circumvention of the intent of the price freeze. The business must be able to document that freeze prices based on the changed practices are comparable to freeze prices charged for similar products and services during the freeze base period.

For instance, if a firm decides to change from selling only a finished product to selling raw materials and the service of processing raw materials, the firm must sell raw materials to anyone, not just those buying his processing service. The price for a raw material must be determined in accordance with the applicable freeze regulations.

If a firm changes from selling a finished product to selling the processing service, the price for the processing service must relate only to service actually being provided. For example, a firm sold a processed product for $150.00 per unit during the freeze base period and this price included $50.00 for the raw material, thus making the charge for the processing $100.00. During the freeze the price for that service would not be $100.00 per unit since the $150.00 per-unit price for the processed product included (in addition to the $50.00 per-unit purchase price for raw materials) brokerage, inventory-carrying, overhead and other services related to the raw materials. Hence the price for the processing service alone would be lower than $100.00 because the value of the services applied to the raw material cannot be included since the service is not provided.

[FR Doc.73-14942 Filed 7-17-73;3:09 pm]

Title 7—Agriculture

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

[Valencia Orange Regulation 441]

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 July 20-26,

1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.741 Valencia Orange Regulation 441.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is steady to slightly better. Prices f.o.b. averaged $3.20 per carton on a sales volume of 508 carlots during the week ended July 12, 1973, compared with $3.13 per carton on sales of 453 carlots a week earlier. Track and rolling supplies at 272 cars were down one car 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 rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 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 July 20, 1973, through July 26, 1973, are hereby fixed as follows:

(i) District 1: 98,000 cartons;

(ii) District 2: 425,000 cartons;

(iii) District 3: 52,000 cartons."

(2) As used in this section 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: July 18, 1973.

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

[FR Doc.73–14907 Filed 7–18–73;11:30 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Subpart C—Management and Sale of Acquired Real Estate

Subpart C of Part 1872, Title 7, Code of Federal Regulations (32 FR 8290; 37 FR 13159) is amended to reflect a change in title, "Management and Sale of Acquired Real Estate."

In accordance with 5 U.S.C. 553, these amendments are being published without prior rulemaking because it is impracticable to delay making available assistance provided by these amendments in that Realtors and Agents may be utilized to assist in the disposal of any acquired property expeditiously, thereby avoiding, to the greatest extent possible, damage to such property while it is in Government ownership, and more rapidly reduce the investment of FHA loan funds. The prospective buyer that cannot pay cash will be immediately provided the longer terms to which he is entitled under P.L. 92–419 for the purchase of surplus property. Updating the policies, procedures, and authorizations to conform to the Consolidated Farm and Rural Development Act (P.L. 92–419) is necessary to provide additional services to rural people. Accordingly, it is in the public interest that this subpart shall be effective on July 19, 1973.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before August 20, 1973. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this subpart shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

These amendments are effective on July 19, 1973.

As amended, Subpart C of Part 1872 reads as follows:

Subpart C—Management and Sale of Acquired Real Estate

Sec.

1872.61 General.
1872.62 Handling acquired property during redemption.
1872.63 Management of acquired real estate.
1872.64 Disposition and sale of rights-of-way, easements, perishable items, mineral rights, water rights, and mineral, agricultural or other leases.
1872.65 Method of sale of property that was security for a loan made under the Consolidated Farm and Rural Development Act.
1872.66 Sale of property that was security for Rural Housing loans only
1872.67 Additional requirements.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Sec. of Agri.,

38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart C—Management and Sale of Acquired Real Estate

§ 1872.61 General.

(a) *Purpose.* The purpose of this subpart is to delegate authority and prescribe policies and procedures for management and sale of farm and nonfarm real estate and related property or rights acquired in any manner by the Farmers Home Administration (FHA) for administration or disposal.

(b) *Definitions.*—(1) *Acquired real estate.* Acquired real estate includes any real estate and any growing crop which, according to the advice of the Office of the General Counsel (OGC) is acquired with the land and any improvements or appurtenances which would customarily pass with the land. Also, it includes any items of acquired personal, chattel, business inventory, and other property necessary to the efficient operation of the real estate or business enterprise and such items are to be sold with the real estate.

(2) *Date of acquisition.* The date of acquisition in case of voluntary conveyance will be the date the deed to the Government is filed for record. In all other cases, the date of acquisition will be the date title is vested in the Government. Usually this will be determined by the County Office. If there is any question about the actual date of acquisition, the determination will be made by the OGC.

(3) *Surplus property.* Surplus property is any acquired real estate which is suitable for sale to eligible applicants but not sold within three years from the date of acquisition, not suitable for sale to an eligible applicant under § 1872.65 or § 1872.66, or suitable but not practical for sale to an eligible applicant because of other reasons.

(4) *Taxes.* Taxes include all taxes, assessments, levies, irrigation and water changes, or other similar obligations against the real estate.

(5) *Association programs.* These programs include water and waste disposal, recreation, and loans to grazing associations, Indian tribal corporations, watershed sponsors, rural renewal organizations, irrigation and drainage organizations, timber development organizations, and economic opportunity cooperatives, resource conservation and development loans, and other community program loans.

(6) *Multiple housing.* These programs include rural rental and cooperative housing, farm labor housing, and rural housing site loans.

(7) *Caretaker.* A person who, under contract with FHA maintaining and protecting acquired real estate. If authorized by the contract he may also manage and operate the facility on the acquired real estate.

(c) *Basic policies.* The policy of the FHA is to manage and sell acquired real estate in accordance with the provisions of this Subpart to best accomplish the program goals and to protect the Government's financial interest and preserve the value of the real estate. Acquired real estate will be sold in accordance with the provisions of this Subpart as soon as practicable after it is acquired by the Government. The sale of acquired real estate will not be delayed for the purpose of obtaining a greater speculative recovery.

(1) Acquired real estate suitable for the Farm Ownership (FO), Recreation (RL), Labor Housing (LH), Multiple Housing, or Association programs will, whenever practicable, be sold on a credit basis to eligible applicants in accordance with the policies and authorizations for the type of FHA programs under which the property is being sold, § 1872.65 or § 1872.66, or when not clearly covered by this Subpart any special requirements issued by the National Office and when applicable, OGC. Acquired property may be reclassified by the State Director from suitable for program use to surplus or vice versa. When no interest in the property is shown by eligible applicants, it may be reclassified to surplus. Likewise, when a property cannot be sold as surplus but interest of eligible applicants is generated through the sale notices it may be reclassified for sale to eligible applicants. In making the reclassification, the files should be adequately documented to show the reasons for the change. Any property not sold within 3 years from the date of acquisition must be declared surplus and sold accordingly.

(2) Acquired property, other than that which secured only a Rural Housing (RH) loan, which is to be sold as surplus will be advertised for public sale, either by auction sale, or on a sealed bid basis provided the public is given an opportunity to be present at the bid opening sale. If the property is not sold at such a public sale, negotiations may be entered into with interested bidders and any others on the same terms and conditions outlined in the public sale notice.

(3) Acquired RH properties which are not suitable for program purposes will be sold in accordance with § 1872.66.

§ 1872.62 Handling of acquired property during redemption.

When acquired real estate is subject to redemption rights under State law, the State Director with the advice of OGC is responsible for giving instructions to County Supervisors for the care and management of such property during the redemption period. His instructions may be given in a State requirement or on an individual basis. In either case, the requirement will cover actions such as payment of taxes, leasing, and maintenance and repairs. If under State law the Government's interest may be sold during the period of redemption, the State Director is authorized to sell the Government's interest in accordance with §§ 1872.65 and 1872.66 subject to the following conditions:

(a) The sale price of the property is at least equal to the amount of the inventory debt.

(b) Such a sale would assist in accomplishing the purpose of the loan.

(c) The sale would not result in a financial loss to the Government if redemption was made.

(d) The following special conditions are met in connection with the sale:

(1) A determination must be made that there is no apparent likelihood of redemption being made during the period of redemption allowed by the State statute.

(2) Each applicant must sign a written statement acknowledging that he is buying a property that is subject to the State statutory redemption rights on terms which will be set forth in the statement; if the property should be redeemed, it would divest him of ownership and possession and might result in his loss of any additional investment by him in the property not recoverable under the State statute; and he desires to purchase the property under the conditions set forth. The signed original statement will be filed in the borrower's County Office case folder.

§ 1872.63 Management of acquired real estate.

The County Supervisor will manage acquired real estate in accordance with this Subpart. The State Director will determine, with the advice of OGC, the ownership of any growing crops and small business stocks, portable buildings or irrigation equipment and timber acquired as a part of the real estate and will provide the County Supervisor with any special requirements required for their care and disposition.

(a) *Costs.* When costs are to be paid by the Government to caretakers, prior lienholders or tax collectors, or maintenance and repairs, or for other costs to preserve the Government's interest, Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," will be used to make the necessary advance. The cost will be paid from the source of loan funds for the kind of FHA loan with the highest priority of lien before acquisition for which funds are then available except that when both FO and RH loans are involved on the same farm, priority will be given to the use of FO funds.

(b) *Posting the property.* The County Supervisor will display FHA posters "This Property for Sale" and "Warning" on acquired real estate to inform the public that the properties are for sale and that trespassers and perpetrators of acts of thievery, vandalism, or unauthorized entry will be subject to prosecution.

(c) *Reporting damage or theft.* If vandalism or theft occurs, the County Supervisor will handle the case in accordance with appropriate FHA requirements.

(d) *Removal and disposition of personal property not acquired by FHA.* Prior to implementing this paragraph the State Director will obtain the advice

of the OGC as to any necessary changes for the state. If the FHA has acquired title to the property and the borrower has vacated the property but left items that did not pass with the real estate such as furniture, personal effects or chattel property not included in the FHA or any prior mortgage, the County Supervisor will handle the case in accordance with the following:

(1) After the property is acquired by the Government, he will notify the borrower in person or by telephone that the personal property should be removed from the premises within a specified time, usually 10 days. The County Supervisor will keep a written record of notification showing pertinent facts including date and time of contact.

(2) If the borrower or someone authorized to act for him does not remove the personal property within the specified period, the County Supervisor should check the appropriate public records to determine if a creditor has a lien on any of the personal property and, if so, notify the lienholder by registered letter that the property will be impounded and disposed of by the FHA if it is not removed from the premises in five days.

(3) If no lienholder can be located, the County Supervisor will notify the borrower by registered letter that unless the property is removed within five days, it will be impounded and disposed of by the FHA.

(4) If no response is received from the borrower or the lienholder after notification by registered mail, then, as a last resort the FHA will remove the property. This action will be taken only with the prior approval of the State Director with the advice of the OGC. If a decision is made to remove and dispose of the property, it will be appraised by the County Supervisor. If a reasonable amount can likely be realized from the sale of the property, the property may be sold at public sale and the net proceeds after deducting all expenses incurred by the Government applied to the deficiency, if any, on the borrower's loan. Otherwise, the net proceeds after deducting expenses incurred by the Government will be paid to the borrower with an itemized statement listing items sold and their sale price. If the property is not worth selling, authority may be given to the mover to take the property in exchange for his moving cost or, if necessary, payment by voucher can be made to take the property to the public dump for disposal.

(5) The owner may redeem the personal property prior to its sale by paying all expenses incurred by the United States in advertising, gathering, moving, impounding, storing, and otherwise caring for the property.

(e) *Leasing the property.* When acquired real estate cannot be sold immediately and its leasing is necessary to protect the Government's interest, property that was security for any type of FHA loan except Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Rural Housing Site (RHS), Labor Housing (LH) or loans to RCH organizations, may be leased for a period not to exceed one year or one crop year at a time. RH nonfarm tracts usually should be leased on a monthly basis. Property that was security for an RRH, RCH, RHS, or LH loan to an organization may not be leased but will be handled in accordance with paragraph (f) of this section. However, an exception for the lease of such property may be granted with National Office approval. Real estate taxes, maintenance, repairs, other costs to preserve the security, and similar real estate expenses will be paid by the Government by voucher as authorized in this subpart. Such costs will be considered in establishing the amount of rentals payable to the Government under the lease. No lease agreement will require the Government to pay operating expenses. When it is customary in the area for a portion of the operating expenses of the property to be paid by the landlord, however, such items may be considered in establishing the amount of rentals payable to the Government under the lease.

(1) The County Supervisor will endeavor to locate a suitable lessee of the acquired property if it cannot be sold promptly. When the County Supervisor recommends the leasing of security property, he will determine the best terms available for the property and complete Form FHA 465–2, "Lease of Security Property," in an original and three copies. When the property involves a single family house or a farm, the County Supervisor may approve the lease. If the lease involves an association property, the County Supervisor will submit three copies of Form FHA 465–2 with a complete report on the situation and his recommendations to the State Office for approval.

(2) When the County Supervisor or State Director, as appropriate, approves a lease, he will forward the original and one conformed copy to the Finance Office which will assign it a contract number, insert the number on the original and conformed copy, and return the conformed copy to the approval official. The approval officials will place the contract number on the copies in accordance with the Forms Manual Insert for Form FHA 465–2.

(3) When the amount of the rent of a farm under a lease is based on a percentage of crop sales, Form FHA 465–17, "Advice of Crop Percentage Rental Charge (Acquired Real Estate)," will be prepared by the County Supervisor when crops are harvested. He will send it to the Finance Office for use in establishing the rental charge.

(4) Any lease of acquired farm property to a person not eligible for assistance from the FHA will contain a clause prohibiting the growing of price-supported crops determined by the Secretary of Agriculture to be in surplus supply. This restriction will not prohibit the growing of such surplus crops to be used for pasture or green manure or to be cut before maturity. The County Supervisor will report to the County Agricultural Stabilization and Conservation Service (ASCS) Office all land covered by leases which contain restrictive clauses on the growing of surplus crops. The report will describe in sufficient detail the land covered by the lease to permit the ASCS to identify the property and to preserve the allotments applicable to the farm involved. Subsequent changes in ownership or in the lease will be reported to the ASCS during the month in which they occur.

(f) *Caretaker.* (1) Ordinarily, acquired farm or nonfarm RH real estate will not be operated by the Government. However, when the property is not sold immediately or when a satisfactory lease is not obtained, the County Supervisor may obtain a caretaker and formalize the agreement on Form FHA 465–3, "Caretaker's Agreement (Real Property Only)," for the shortest period feasible, usually on a monthly basis, but in no case in excess of one year or one crop year at a time. The compensation and any other expense required under the Caretaker's Agreement will be paid by the Government as authorized in paragraph (a) of this section. However, in no case may the compensation or any other expense be paid from sales proceeds or other income derived from the acquired real estate, including growing crops.

(2) When a caretaker is necessary to preserve and maintain multiple housing properties not sold promptly or leased in accordance with (e) of this section, the County Supervisor with the prior approval of the State Director, may execute Form FHA 465–3, "Caretaker's Agreement (Real Property Only)." See forms and guides available in all FHA County Offices for the proper completion of Form FHA 465–3.

(i) The compensation and any other expenses required under the Caretaker's Agreement will be paid by the Government as authorized in paragraph (a) of this section. In no case will the clause concerning the termination of the agreement be altered or deleted.

(ii) In no case may compensation to the caretaker be paid from income derived from acquired real estate.

(iii) The compensation to the caretaker may not exceed the usual and customary charge for similar services in the area, as determined by the State Director, and may be set as a fixed fee or a percentage of any monthly income from the property.

(iv) The rental rates charged for units will be the same as before the property was acquired, unless the State Director determines that revised rates are justified. If the acquired property was previously operated under an Interest Credit Agreement or leased under Housing and Urban Development (HUD) Section 23 contract, any special problems in dealing with occupancy should be referred to the National Office for advice.

(v) The caretaker will obtain copies of any written leases the borrower may

have executed with the occupants of the housing. If there are no written leases or copies cannot be located, Form FHA 465–2, "Lease of Security Property," may be modified and used for this purpose with the concurrence of the OGC in accordance with the following:

(A) A statement that the rental agreement will be transferred to the purchaser when the property is sold.

(B) A statement that the lease period shall be for 30 days and is automatically renewed unless cancelled by the tenant or the Government after giving 30 days notice.

(C) A statement that the Government does not carry any insurance on the property or contents.

(D) Any other items deemed appropriate and necessary in the area.

(3) Ordinarily, acquired association property will not be operated by the Government. However, when the property is not sold promptly or when a satisfactory lease arrangement is not available, the State Director may authorize the County Supervisor to formalize a caretaker's agreement using Form FHA 465–3 in accordance with the following:

(i) The Caretaker's Agreement will cover the shortest feasible period, usually on a monthly basis, but in no case in excess of six months.

(ii) The compensation and any other expenses required under the Caretaker's Agreement will be paid by the Government as authorized in paragraph (a) of this section. However, in no case may the compensation or any other expenses be paid from sales proceeds or other income derived from the acquired real estate, including growing crops.

(iii) The compensation to the caretaker may not exceed the usual and customary charge for similar services in the area, as determined by the State Director, and may be set as a fixed fee or a percentage of any monthly income from the property.

(iv) The caretaker may also be authorized to manage the property.

(v) Form FHA 465–3 may be modified in accordance with the forms and guides available in all county offices to record the agreements between the caretaker and the Government.

(g) *Payments on liens.* When real estate is acquired subject to a lien, the State Director will determine whether the payment in satisfaction of the lien in full or the payment of any installments under the mortgage will be in the best interest of the Government and is agreeable to the lienholder. In making this determination, consideration will be given to whether making such payments will result in a substantially greater recovery on the Government's investment than can otherwise be obtained, or a sale of the property to an applicant eligible under § 1872.61 will be made feasible.

(1) The State Director is authorized to make such payment or payments not to exceed $40,000. Any payment or payments exceeding $40,000 may be made only with prior approval of the National Office.

(2) The advice of the OGC will be obtained with respect to paying any lien in full and getting the mortgage released or assigned to the Government. If the State Director approves the payment of installments, he will advise the County Supervisor and authorize him to make such payments. Payments to lienholders may include taxes or insurance premiums or maintenance costs paid by the lienholder under his mortgage to protect the security.

(3) When taxes or insurance premiums or maintenance costs are included in a payment, a receipt for the payment of such items will be obtained from the lienholder and furnished to the Finance Office.

(h) *Taxes.* Property acquired by the Government is subject to taxation by state, territory, district, and local public subdivisions, in the same manner and to the same extent as other property unless the state law specifically exempts taxation of Federal-Government owned real estate. When title to real estate is vested in the Government, the County Supervisor will notify the appropriate taxing authority in writing that title to the real estate has been acquired by the Government and that claims for taxes during the Government's ownership will be billed to the FHA at the County Office address. If taxes become due and payable during the period of the Government's ownership, the County Supervisor will pay the taxes by voucher unless the taxes are paid by a prior lienholder. When the real estate is sold either in whole or in part, the County Supervisor will advise the taxing authority of the sale and the purchaser's name and provide a description of the parcel sold.

(i) *Insurance.* Insurance on acquired real estate will not be maintained by the Government after the date it is acquired (whether or not subject to redemption), except that State Rural Rehabilitation Corporation (SRRC) property under 2(f) agreements will be insured as provided by Part 1806 of this chapter. Any insurance in force at the time the property is acquired by the Government will not be cancelled. However, except in the case of SRRC property, no additional premium will be paid. The original insurance policy may be returned to the innsuring company if notification of cancellation is received. Payments for insurance on SRRC property will be made from SRRC funds. If title to real estate is acquired subject to a prior lien, the lienholder will be advised that the Government will not carry insurance on the property. If the lienholder pays insurance as an advance under his lien, such insurance premiums may be included in payments made by the Government to the lienholder.

(j) *Maintenance and repairs.* Ordinarily, acquired real estate will be sold in the physical condition in which acquired. Maintenance and repairs may be made, however, when necessary to protect the real estate or to prevent a significant decrease in its value. No expenditures other than those necessary to immediately protect the Government's security, such as winterizing or securing the property, should be made until the final title opinion showing Government ownership of the property has been received. Also, prior authorization from the State Director is required for any maintenance or repair if redemption rights are involved.

(1) Expenditures up to $2,500 may be approved by the County Supervisor. Whenever expenditures will exceed $2,500, they may be authorized only by the National Office in accordance with Federal Procurement Regulations. Work approved by the County Supervisor will be done by contract on Form FHA 424–6, "Construction Contract," after obtaining at least two estimates for the cost of maintenance or repairs, except the County Supervisor is authorized to make such expenditures without contract or estimates if the cost will be $200 or less.

(2) The costs will be paid by voucher and charged as an expense item to the inventory account.

(3) Any maintenance and repair work will be properly considered in the appraisal report before the property is offered for sale.

(4) Acquired property may be cleaned up, repaired, and painted where necessary to put it in satisfactory condition for immediate sale or rental if a sale on an "as is" basis cannot be made within a reasonable period. Expenditures for such repairs and maintenance will be authorized in accordance with the limitations and conditions in paragraph (j)(1) of this section, subject to a further determination that the improvements will cause the value of the property to be increased by at least as much as the cost of the improvements.

(k) *Responsibility for loss or damage to property between date of acquisition by the Government and sale of property.* As a general rule, the Government is responsible for loss or damage to a property after the date of acquisition and prior to the sale. In case a sales contract has been entered into and loss or damage occurs, the State Director may either have the loss or damage replaced or repaired or make a compensating adjustment in the sale price. However, if the loss or damage is the result of negligence by a prospective buyer, no adjustment will be made in the sale price.

(l) *Evictions.* The County Supervisor will through the State Office seek the advice of the OGC in evicting any unauthorized person from acquired property if he refuses to move voluntarily.

§ 1872.64 Disposition and sale of rights-of-way, easements, perishable items, mineral rights, water rights, and mineral, agricultural or other leases.

(a) *Rights-of-way or easements.* The State Director is authorized to grant easements or fee title to rights-of-way to public bodies if he determines such grant is in the public interest and will not adversely affect the value of the property. Also, he may sell easements or fee title to rights-of-way for adequate

cash consideration through negotiations with persons, corporations, or public bodies without giving public notices, provided the sale is not inconsistent with the public interest. When a sale or grant is made, the Finance Office will be furnished a copy of the conveyance instrument and the selling price along with the consideration, if any, received.

(b) *Crops or perishable goods.* The State Director may authorize the County Supervisor to sell any crops, except timber, or perishable goods for the best cash price obtainable by public sale or negotiations without giving public notice. When a sale is made, the Finance Office will be provided a copy of the conveyance instrument and the selling price along with the consideration.

(c) *Mineral rights, water rights, mineral leases including royalties, and agricultural and other leases.* Mineral rights or water rights acquired by the FHA, mineral lease interests, mineral royalty interests, and agricultural and other lease interests will be sold with the surface land and will not be sold separately. If the land is to be sold in separate parcels, any such rights or interest applicable to each parcel will be included with the sale of each parcel of land. When a sale is made, any lease or royalty interest sold will be assigned to the purchaser and the lessee or payee of the royalty interest will be advised of the assignment.

§ 1872.65 Method of sale of property that was security for a loan made under the Consolidated Farm and Rural Development Act.

(a) *General.* This includes FO, RL, Soil and Water (SW), and Association loans and combinations of any type of RH loan with those loans. Acquired real estate which is now or can by subdivision or combination with other property be made suitable for a farm or association loan will be sold to eligible applicants in accordance with the following conditions:

(1) Priority will normally be given an applicant who proposes to use the property for the same purpose for which it was used before it was acquired. However, if it is in the best financial interest of the Government, the property may be subdivided and sold for different program purposes. As an example, grazing or golf course association property may be considered for subdivision into RH nonfarm tracts or farm tracts. Also, a farm property may be subdivided wholly or partially into RH nonfarm tracts.

(2) The applicant meets the eligibility requirements for the type of loan involved, and

(3) The property is sold on the basis of present market value.

(4) The amount of the credit sale will not be charged to any state allocation of funds.

(5) State Directors may authorize the use of realtors or Special Sales Agents to dispose of such property in accordance with paragraph (c)(4) of this section or § 1872.66(e).

(6) Where the property to be sold was subject to Title VI of the Civil Rights Act of 1964 and will be used for its original or a similar purpose, the applicant will sign Form FHA 400–4, "Nondiscrimination Agreement."

(b) *Processing.* The policies, procedures, authorizations, limitations, terms and conditions applicable to making, approving, and processing loans outlined in the FHA requirements pertaining to the type loan involved will be followed in making credit sales of acquired property to an eligible applicant. This will be done in accordance with the following:

(1) The docket forms will show the inventory property number and identify the credit sale as an initial loan unless the applicant already is indebted for the same type loan. A loan of the same type made simultaneously with the credit sale will be considered a subsequent loan. Separate Forms, "Record of Actions," Fund Analysis, and promissory notes, as appropriate, will be prepared for each transaction.

(2) Any cash downpayment collected at the time the sale is closed will reduce the amount due on the promissory note by the amount of such payment. The inventory advice number will be entered on the transmittal and the payment will be handled with all other payments for the day in accordance with Part 1862 of this chapter.

(3) The current insured loan interest rate for the type loan being made will be charged all eligible applicants.

(4) Form FHA 440–16, "Promissory Note (Insured Loan)" will be used for farm properties. Form FHA 440–22, "Promissory Note (Insured Loan to Non-Tax Exempt Association or Organization)," or other forms specified in OGC closing instructions will be used for association properties.

(5) Loan closing and title clearance for the credit sale and any additional loan to be closed simultaneously with the credit sale will be the same as for making a loan of the type involved except that:

(i) Form FHA 465–12, "Quitclaim Deed," as modified by OGC to meet the requirements of state law, if necessary, will be used. It will be executed by the State Director and acknowledged.

(ii) Any attorney or title insurance company costs and recording fees will be paid by the buyer.

(c) *Surplus property.* When it has been determined that farm or association property is not to be sold through credit sales to an eligible applicant, the State Director will declare the property surplus. He is then authorized to sell the surplus property to an ineligible applicant in accordance with the following:

(1) The State Director will establish the present market value of the property. This will be done by considering among other things, existing appraisal information on the property and, when necessary, he will request a new appraisal report to determine the present market value of the property. The appraisal will be made by an employee authorized to appraise real property.

(2) Farm property will be offered at public sale for cash or cash or terms of not less than a 10 percent cash downpayment and not to exceed 10 amortized payments of the balance of the purchase in accordance with paragraph (c)(3) of this section. The interest rate will be the rate being charged for Section 502 RH loans. When it has been definitely determined that a property cannot be sold on terms of 10 years or less because of conditions in the area, the State Director shall stop any negotiations and readvertise for a public sale on a longer term not to exceed 20 years.

(3) If OGC advised that it is legally permissible, association property will be offered for public sale for cash or cash or terms of not less than 10 percent cash downpayment with the remaining balance payable over not more than 15 years. The amount of each of the first 14 annual installments will not be less than the amount that would be required to be repaid annually if the outstanding balance was amortized over the maximum repayment period of the type of loan involved. The remaining balance will be due and payable at the end of the 15th year. The interest rate will be set forth in the "Rate to Lender Column (5–9 years)" of subpart A of part 1819 of this chapter plus .125 percent as of the date the property is offered for sale. If more liberal rates and terms are considered necessary because of the location or condition of the property or condition in the area, or for other pertinent reasons, the State Director may request authorization from the National Office to offer the property for public sale on more liberal rates and terms. However, the repayment period will not exceed the maximum repayment period of the type of loan involved or the useful life of the property, whichever is less. Complete documented justification for his request will be submitted to the National Office.

(4) Any principal balance will be secured by a first mortgage on the property unless it is sold subject to a prior lien.

(5) Property may be offered for sale as a whole or in such parcels as the State Director determines will aid in an expeditious sale and in obtaining the best price. This permits subdivision of the land or separate sales of portions of the property, such as timber, growing crops, business stock for small business enterprises, buildings, facilities, and similar items if it is believed that a better price for the entire property can be obtained by sale in this manner.

(d) *Sale by public notice.* Surplus property other than perishable items or growing crops, not including timber, must first be offered for sale to the public by public notice. If not sold in such a manner, the property may be sold by the method deemed appropriate by the State Director, including the use of a realtor or in the case of association property, another type of qualified sales specialists.

(1) An auction sale or sealed bids will

be obtained for properties valued in excess of $2,500 by advertising in appropriate periodicals or newspapers in such number and types as the State Director determines to be adequate to inform interested parties of the sale, and in posted notices when the State Director determines that such notices will assist in the sale.

(2) Public sale by the method determined appropriate by the State Director, will be used for properties valued at $2,500 or less. Advertising will be accomplished by simple public notices posted in such number and locations as adequate to inform interested parties of the sale and when determined necessary by the State Director, periodicals and newspapers may also be utilized.

(3) The format of the advertisement or notice will be of a reasonable display type, but not legal notice style.

(i) The advertisement or notice will contain sufficient information to readily identify the property and will include a brief general description indicating its location and conveniences, terms of the sale, deposit required, the time property may be inspected by prospective bidders, and where additional information and bid forms can be obtained. If sealed bids are to be obtained, the advertisement or notice will contain a statement that opening of sealed bids will be public. It will show the place, hour, and date of the opening of the sealed bids or of sale, as appropriate. It will also show that the Government reserves the right to reject any or all bids.

(ii) The State Director, with the advice and approval of the OGC, will develop a standard form of advertisement to be used in the state. Any case to which the standard form is not applicable will be referred to the OGC for advice.

(4) Sealed bids will be made on Form FHA 465–10, "Invitation, Bid, and Acceptance—Sale of Real Property by the United States." The executed form will be accompanied by a deposit of cash, a cashier's or certified check, or money order of not less than 5 percent of the bid payable to the Treasurer of the United States. Successful bidders at an auction also will be required to make such a deposit. The highest offer received at a public sale will be reduced to writing on Form FHA 465–10 if it is determined to be the best price obtainable.

(i) Sealed bids will at all times be held in a secured file pending opening and proper disposition at the place and time specified in the advertisements. The bids will be opened in the presence of at least two FHA employees and any other interested persons who may desire to attend. When opened, each bid will be tabulated showing the name and address of the bidder, the amount of the bid, the amount and form of the deposit, and any other pertinent data. The tabulation of the information will be signed by an employee designated by the State Director and retained in the State Office files. Any bid which is not in compliance with the terms of the offer will be disqualified; however, such a bid may indicate the probability of obtaining a higher price than offered in qualified bids and may justify rejection of other bids.

(5) When the State Director or his authorized representative determines that the highest qualified bid represents the best price obtainable, the bid will be accepted by the State Director by execution of Form FHA 465–10. That form with an executed Standard Form 1036, "Statement and Certificate of Award," will be given to the successful bidder or his representative, if present, with appropriate documentation necessary to establish a binding contract or mailed to the successful bidder by certified mail, return receipt requested. The bidder will be requested to furnish information necessary for preparing the conveying instruments including the name(s) to which the property is to be conveyed. The deposit of the successful bidder will be transmitted immediately to the Finance Office with sufficient information to permit that office to identify the acquired property and process the deposit.

(6) If no satisfactory bid is received, the deposit of each bidder will be returned promptly by certified mail with a letter of explanation. Such a letter will advise each bidder with respect to any anticipated negotiations for the sale of the property. If a sealed bid is accepted the deposit of each unsuccessful bidder will be returned promptly with a letter of explanation as to why his bid was not accepted. If a satisfactory bid is not received at a public sale, it will be readvertised or the sale will be negotiated, if it is then known what action will be taken.

(e) *Negotiated sale.* If no sealed bid or bids at a public sale are accepted the State Director, after negotiating with interested parties including all previous bidders, may sell the property at the best price obtainable without further public notice, provided there are no indications that by readvertising the property for sale, additional interest will be created and likely will result in a higher price being obtained. A satisfactory offer received under such negotiations will be reduced to writing on Form FHA 465–10 and will be accepted and awarded in the same manner as provided in paragraph (d)(4) of this section. Such sales will be negotiated on the same terms as provided in the public notice and at a price not lower than the best qualified offer received as a result of the public notice unless otherwise authorized by the National Office. If a satisfactory sale cannot be negotiated within 30 days, all interested parties will be notified in writing that negotiations have been discontinued. He may then change the terms and conditions as appropriate and enter new negotiations. In negotiating a sale the State Director may solicit proposals by oral and written communications. In some instances it may be possible to assemble the persons interested in purchasing the property for open competitive bidding with the sale being made to the person making the best offer. If offers are solicited orally or by mail without such an assembled meeting, the invitation to negotiate should include notice of the place, date, and hour at which time the best offer will be determined and, if satisfactory, accepted. Such date and hour shall be rigidly adhered to and, if a satisfactory offer is obtained at that time, it will be accepted immediately and other offers or suggestions of future offers after that date will be declined. If an acceptable offer is not made on that date, a new date will be set. Other acceptable methods of negotiations may be followed but care should be taken to afford equal opportunity to each negotiator. Usually, the amount offered by one interested party will not be disclosed to any other interested parties. However, if other offers are disclosed to one negotiator, the same information will be given to all other negotiators. No offer on the basis of specified sum above the best alternative offer should be entertained. In connection with such negotiations it may be necessary to incur reasonable administrative expenses including cost of communications, postage, and similar items to consummate the sale. Such sales may be advertised in local newspapers provided the costs of such advertisement are reasonable.

(f) *Use of realtors or special sales agents to sell acquired farm or association properties.* If the County Supervisor has been unable to sell acquired property in accordance with paragraphs (d) and (e) of this section, he may submit to the State Director a detailed report of his efforts to sell the property and request authority to offer it through realtors. The State Director may authorize the use of realtors to sell acquired property only if the County Supervisor has made a diligent effort to sell such property and the State Director determines that the property cannot be sold under reasonable terms by FHA personnel.

(1) If the property is subject to redemption rights under law, the property may be sold only if the State Director determines the conditions of § 1872.62 (a), (b) and (c) can be met and the realtor is informed of those conditions.

(2) The County Supervisor or other FHA officials will attempt to locate an eligible purchaser for at least 60 days from the date of acquisition. If an eligible purchaser is not located, the State Director may authorize the use of realtors or special sales agents to sell the property to applicants who meet FHA's eligibility requirements.

(3) The State Director may authorize the use of realtors or special sales agents to sell surplus property to ineligible applicants only after the following have occurred:

(i) The State Director has declared the property surplus.

(ii) The property has been advertised for sale by public notice.

(iii) Negotiations have been discontinued and the file has been documented to this effect.

(iv) No successful bidder has been obtained from the sale by public notice or subsequent negotiations.

(g) *Selection of realtors or special sales agents.* If the State Director authorizes the use of realtors or special sales agents, the County Supervisor or other appropriate FHA officials will give public notice that the FHA has certain properties for sale and that realtors are invited to participate in selling the property. The notice to be inserted in newspapers circulating in the primary market area in which the property is located will read substantially as follows:

PUBLIC NOTICE

The Farmers Home Administration has for sale the following properties:

18 Hole Golf Course with Clubhouse and other facilities located at the north edge of Anytown, Virginia
80 Acre Farm Located 3 Miles West of Anytown, Virginia
Licensed realtors or sales agents who are interested in listing these properties should contact the Farmers Home Administration County Office at_____
for detailed information before_____

(1) Any licensed realtor or sales agent who customarily handles real estate in the area in which the property is located will be given an opportunity to list and sell the property.

(2) The property will be handled by realtors on an open listing basis. The County Supervisor, or for association properties, Programs Specialist (Field), is authorized to sign a Form FHA 465–13, "Listing Agreement." The conditions of the relationship between FHA and the realtor are:

(i) Once authorization is received to use realtors or special sales agents and after the agreement for sale has been signed, FHA officials will not discuss the sale of the property with prospective buyers but will refer prospective buyers to all realtors or special sales agents who have signed agreements.

(ii) The property will be listed for a period not to exceed 90 days from the date of the first public notice. This period may be extended, if at the end of 90 days, it appears that a contract for sale can be obtained within 30 days. All agreements with realtors will terminate on the same date.

(iii) The fee for selling the property may not exceed the cost normally charged in the area for similar services. In the event the property is not sold, there will be no charge to the Farmers Home Administration for the services. Any realtors or special sales agent fees connected with a sale to an ineligible applicant will be paid from the proceeds of the sale. Such fees in connection with a sale to an eligible applicant will be paid by processing SF 1034 to pay the fees from the applicable insurance fund.

(iv) The property will be listed for its present market value as determined by the State Director. If a loan is made, the rates and terms will be as shown in this section and § 1872.66.

(v) Assurance of Equal Opportunity in Purchasing. In order to determine priority when offers are submitted by realtors or agents the following method will be used:

Any offers from prospective buyers received in the County Office will be considered in the order received and either accepted or rejected in that order. Each offer will be reviewed for compliance with the listed price, terms of sale, and qualifications of buyer if the sale is to be on the basis of a credit sale to an applicant eligible for an FHA loan. Those offers not qualifying will be rejected and returned immediately.

(h) *Processing sale of surplus farm property.* Upon acceptance of a bid or offer obtained by an FHA official or a realtor, the County Supervisor will advise the designated attorney or title company how to proceed with closing of the sale. Payments will be made in the form of currency and coin, U. S. Treasury check, cashier's check, certified check, money order, bank draft, or check issued by a responsible institution. When the transaction is closed, the County Supervisor will send to the Finance Office the original of Form 465–10, Standard Form 1036, "Statement and Certificate of Award," Form FHA 440–16, if a credit sale, and a conformed copy of the Quitclaim Deed.

(i) *Processing sale of surplus association property.* Upon acceptance of a bid or offer obtained by an FHA official, realtor, or a special sales agent, the State Director will forward the original Form FHA 465–10, Standard Form 1036, name or names to be placed in the deed, amount and terms of note and mortgage and other pertinent material to the OGC with the request that it provide legal instruments and instructions for closing the transaction. When the transaction is closed, and if the sale is made on secured credit terms, the State Director will send to the Finance Office the originals of Form FHA 465–10, Standard Form 1036, Form FHA 440–22, "Promissory Note," if a credit sale, and a conformed copy of the Quitclaim Deed. Upon receipt of the sales docket, if a credit sale is involved, the Finance Office will establish the account and advise the State Director and the appropriate County Supervisor accordingly.

§ 1872.66 Sale of property that was security for rural housing loans only.

(a) *General.* Acquired real estate which secured Rural Housing loans that is now or can by subdivision or combination with other properties be made suitable for an RH, RRH, RCH, RHS, LH, FO, RL, or Association loan will be offered to eligible applicants in accordance with paragraph (c) of this section. Acquired real estate not suitable for resale within the FHA programs will be offered for sale in accordance with paragraph (d) of this section.

(b) *Advertisement.* If an applicant or prospective purchaser eligible to buy the property is not available, the County Supervisor will always post notices in such number and locations as adequate to inform interested parties of the property for sale. The property will also be advertised in newspapers having general circulation in the area when the State Director determines that such advertisement will assist in the sale. The format of the advertisement or notice will be of reasonable display type, but not legal notice style and will contain sufficient information to readily identify the property and will include the kind of real estate for sale with a brief general description including its location and conveniences, terms of the sale, time property may be inspected by prospective buyers, where additional information can be obtained and a statement that the Government reserves the right to reject any or all offers. The State Director, with the advice and approval of the Office of the General Counsel, will develop a standard form of advertisement to be used in the state. Any case to which the standard form is not applicable will be referred to OGC for advice.

(c) *Property suitable for FHA programs.* Property suitable for resale within the FHA programs will be offered to eligible applicants in accordance with the following conditions:

(1) Priority will normally be given to such an applicant who proposes to use the property for the same purposes for which it was used before it was acquired; however, if it is in the best financial interest of the Government, the State Director may authorize the property to be sold for different program purposes. For example LH or RH farm property which is well located for residential purposes, may be considered for sale to an RHS applicant or for subdivision into RH nonfarm tracts if it is not practical to sell it as an RH or FO property. Detached dwellings of an RRH or LH project may be sold as individual RH units when such action would be to the Government's advantage. Also LH properties may be sold for RRH projects.

(2) The property is sold for not less than its market value.

(3) The amount of the credit sale will not be charged to any state allocation of funds.

(4) The policies, procedures, authorizations, limitations, terms, and conditions applicable to making, approving, and processing loans outlined in FHA requirements pertaining to the type of loan involved will be followed in making credit sales of the acquired property to an eligible applicant, except:

(i) The docket form will show the inventory advice number and identify the credit sale as an initial loan unless the applicant is already indebted for the same type of loan. A loan of the same type made simultaneously with the credit sale will be considered a subsequent loan. Separate Forms FHA 440–3, "Record of Actions," appropriate Fund Analysis, and Promissory Notes and other required forms will be prepared for the subsequent loan.

(ii) Any cash downpayment collected at the time the credit sale is closed will reduce the amount due on the Promissory Note by the amount of such payment. The inventory advice number will

be entered on Form FHA 451–2, "Schedule of Remittances," and the payment will be handled in accordance with Part 1862 of this chapter.

(iii) The current insured loan interest rate for the type loan being made will be charged.

(iv) Form FHA 440–16, "Promissory Note," will be used for loans to individuals and Form FHA 440–22, "Promissory Note," will be used for loans to organizations.

(v) Loan closing and title clearance for the credit sale and any additional loan to be closed simultaneously with the credit sale will be the same as for making a loan of the type involved except that:

(A) Form FHA 465–12 as modified by OGC to meet the requirements of state law, if necessary will be used. It will be executed by the State Director and acknowledged.

(B) Any loan closing costs will be paid by the buyer unless they are included in a subsequent loan.

(5) Single family and up to two unit multiple housing properties not sold to an eligible applicant within 30 days after the date of acquisition, or within 30 days after they are made suitable for resale in those cases where maintenance and repairs to the property are made, may be offered for sale to eligible and ineligible applicants. Multiple housing property of more than two units not sold to eligible applicants within 90 days after date of acquisition, or within 90 days after they are made suitable for resale in those cases where maintenance repairs to the property are made may be offered for sale to eligible or ineligible applicants. Any sale to an ineligible applicant however, must be for cash or at rates and terms in accordance with paragraph (d) of this section.

(d) *Properties not suitable for FHA programs.* Rural housing properties not suitable for resale within the FHA programs will be offered as follows:

(1) Properties not suitable for FHA programs and those properties which are suitable but are not sold to an eligible applicant will be sold for cash, or cash or terms of not less than a 10 percent downpayment and usually not to exceed 10 amortized payments for the balance of the purchase price. When terms of more than 10 years are necessary because of the location of the property or conditions in the area, the State Director may authorize individual RH dwellings to be sold on longer terms but not to exceed 15 years and terms not to exceed 20 years for multiple housing properties. In no case, however, may the terms be longer than the remaining life of the property.

(2) The interest rate will be the rate set for above-moderate Section 502 RH loans.

(3) Any principal balance will be secured by a first mortgage on the property unless it is sold subject to a prior lien.

(e) *Use of realtors to sell acquired rural housing property.* If the County Supervisor has been unable to sell acquired property in accordance with paragraph (c) and (d) of this section, he may submit to the State Director a detailed report of his efforts to sell the property and request authority to offer it through realtors. The State Director may authorize the use of realtors to sell acquired property only if the County Supervisor has made a diligent effort to sell such property and the State Director determines that the property cannot be sold under reasonable terms by FHA personnel.

(1) If the State Director authorizes the use of realtors, the County Supervisor will give public notice that FHA has certain properties for sale and that realtors are invited to participate in selling the property. The notice is to be inserted in newspapers circulating in the primary market area in which the property is located and will read substantially as follows:

The Farmers Home Administration has for sale the following properties:

1. Ten unit rental complex located at 125 Main Street, Anytown, Virginia.
2. Home located 3 miles west of Anytown, Virginia.

Licensed realtors who are interested in listing these properties should contact the Farmers Home Administration County Office at _____ for detailed information before _____.

(2) *The conditions for listing property with realtors.* (i) The property will be handled by realtors on an open listing basis. Any licensed realtors who customarily handle real estate in the area in which the property is located will be given an opportunity to list and attempt to sell the property.

(ii) All realtors granted authority to sell acquired rural housing property will sign Form FHA 465–13. They will be informed of any redemption rights applicable to the property. The County Supervisor is authorized to sign Form FHA 465–13.

(iii) Once authorization is received to use realtors and the "Agreement for Sale of Rural Housing Property" has been signed, FHA officials will discontinue any attempts to sell the property but will inform prospective buyers of the names of all realtors who have signed agreements.

(iv) The property will be listed for a period not to exceed 90 days from the date of first public notice. This period may be extended, if at the end of the 90 days, it appears that a contract for sale can be obtained within 30 days. All agreements with realtors will terminate on the same date.

(v) The fee for selling the property may not exceed the cost normally charged in the area for similar services. In the event the property is not sold, there will be no charge to FHA for the services.

(vi) The property will be listed for its present market value as determined by the State Director. No offer from any prospective purchaser for less than the listed price will be accepted.

(vii) Property suitable for FHA programs will be offered for sale for cash, or cash or terms in accordance with paragraph (d) if the purchaser is not an eligible applicant, or terms in accordance with paragraph (c) of this section if the purchaser is an eligible applicant.

(viii) Properties not suitable for FHA programs will be offered for sale for cash or cash and terms in accordance with paragraph (d) of this section.

(ix) In order to determine priority when offers from prospective buyers are submitted by realtors, each offer will be considered in the order received in the County Office and either accepted or rejected in that order. Each offer will be reviewed for compliance with the listed price, terms of sale, and qualifications of the buyer if the sale is to be on the basis of a credit sale to an applicant eligible for an FHA loan. Those offers not qualifying will be rejected and returned immediately.

(x) Any realtor fees resulting from a sale to an ineligible applicant will be paid from proceeds of the sale. Such fees resulting from a sale to an eligible applicant will be paid by processing SF 1034. The cost will be charged to the Rural Housing Insurance Fund. Payment to a realtor will not be made until the transaction is closed.

(xi) Any downpayment collected from a prospective purchaser by a realtor, will not be accepted by the County Supervisor prior to the closing of the transaction. Any such monies collected must be returned to the prospective purchaser if the offer he submits is not accepted or if he applies as an eligible applicant and is determined to be not eligible for the requested loan. If, however, an offer is accepted and the prospective purchaser refuses to close the transaction, the FHA will not negotiate or intercede in negotiations between the realtor and the prospective purchaser concerning the disposition of funds paid as a downpayment.

§ 1872.67 Additional requirements.

Any property not disposed of in accordance with this subpart should be readvertised to get larger coverage in nearby city newspapers and in addition in farm magazines for farm properties. If this does not result in disposal of the property, the inventory file, advertisements, and a summary of the facts concerning the efforts to sell the property should be sent to the National Office for further instructions.

Dated July 11, 1973.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-14779 Filed 7-18-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas Quarantined

The amendment quarantines portions of Dimmit and Zavala Counties and additional portions of Maverick, Webb and Cameron Counties in Texas because of

the existence of splenetic or tick fever. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of cattle and certain materials from or through quarantined areas as contained in 9 CFR Part 72, as amended, will apply to the quarantined areas.

Pursuant to the provisions of sections 1–4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4–7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f), § 72.5 of Part 72, Title 9, Code of Federal Regulations which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

1. In § 72.5, in paragraph (g) the reference to "ISWC levee" is changed to read "IBWC levee" wherever it appears; and paragraphs (a), (c), (f) and (h) are amended to read:

§ 72.5 Areas quarantined in Texas.

The following portions of the specified counties in Texas are quarantined:

(a) That portion of *Val Verde County* lying south and west of the following described line:

Beginning at a point on the south bank of the Devils River where the Amistad Dam Compound east fence intersects the water line and following this east fence of the compound in a southerly direction to the southeast corner of the Amistad Dam Compound, approximately 1¾ miles; thence, following the meanderings of this compound fence in a southwesterly direction to where it intersects the east right-of-way fence of the old railroad, approximately 3¼ miles; thence, following the old railroad right-of-way fence in a southeasterly direction to its intersection with the right-of-way fence of the present Southern Pacific Railroad, approximately 3⅛ miles; thence, following Southern Pacific Railroad in a southeasterly direction to a point directly north across a gravel road from the northeast corner of the Slover Field, approximately 5¾ miles; thence, south across this gravel road to the northeast corner of the Slover Field and following the meanderings of the east fence of the Slover Field in a southwesterly direction to where it intersects the northeast corner of the Woodson Field #1, approximately ⅛ mile; thence, following the meanderings of Woodson Field #1 east fence in a southwesterly direction to the southwest corner of the same, approximately ¼ mile to the north fence of the Payne Pasture; thence, following the north fence of the Payne Pasture in a westerly direction to the northwest corner of the same, approximately 100 yards; thence, following the west fence of the Payne Pasture in a southeasterly direction across Cienegas Creek to its junction with Kite Road, approximately 100 yards; thence, following Kite Road in a southerly direction to where it intersects Garza Lane, approximately ⅜₁₀ mile; thence, following Garza Lane in a westerly direction to a corner, approximately ⅛ mile; thence, following Garza Lane in a southeasterly direction to where it intersects U.S. Highway 277 Spur, approximately 1⅛ mile; thence, following U.S. Highway 277 Spur in a southeasterly direction to its intersection with Hudson Drive, approximately ½ mile; thence, following Hudson Drive in a southeasterly direction to where it joins Rio Grande Drive, formerly called Silo Field Road, approximately ⁹₁₀ mile; thence, following the west fence of Rio Grande Drive in a southeasterly direction to where it joins the east fence of the Rudy Mota Vega,[1] approximately ⅓₁₀ mile; thence, following the east fence of the Rudy Mota Vega in a southeasterly direction to where it joins the San Felipe Creek, approximately ⅜₁₀ mile; thence, following the San Felipe Creek in a southwesterly direction to where it joins the new W. L. Moody double fence, approximately ⅜₁₀ mile; thence, following the new W. L. Moody double fence in a southwesterly direction to a corner, approximately 1⅛₁₀ miles; thence, following the meanderings of the same double fence paralleling the Rio Grande River in a southeasterly direction to where it intersects the Val Verde-Kinney County line at Sycamore Creek, approximately 9½ miles.

* * * * *

(c) That portion of *Maverick, Webb, Zavala and Dimmit Counties* lying generally west of the following described line:

Beginning at a point where the Maverick County Water District Main canal intersects the Kinney-Maverick County line and following this main canal in a southeasterly direction to where it intersects the west right-of-way fence of U.S. Highway 277, approximately 5⅝ miles; thence, following the west right-of-way fence of U.S. Highway 277 in a southerly direction to where it intersects Maverick County Water District Lateral #2, approximately ⅛ mile; thence, following the Maverick County Water District Lateral #2 in a southerly direction to where it intersects the north double fence of the J. R. Jones west field, approximately 1⅜ miles; thence, along the double fence of the J. R. Jones west field in a westerly direction to a corner, approximately ⅛ mile; thence, along the west double fence of the J. R. Jones west field in a southerly direction to a corner, approximately ½ mile; thence, along the south double fence of the J. R. Jones west field in an easterly direction to where it intersects the Maverick County Water District Lateral #2, approximately ⅛ mile; thence, along the Maverick County Water District Lateral #2 in a southerly direction to where it intersects the north fence of the Calley property, approximately 3 miles; thence, east along the north fence of the Calley property to a corner, approximately 200 yards; thence, following the east fence of the Calley property in a southerly direction to the northeast corner of the Hal Bowles ranch, approximately ⅜ miles; thence, following the east fence of the Hal Bowles ranch in a southeasterly direction to where it intersects the north fence of the Lehman Brothers ranch, approximately ¾ mile; thence, in a southerly direction along the Maverick County quarantine fence which is the east fence of the C. O. Myers Lehman River Pasture to where it intersects the north fence of the Las Vegas Ranch, approximately ⅞ mile; thence, along the north fence of the Las Vegas Ranch in an easterly direction to the northeast corner of the same, approximately ¾ mile; thence, along the east fence of the Las Vegas Ranch in a southerly direction to where it intersects the northwest corner of the Shoftner property, approximately ⅛ mile; thence, along the west fence of the Shoftner property in a southeasterly direction to the southwest corner of the same, approximately ⅛ mile; thence, along the south fence of the Shoftner property in an easterly direction to where it intersects the Maverick County quarantine fence or the east fence of the Las Vegas ranch, approximately ⅛ mile; thence, following the meanderings of the east fence of the Las Vegas Ranch in a southerly direction to where it intersects the north fence of the Alex Ritchie Farm, approximately 3½ miles; thence, along the north fence of the Alex Ritchie Farm in an easterly direction to where it intersects the Maverick County Water District main canal, approximately ⅜ mile; thence, following the meanderings of the Maverick County Water District main canal in a southerly direction to where it intersects the C. P. & L. Power Plant Road, approximately 3½ miles; thence, following the C. P. & L. Power Plant Road in an easterly direction to where it intersects the west fence of the Beer Joint Trap,[2] approximately 1⅜ miles; thence, following the west fence of the Beer Joint Trap in a southerly direction to the southwest corner of the same, approximately ⅝ mile; thence, following the meanderings of the south fence of the Beer Joint Trap in an easterly direction to where it intersects the west right-of-way fence of U.S. Highway 277, approximately ¾ mile; thence, following U.S. Highway 277 in a southerly direction into the city of Eagle Pass, Texas, and following the meanderings of U.S. Highway 277 in a southerly direction to its intersection with Church Street, approximately 8½ miles; thence, following Church Street in a westerly direction to its intersection with Commercial Street, approximately .5 mile; thence, following Commercial Street in a southerly direction to its intersection with Garrison Street, approximately .7 mile; thence, following Garrison Street in an easterly direction to its intersection with Adams Street, approximately .2 mile; thence, following the meanderings of Adams Street in a southerly direction to where it becomes Industrial Park Road and following the meanderings of Industrial Park Road in a southerly direction to where it joins the north fence of the Richmond Harper Pasture, approximately 1.7 miles; thence, following the north fence of the Richmond Harper Pasture in an easterly direction to where it intersects Eidson Drive Road, approximately 1⅛ miles; thence, following Eidson Drive Road in a northerly direction to its intersection with Farm Road 1021, approximately ¼ mile; thence, following Farm Road 1021 in a southeasterly direction to where it intersects a double fence at the junction of Arm Road 1021, and FM Road 2366, approximately 10¾ miles; thence, following this double fence in a southwesterly direction to the northeast corner of the Loma Linda Ranch, approximately 2½ miles; thence, following the same double fence in a westerly direction to a corner, approximately ⅝ mile; thence, following the same double fence in a northerly direction to a corner, approximately ¾ mile; thence, following the same double fence in a westerly direction to the northwest corner of the Loma Linda Ranch, approximately ⅞ mile; thence, following the meanderings of the same double fence in a southerly direction to a corner of the north fence of the W. D. Ranch, approximately 1½ miles; thence, following the same double fence along the north property line of the W. D. Ranch in a westerly direction to the northwest corner of the same, approximately ⅜ mile; thence, following the same double fence along the meanderings of the Rio Grande River in a southeasterly direction to the northwest corner of the El Indio Land Company Ranch, approximately 1 mile; thence, following the meanderings of the same double fence parallel to the Rio Grande River in a southeasterly direction to where it intersects the west fence of the Kiesling Rio Lado Farm, approximately 4 miles;

[1] A Vega is a flat lowland area.

[2] A trap is an area in which animals may be trapped.

thence, following the same double fence in a southeasterly direction to where it joins the west fence of the Stone Ranch Upper Pasture, approximately 1¼ miles; thence, following the meanderings of the Stone Ranch Upper Pasture west double fence in a northerly direction to a corner, approximately ½ mile; thence, following the same double fence along the north property line of the Stone Ranch Upper Pasture in a northeasterly direction to the east fence of the same, approximately ¾ mile to the Maverick County Quarantine fence; thence, following the Maverick County Quarantine fence in a southerly direction to the northwest corner of the Kiesling Lake Pasture, approximately 10¾ miles; thence, along the Kiesling Lake Pasture double fence in a southeasterly direction to where it intersects the north fence of the Dick Swartz Mansfield Pasture, approximately 1¾ miles; thence, following the meanderings of a double fence in a southeasterly direction paralleling the Rio Grande River to the south fence of the Swartz Ranch Mansfield Pasture, approximately 5 miles; thence, following the meanderings of the south fence of the Swartz Ranch Mansfield Pasture in a northeasterly direction to the Eagle Pass-Laredo River Road which will be called the Mines Road from this point south, approximately 4 miles to where the Eagle Pass-Laredo River Road (Mines Road) intersects the north fence of the Blakemore-Tovar Ranch; thence, following the meanderings of the Blakemore-Tovar Ranch north fence in a northeasterly direction to where it intersects the west fence of the Glass Ranch, approximately 10 miles; thence, following the Glass Ranch west fence in a northwesterly direction to a corner, approximately 3 miles; thence, following the same fence in a northeasterly direction to where it intersects the west fence of the Risinger Ranch, approximately 2¾ miles; thence, following the meanderings of the Risinger Ranch west fence in a northerly direction to Farm Market Road 2644, approximately ½ mile; thence, following Farm Market Road 2644 in an easterly direction crossing the Maverick-Dimmit County line and continuing along Farm Market Road 2644 in an easterly direction to the southeast corner of the Farias Ranch, approximately 4¾ miles; thence, following the meanderings of the Farias Ranch east fence in a northerly direction to U.S. Highway 277, approximately 12 miles; thence, following U.S. Highway 277 in an easterly direction to its junction with Farm Market Road 393, approximately 3¼ miles; thence, following Farm Market Road 393 in a northwesterly direction crossing the Dimmit-Zavala County line and continuing along the same road in a northwesterly direction to its junction with the Old Cometa Road (which is also Farm Market Road 393), approximately 3 miles; thence, following the meanderings of the Old Cometa Road (Farm Market Road 393) in an easterly direction to where it joins the west city limits boundary of Crystal City, Texas, approximately 11 miles; thence, around the north, the east and the south boundaries of the city limits of Crystal City, Texas, to U.S. Highway 83, approximately 5½ miles, to include Crystal City, Texas, in this quarantine; thence, following the meanderings of U.S. Highway 83 in a southerly direction crossing the Zavala-Dimmit County line to where it intersects the Carrizo Springs, Texas city limits, approximately 12 miles; thence, southeast and southwest around the city limits to U.S. Highway 83 to include Carrizo Springs, Texas, in this quarantine, approximately 2 miles; thence, following the meanderings of U.S. Highway 83 in a southeasterly direction to the town of Asherton, Texas, and following the meanderings of the town boundaries in an easterly and southerly direction to U.S. Highway 83, approximately 9 miles; thence, following U.S. Highway 83 in a southeasterly direction to the town of Catarina, Texas, and following the meanderings of the town boundaries in an easterly and southerly direction to U.S. Highway 83, approximately 12 miles; thence, following U.S. Highway 83 in a southeasterly direction crossing the Dimmit-Webb County line and continuing in a southeasterly direction along U.S. Highway 83 to the southeast corner of the Rettig Ranch, approximately 21 miles; thence, following the south fence of the Rettig Ranch in a westerly direction to where it intersects the Booth Ranch east fence, approximately 4½ miles; thence, following the east and south fences of the Booth Ranch in a southerly and westerly direction to the southeast corner of the D. Fuller Ranch, approximately 4½ miles; thence, following the south fence of the D. Fuller Ranch in a southwesterly direction to where it intersects the east fence of the La Mesa Ranch, approximately 3 miles; thence, following the meanderings of the east fence of the La Mesa Ranch to the south fence of the La Mesa Ranch, approximately 17 miles; thence, following the south fence of the La Mesa Ranch in a southwesterly direction to its junction with the Laredo-Eagle Pass River Road (Mines Road), approximately 7¾ miles; thence, following this road in a southeasterly direction to where it intersects the north double fence of the Las Minas Ranch, approximately 5 miles; thence, following the north double fence of the Las Minas Ranch in a westerly direction to the northwest corner of the same, approximately 1¼ miles; thence, following the west double fence of the Las Minas Ranch in a southerly direction to the southwest corner of the same, approximately 3¾ miles; thence, following the south double fence of the Las Minas Ranch in an easterly direction to where it intersects the Mines Road, approximately 2⅛ miles; thence, following the Mines Road in a southeasterly direction to its intersection with Del Mar Boulevard in north Laredo Townsite, approximately 16.3 miles; thence, crossing under Interstate Highway 35 at the underpass on Del Mar Boulevard in an easterly direction to the east access road, approximately 100 yards; thence, following the east access road in a southerly direction to its junction with Mann Road, approximately .6 mile; thence, following the Mann Road in an easterly direction to the northwest corner of the John Jacaman Pasture, approximately ½ mile; thence, following the John Jacaman Pasture west fence in a southerly direction to the north fence of the Rash Trap, approximately ¼ mile; thence, following the north fence of the Rash Trap in a northeasterly direction to the northeast corner of the same, approximately .6 mile; thence, following the east fence of the Rash Trap in a southerly direction to the southwest corner of the Trautmann Farm, approximately ¼ mile; thence, following the meanderings of the south property line of the Trautmann Farm in a northeasterly direction to where it intersects the south fence of the Alexander property, approximately .8 mile; thence, following the south fence of the Alexander Property in an easterly direction to where it intersects the north fence of the J. Jacaman Pasture, approximately ¼ mile; thence, following the north fence of the J. Jacaman Pasture in a westerly direction to a corner, approximately ¼ mile; thence, following the west fence of the J. Jacaman Pasture in a southerly direction to where it intersects the north fence of the Rash Trap, approximately ⅜ mile; thence, following the west fence of the Rash Trap in a southerly direction to where it joins the north fence of the Laredo Air Force Base, approximately ¼ mile; thence, following the meanderings of the fence enclosing the Laredo Air Force Base around the west side of the same to where it joins U.S. Highway 59 at the southwest corner of the Laredo Air Force Base, approximately 2¼ miles; thence, following the south fence of the Laredo Air Force Base in an easterly direction to a point directly north of the northwest corner of the P. Young Ranch, approximately 1.1 miles; thence, south across U.S. Highway 59 to the northwest corner of the P. Young Ranch, approximately 80 yards; thence, following the west fence of the P. Young Ranch in a southerly direction to the southwest corner of the same, approximately .9 mile; thence, following the south fence of the P. Young Ranch in an easterly direction to the west fence of the Ortiz Pasture, approximately .4 mile; thence, following the meanderings of the west fence of the Ortiz Pasture in a southwesterly direction to the southwest corner of the same, approximately .4 mile; thence, following the south fence of the Ortiz Pasture in an easterly direction to a corner (not shown on Fever Tick Buffer Zone Map) which is the northwest corner of the Mejia Perez Pasture, approximately .2 mile; thence, following the west fence of the Mejia Perez Pasture in a southerly direction to the southwest corner of the same at the Tex-Mex Railroad, approximately 3/10 mile; thence, following the Tex-Mex Railroad in an easterly direction to the northwest corner of the Chavana Ranch, approximately ½ mile; thence, following the meanderings of the west fence of the Chavana Property in a southerly direction to where it intersects the Chavana Road, approximately ½ mile; thence, following the Chavana Road in a westerly direction to a corner, approximately 3/10 mile; thence, following the Chavana Road in a southerly direction to where it intersects State Highway 359, approximately ⅜ mile; thence, south across State Highway 359 and Loop 20 at the intersection and to the north fence of the Bruni-Summers-Dickenson Property, approximately 100 yards; thence, following the north fence of the Bruni-Summers-Dickerson Property in a southwesterly direction to a corner, approximately ¼ mile; thence, south along the west fence of the Bruni-Summers-Dickenson Property to where it intersects the north fence of the S. Vasquez Ranch, approximately ¾ mile; thence, following the north fence of the S. Vasquez Ranch in a westerly direction to a corner, approximately .4 mile; thence, following the meanderings of the west fence of the S. Vasquez Ranch in a southwesterly direction to the north fence of the Dr. Wright Ranch, approximately 1¼ miles; thence, following same fence in a southerly direction across Wormser Road to a corner, approximately 1/10 mile; thence, west along the same fence to a corner, approximately 3/10 mile; thence, following same fence in a southerly direction to a corner, approximately ⅜ mile; thence, following same fence in a westerly direction to a corner, approximately ⅛ mile; thence, south along same fence to a corner, approximately 3/10 mile; thence, continuing along same fence in a westerly direction to where it intersects U.S. Highway 83, approximately ⅛ mile; thence, following U.S. Highway 83 in a southerly direction to where it intersects the north double fence of the A. W. Gates Santa Rita Farm, approximately 1⅝ miles; thence, following the meanderings of the north double fence of the A. W. Gates Santa Rita Farm in a westerly direction to the northwest corner of the same, approximately 1¼ miles; thence, following the west double fence of the A. W. Gates Santa Rita Farm in a southerly direction to the southwest corner of the same, approximately 7/10 mile; thence, following the south double fence of the A. W. Gates Santa Rita Farm in an easterly direction to where it intersects

U.S. Highway 83, approximately 1 mile; thence, following U.S. Highway 83 in a southerly direction to the northeast corner of the T. J. Yancey San Rafael Farm, approximately 3¾ miles; thence, following the north double fence of the T. J. Yancey San Rafael Farm in a westerly direction to the northwest corner of the same, approximately 1 mile; thence, southwest along the west double fence of the T. J. Yancey San Rafael Farm to the north single fence of the William McKendrick & Sons Santa Rosa Farm, approximately ⅝ mile; thence, continuing southwest along the William McKendrick & Sons Santa Rosa Farm's double fence to the southwest corner of the same, approximately ⅝ mile; thence, following the continuation of the same double fence paralleling the Rio Grande River in a southerly direction to where it joins the northwest corner of the H. B. Zachary Ranch double fence, approximately 5 miles; thence, following the meanderings of the H. B. Zachary west double fence in a southeasterly direction to a corner, approximately 4½ miles; thence, following same fence in an easterly direction to a corner, approximately ⅜ mile; thence, following same fence in a southerly direction to a corner, approximately ⅜ mile; thence, following the H. B. Zachary Ranch south double fence in an easterly direction to where it intersects U.S. Highway 83 at the Webb-Zapata county line, approximately 3⅝ miles.

* * * * *

(f) That portion of Starr County lying west and south of the following described line:

Beginning at a point where U.S. Highway 83 intersects the Zapata-Starr County line and following a fence along the Zapata-Starr County line in a southwesterly direction to where it intersects the east fence of the Falcon State Park, approximately 3¾ miles; thence, following the east fence of the Falcon State Park in a southeasterly direction to a corner, approximately 1 mile; thence, following the same fence in an easterly direction to a corner, approximately 100 yards; thence, following the same fence in a southerly direction to a corner, approximately 100 yards; thence, following the same fence in an easterly direction to a cattle guard at the entrance of Falcon State Park at Old U.S. Highway 83, approximately .4 mile; thence, across Park Road 46 at the entrance to Falcon State Park on Old U.S. Highway 83 and following the Park enclosure fence in a southerly direction to a corner, approximately 100 yards; thence, following Falcon State Park fence in a westerly direction to a corner, approximately .4 mile; thence, following the same fence in a southerly direction to where it intersects the north fence of the IBWC Compound, approximately .5 mile; thence, following the IBWC Compound north fence in an easterly direction to its intersection with Old U.S. Highway 83, approximately .4 mile; thence, following old U.S. Highway 83 also known as F.M. Road 2098, south and southeast to its junction with the present U.S. Highway 83, approximately 4¼ miles; thence, following U.S. Highway 83 in a southeasterly direction to the north city limits fence of Roma, Texas, which is the south fence of the M. Ramirez Pasture, approximately 9½ miles; thence, following the south fence of the M. Ramirez Pasture in a northeasterly direction to where it intersects the west fence of the G. Madrigal Ranch, approximately .4 mile; thence, following the meanderings of the west fence of the G. Madrigal Ranch in a southeasterly direction, around the east side of the R. Pena addition to the city of Roma, Texas, to a dirt road, approximately .9 mile; thence, following the same dirt road in a southerly direction to where it intersects U.S. Highway 83 at the Roma Grave Yard, approximately .3 mile; thence, following U.S. Highway 83 in an easterly direction to the southeast corner of the Fordyce Gravel Company fence, approximately 11¼ miles; thence, following the meanderings of the Fordyce Gravel Company east fence in a northerly direction to where it intersects the Rio Grande City west city limits road, approximately ½ mile; thence, following the Rio Grande City west city limits road in a northerly direction to the southeast corner of the Oscar Olivarez field, approximately ½ mile; thence, following the south fence of the Oscar Olivarez field in a westerly direction to the southwest corner of the same field, approximately 5/16 mile; thence, following the west fence of the Oscar Olivarez field in a northerly direction to the northwest corner of same field, approximately ½ mile; thence, following the north fence of the Oscar Olivarez field in an easterly direction to a corner, approximately 1/16 mile; thence, following same fence in a northerly direction to the southwest corner of the Gonzalo Tijerina Pasture, approximately 1/16 mile; thence, following the south fence of the Gonzalo Tijerina Pasture in an easterly direction to where it intersects the Rio Grande City west city limits road, approximately ⅜ mile; thence, following the south fence of the Gonzalo Tijerina Pasture along the Rio Grande City west city limits road in a northerly direction to a corner, approximately ⅛ mile; thence, following the south fence of the Gonzalo Tijerina Pasture along the Rio Grande City west city limits road in an easterly direction to the southeast corner of the Gonzalo Tijerina Pasture, approximately 5/16 mile; thence, following the east fence of the Gonzalo Tijerina Pasture along the Rio Grande City west city limits road in a northerly direction to where it intersects the El Sauz Road, approximately ½ mile; thence, across the El Sauz Road to the east fence of the same; thence, following the east fence of the El Sauz Road in a northwesterly direction to the southwest corner of the J. Casas East Pasture, approximately ¼ mile; thence, following the west fence of the J. Casas East Pasture in a northerly direction to the north fence of the same, approximately ½ mile; thence, following the north fence of the J. Casas east pasture in an easterly direction to where it intersects the west fence of the C. Laurel Pasture, approximately 5/16 mile; thence, following the west fence of the C. Laurel Pasture in a southerly direction to the southwest corner of the same, approximately ¼ mile; thence, following the south fence of the C. Laurel Pasture in an easterly direction to the northwest corner of the Jose Hinojosa Pasture, approximately ⅝ mile; thence, following the west fence of the Jose Hinojosa Pasture in a southerly direction to the southwest corner of the same, approximately ½ mile; thence, following the south fence of the Jose Hinojosa Pasture in an easterly direction to the southeast corner of the same, approximately 5/16 mile; thence, following the east fence of the Jose Hinojosa Pasture in a northeasterly direction crossing a county road at a cattle guard and continuing along same fence to the southwest corner of the A. Salinas Pasture, approximately ¼ mile; thence, following the south fence of the A. Salinas Pasture in an easterly direction to where it intersects the west fence of the Santana Carrera Ranch, approximately 5/16 mile; thence, following the west fence of the Santana Carrera Ranch in a southerly direction to the northwest corner of the S. Carrera Slaughter House Pasture, approximately ⅛ mile; thence, following the north fence of the S. Carrera Slaughter House Pasture in an easterly direction to a corner, approximately 5/16 mile; thence, following same fence in a northerly direction to a corner, approximately 1/16 mile; thence, following the same fence in an easterly direction to the northeast corner of the S. Carrera Slaughter House Pasture, approximately 1/16 mile; thence, following the east fence of the S. Carrera Slaughter House Pasture in a southerly direction to the southwest corner of the Lito Garcia Trap,[2] approximately 9/16 mile; thence, following the south fence of the Lito Garcia Trap in an easterly direction to where it intersects the west fence of the Doyno Trap, approximately 5/16 mile; thence, following the west fence of the Doyno Trap in a southwesterly direction to the southwest corner of the same, approximately ⅛ mile; thence, following the south fence of the Doyno Trap in a southeasterly direction to the southwest corner of the G. Tijerina Pasture, approximately ⅛ mile; thence, following the south fence of the G. Tijerina Pasture in a southeasterly direction to the southeast corner of the same, approximately 1/16 mile; thence, following the south fence of the Lito Garcia Pasture in a southeasterly direction to where it intersects the north right-of-way fence of F.M. Road No. 755 and continuing along this fence in an easterly direction crossing to the east side of the Los Olmos Creek, approximately ¼ mile; thence, following a fence that crosses under F.M. Road No. 755 at the Los Olmos Creek Bridge to the south right-of-way fence of F.M. Road No. 755; thence, following the south right-of-way fence of the F.M. Road No. 755 in an easterly direction to the northwest corner of the Benito Gomez Pasture, approximately ⅝ mile; thence, south along the west fence of the Benito Gomez Pasture to the north fence of the Rio Grande City air strip, approximately ¾ mile; thence, following the north fence of the Rio Grande City air strip in a southeasterly direction to the northeast corner of the same, approximately ⅛ mile; thence, following the east fence of the Rio Grande City air strip in a southerly direction to the M. P. Railroad right-of-way, approximately 5/16 mile; thence, across the M. P. Railroad right-of-way in a southerly direction to U.S. Highway 83, approximately 100 yards; thence, following U.S. Highway 83 in a southeasterly direction to the Starr-Hidalgo County line, approximately 16 miles.

* * * * *

(h) That portion of Cameron County lying south of the following described line:

Beginning at a point where the Hidalgo-Cameron County line intersects U.S. Highway 281, following U.S. Highway 281 in an easterly direction to where it intersects the Willacy County canal, approximately 200 yards; thence, following the Willacy County canal in a northerly direction to the C. P. & L. Company double pole power line, approximately ½ mile; thence, following the C. P. & L. Company double pole power line in an easterly direction to where it intersects F. M. Road No. 1479, approximately 7⅛ miles; thence, south on F. M. Road No. 1479 to where intersects a county road, approximately 50 yards; thence, following said county road in a southeasterly direction to where it intersects Ohio Station Road, approximately 1⅛ miles; thence, southwest on Ohio Station Road to where it intersects the Cameron County Water District drain ditch, approximately ¾ mile; thence, following the Cameron County Water District drain ditch

[2] A trap is an area in which animals may be trapped.

around the San Benito Water District Reservoir in a northeasterly direction to the northeast corner to the San Benito Water District Reservoir, approximately 2½ miles; thence, continuing along the Cameron County Water District drain ditch in a northeasterly direction to where it joins the Resaca Rancho Viejo, approximately 5¼ miles; thence, south and east along the meanderings of the Cameron County Water District drain ditch to where it again joins the Resaca Rancho Viejo, approximately 3.2 miles; thence, following the meanderings of the Resaca Rancho Viejo in an easterly direction to where it intersects F. M. Road 1421, approximately ⅝ mile; thence, following F. M. Road No. 1421 in a southerly direction to where it intersects F. M. Road No. 1732, approximately ⅜ miles; thence, following F. M. Road No. 1732 in an easterly direction to where it intersects Carmen Avenue, approximately 1¾ miles; thence, following Carmen Avenue in a southerly direction to where it intersects the Resaca Rancho Viejo, approximately 1⅜ miles; thence, following the meanderings of the Resaca Rancho Viejo in an easterly direction to where it intersects the M. P. Railroad, approximately 5¼ miles; thence, following the M. P. Railroad in a southerly direction to where it intersects La Resaca de la Guerra, approximately 2⅜ miles; thence, following the meanderings of La Resaca de la Guerra in an easterly direction to where it intersects the Old Port Isabel Road, approximately 6 miles; thence, following the Old Port Isabel Road in a northeasterly direction to F. M. Road 802, approximately ⅜ mile; thence, following F. M. Road No. 802 in an easterly direction to where it intersects F. M. Road 511, approximately 4½ miles; thence, following F. M. Road No. 511 in a northerly direction to where it intersects Turning Basin Road, approximately ½ mile; thence, following Turning Basin Road in a northeasterly direction to the Turning Basin of the Brownsville ship channel, approximately ½ mile; thence, following the Brownsville ship channel in a northeasterly direction to where it intersects the Gulf of Mexico, approximately 17½ miles.

* * * * *

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

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

The amendment imposes certain further restrictions necessary to prevent the interstate spread of Texas (splenetic) fever in cattle, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

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

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

[FR Doc.73-14777 Filed 7-18-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-51]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hazleton, Pa., control zone (38 FR 384) and transition area (38 FR 500).

The control zone and transition area are currently described, in part, by reference to the Weatherly (Hazleton, Pa.) radio beacon (RBN). The owner of this non-federal navigational aid plans to decommission the facility. Therefore, an alteration of the control zone and transition area to delete reference to the RBN in existing airspace assignments will be required.

Since the foregoing amendment is less restrictive, notice and public procedure are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. September 13, 1973, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hazleton, Pa. Control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within a 5.5-mile radius of the center of the airport extending clockwise from a 040° bearing to a 090° bearing from the airport; within 1.5 miles each side of the Hazleton VOR 082° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Hazleton VOR 084° radial, extending from 7 miles east of the VOR to 13.5 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hazleton, Pa. transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within 3.5 miles each side of the Hazleton VOR 262° radial, extending from the 8.5-mile radius area to 11.5 miles west of the VOR; within 4.5 miles each side of the Hazleton VOR 084° radial, extending from the 8.5 mile radius area to 19 miles east of the VOR.

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

Issued in Jamaica, N.Y., on July 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14719 Filed 7-18-73;8:45 am]

[Airspace Docket No. 72-CE-32]

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

Designation of Transition Area

On page 10275 of the FEDERAL REGISTER dated April 26, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mapleton, Iowa.

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

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

This amendment shall be effective 0901 G.m.t., September 13, 1973.

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

Issued in Kansas City, Mo., on June 9, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

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

MAPLETON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mapleton, Iowa Municipal Airport (lat. 42°10'36" N., long. 95°47'42" W.); and within 3½ miles each side of the 035° bearing from Mapleton Municipal Airport, extending from the 5-mile radius area to 11½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the 4½ miles southeast and 9½ miles northwest of the 035° bearing from Mapleton Municipal Airport, extending to 18½ miles northeast of the airport excluding that portion that overlies Ida Grove, Iowa and Sioux City, Iowa transition areas.

[FR Doc.73-14718 Filed 7-18-73;8:45 am]

[Docket No. 12990, Amdt. No. 873]

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 (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

SIAPs 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 SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs 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 $150.00 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 $30.00 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 SIAPs, effective August 30, 1973:

Perry, Ga.—Perry-Fort Valley Arpt., VOR-A, Amdt. 1
Rocky Mount, N.C.—Rocky Mount-Wilson Arpt., VOR/DME Rwy 22, Amdt. 2
Dillon, Mont.—Dillon Arpt., VOR-A, Amdt. 5

* * * effective August 23, 1973:

Concord, N.H.—Concord Municipal Arpt., VOR Rwy 12, Amdt. 9, Canceled

* * * effective August 16, 1973:

Superior, Wis.—Richard I. Bong Arpt., VOR Rwy 13, Orig.

* * * effective July 26, 1973:

Newark, N.J.—Newark Int'l Arpt., VOR Rwy 11, Amdt. 3

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective August 2, 1973:

Ketchikan, Alas.—Ketchikan Arpt., LOC/DME Rwy 11, Orig.

* * * effective July 19, 1973:

Cleveland, Ohio—Cleveland Hopkins Int'l Arpt., LOC Rwy 23L, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 30, 1973.

Orangeburg, S.C.—Orangeburg Arpt., NDB-A, Amdt. 2

* * * effective August 2, 1973:

DeKalb, Ill.—Dekalb Municipal Arpt., NDB Rwy 27, Orig.
Ketchikan, Alas.—Ketchikan Arpt., NDB/DME Rwy 11, Orig.
Newark, N.J.—Newark Int'l Arpt., NDB Rwy 4L, Amdt. 4

* * * effective July 26, 1973:

Newark, N.J.—Newark Int'l Arpt., NDB Rwy 4R, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 30, 1973:

Albany, N.Y.—Albany County Arpt., ILS Rwy 19, Amdt. 11
Rocky Mount, N.C.—Rocky Mount-Wilson Arpt., ILS Rwy 4, Amdt. 2

* * * effective August 9, 1973:

Westhampton Beach, N.Y.—Suffolk County Arpt., ILS Rwy 24, Orig.

* * *effective August 2, 1973:

Newark, N.J.—Newark Int'l Arpt., ILS Rwy 4L, Amdt. 4

* * * effective July 26, 1973:

Newark, N.J.—Newark Int'l Arpt., ILS Rwy 4R, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 30, 1973:

Albany, N.Y.—Albany County Arpt., RADAR-1, Amdt. 6

* * * effective August 2, 1973:

Peoria, Ill.—Greater Peoria Arpt., RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 30, 1973:

Miami, Fla.—Miami Int'l Arpt., RNAV Rwy 27R, Orig.
San Angelo, Tex.—Mathis Field, RNAV Rwy 18, Amdt. 1
San Angelo, Tex.—Mathis Field, RNAV Rwy 36, Amdt. 1

* * * effective August 2, 1973:

Newark, N.J.—Newark Int'l Arpt., RNAV Rwy 11, Amdt. 3

(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), 5 U.S.C. 552(a)(1))

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

JAMES M. VINES,
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.73-14717 Filed 7-18-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8805]

PART 13—PROHIBITED TRADE PRACTICES

Great Lakes Carbon Corp. et al.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Order and Opinion, Great Lakes Carbon Corporation, et al., New York City, New York, Docket 8805, June 5, 1973]

In the Matter of Great Lakes Carbon Corporation, a Corporation; American Oil Company, a Corporation; Colorado Oil and Gas Corporation, a Corporation; Continental Oil Company, a Corporation; CRA Inc., a Corporation; Mobile Oil Company, a Corporation; Sun Oil Company, a Corporation; Suntide Refining Company, a Corporation; and, Texaco, Inc., a Corporation

Order and opinion requiring the nation's dominant processor and reseller of industrial quality petroleum coke headquartered in New York City, and eight refinery producers, among other things to execute amendments to existing long-term full-output contracts and in future contracts to limit the duration of the contracts to three years, and where new coking plants and more than 50 percent of production are involved to limit the contracts to five years or less. The order terminates and ceases to be effective twenty years from the date of entry.

The order, including further order requiring report of compliance therewith, is as follows:

This matter having been heard by the Commission on the exceptions of the respondents to the Administrative Law Judge's initial decision finding that certain of respondents' contracts for the purchase and sale of petroleum coke constitute unfair acts or practices or unfair methods of competition in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, and directing revisions in those contracts and supplemental relief; and

The Commission having determined that the Administrative Law Judge's findings of fact and conclusions of law, as modified and supplemented herein, should be adopted as the findings and conclusions of the Commission, and that the Administrative Law Judge's order should be modified, and as modified herein, adopted as the order of the Commission:

Now, therefore, it is ordered, That respondents' exceptions to the Administrative Law Judge's initial decision be, and they hereby are, denied;

It is further ordered, That the Administrative Law Judge's findings of fact and conclusions of law, as modified and supplemented herein, be, and they hereby are, adopted as the findings and conclusions of the Commission, and that the following cease and desist order be, and it hereby is, entered.

I.

It is ordered, That respondent Great Lakes Carbon Corporation, its successors and assigns, shall within sixty (60) days after the effective date of this Order, with each petroleum refiner with which it presently has a contract to purchase or market an amount in excess of fifty percent (50%) of the estimated annual production of the regular green industrial quality petroleum coke at a refinery in the United States extending more than three years beyond the effective date of this Order, execute an amendment reducing the term of such contract to a period no longer than three (3) years from the effective date of such amendment. As used in this Order the term regular green industrial quality petroleum coke (hereafter referred to as "petroleum coke") is as defined in the Complaint and does not include needle coke.

II.

It is further ordered, That respondent Great Lakes Carbon Corporation, its officers, directors, representatives or employees, successors and assigns, directly or through any corporation, subsidiary, or other device, in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of petroleum coke, do forthwith cease and desist from entering into any contract or agreement, express or implied, or entering into any commission contract or agreement, with any petroleum refiner to purchase or market an amount in excess of fifty percent (50%) of the estimated annual production of petroleum coke produced at any refinery in the United States unless the term of such contract or agreement shall be for five (5) years or less in the event a new calcining kiln or coking unit has been or is to be installed by either of the contracting parties and operating within twenty-four (24) months of the date the contract is entered into and unless any period thereof otherwise shall be for three (3) years or less. Great Lakes Carbon Corporation may meet in good faith any offers for longer periods of years made to petroleum refiners by other actual or prospective purchasers of petroleum coke for amounts up to the full amount of petroleum coke produced at a refinery; PROVIDED, HOWEVER, that when an offer is made by a new entrant into the petroleum coke business in the United States, who is not otherwise a user of petroleum coke and who requires such coke in connection with the initial construction and operation of a facility to calcine petroleum coke in the United States, Great Lakes Carbon Corporation may not meet the offer of such new entrant to purchase for a period in excess of five years petroleum coke produced at a refinery or refineries not designated in the Complaint. This proviso shall be in effect for a period of ten years from the entry of this Order, and shall be applicable to the offer or offers of any such new entrant for the production of any single such refinery, or of multiple refineries when necessary to assure such new entrant of not more than 200,000 tons plus or minus ten (10) percent of petroleum coke. Great Lakes Carbon Corporation may contract to purchase petroleum coke from any refinery, including respondents' refineries, in the quantities and for such period of years as are necessary to meet in good faith a competitive offer to supply Great Lakes Carbon Corporation's customers. Great Lakes Carbon Corporation may contract to purchase such coke for resale as fuel for the period of years necessary to fulfill a contract to supply petroleum coke for use as fuel substitute for coal, heating oil, or natural gas. In the event that Great Lakes Carbon Corporation enters into any such contract for more than three (3) years, it shall within thirty (30) days after the execution of such contract file a report with the Federal Trade Commission setting forth the circumstances relating thereto.

Nothing herein shall prohibit respondent Great Lakes Carbon Corporation from purchasing in excess of fifty percent (50%) of the estimated annual production of green industrial quality petroleum coke during any calendar year from any refinery producer at any individual refinery if said refinery producer at any individual refinery is unable to sell the additional production at that refinery to any other purchaser on substantially similar prices, terms, and conditions of sale as offered by respondent Great Lakes Carbon Corporation.

III.

It is further ordered, That respondent Great Lakes Carbon Corporation, its successors and assigns, shall not renew or extend any existing contract for the purchase or marketing of an amount in excess of fifty percent (50%) of the estimated annual production of petroleum coke at any refinery more than six (6) months prior to termination of the contract being renewed or extended.

IV.

It is further ordered, That within sixty (60) days from the effective date of this Order, respondent Great Lakes Carbon Corporation, its successors and assigns, shall submit to the Federal Trade Commission a report in writing setting forth in detail the manner in which it intends to comply with this Order and within thirty (30) days after the end of each year, shall file a report in writing, identifying each refinery in the United States with which Great Lakes Carbon Corporation entered into a contract to purchase more than fifty percent (50%) of estimated annual output of petroleum coke during the previous calendar year and specifying the period of years covered by any such contract. Within thirty (30) days after the end of each five (5) year period during which this Order is in effect Great Lakes Carbon Corporation shall file a report in writing listing the refineries with which it has a contract to purchase petroleum coke together with a copy of each such contract and the quantities and quality of petroleum coke purchased annually thereunder from each such refinery. Such 5-year reports shall not become a part of the public record, unless otherwise directed by the Commission.

V.

It is further ordered, That respondents, The American Oil Company, Colorado Oil and Gas Corporation, Continental Oil Company, CRA, Inc., Mobil Oil Corporation, Sun Oil Company, Suntide Refining Company, and Texaco, Inc. (hereinafter referred to as respondent oil companies), their successors and assigns, shall each, within sixty (60) days after the effective date of this Order[1] execute an amendment with respondent Great Lakes Carbon Corporation reducing to a period not in excess of three (3) years from the effective date of such amendment the term of any contract then in existence for the purchase of an amount in exces of fifty percent (50%) of the estimated annual production of petroleum coke produced at the refineries designated in the Complaint, to wit:

The American Oil Company, a Texas corporation:
  Texas City, Texas refinery
Colorado Oil and Gas Corporation:
  Wichita, Kansas refinery
Continental Oil Company:
  Ponca City, Oklahoma refinery
CRA, Inc.:
  Coffeyville, Kansas refinery
Mobile Oil Corporation:
  Beaumont, Texas refinery, and
  Torrance, California refinery
Sun Oil Company:
  West Tulsa, Oklahoma refinery
Suntide Refining Company, subsidiary of
  Sun Oil Company:
  Corpus Christi, Texas refinery
Texaco, Inc.:
  Amarillo, Texas refinery; Casper, Wyoming refinery; Lockport, Illinois refinery; and Port Arthur, Texas refinery.

VI.

It is further ordered, That respondent oil companies, their officers, directors, representatives or employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from entering into any contract or agreement, express or implied, to sell or for the marketing of an amount in excess of fifty percent (50%) of the estimated annual production of petroleum coke produced at any refinery designated in the

[1] Amended in accordance with the Commission's Order dated June 27, 1973.

Complaint unless the original term of such contract or agreement shall be for five (5) years or less in the event a new calcining kiln or coking unit has been or is to be installed by either of the contracting parties and operating within twenty-four (24) months of the date the contract is entered into and unless any period thereof otherwise shall be for three (3) years or less. Respondent oil companies may meet in good faith any offer by a non-respondent coke producer to supply up to a full amount of petroleum coke output from a refinery for a period of years longer than that provided for in this Order when such offer is made to a new entrant into the petroleum coke business in the United States, who is not otherwise a substantial user of petroleum coke and who requires such coke in connection with the initial construction and operation of a facility to calcine petroleum coke in the United States. This exception shall be applicable to the offer or offers to any such new entrant for the production of any single refinery or of multiple refineries when necessary to assure such new entrant of not more than 200,000 tons plus or minus ten percent (10%) of petroleum coke.

Nothing herein shall prohibit respondent oil companies from selling or marketing in excess of fifty percent (50%) of the estimated annual production at any refinery during any calendar year to Great Lakes Carbon Corporation or to any other individual purchaser if said respondent oil company is unable to sell or market the additional production of petroleum coke to any other purchaser on substantially similar prices, terms and conditions of sale as offered by respondent Great Lakes Carbon Corporation or any other purchaser.

In the event that any respondent oil company enters into any contract for sale of more than fifty percent (50%) of the estimated annual production of petroleum coke during any calendar year at any refinery designated in the Complaint to one purchaser, which contract covers more than three (3) years in duration, it shall file a report with the Federal Trade Commission setting forth the justification thereof satisfying the above provisions.

VII.

It is further ordered, That respondent oil companies, their successors and assigns, shall not renew or extend any existing contract for the sale or marketing of the production of petroleum coke (exceeding 50 percent of estimated annual production) at any refinery more than six (6) months prior the termination of the contract being renewed or extended. During the effective period of this Order, respondent oil companies shall submit to the Federal Trade Commission within thirty (30) days following execution of a copy of each new contract entered into and a copy of any agreement to renew an existing contract, and such copies shall not become part of the public record, unless otherwise directed by the Commission.

VIII.

It is further ordered, That, within sixty (60) days from the effective date of this Order, respondent oil companies, corporations, their successors and assigns, shall submit to the Federal Trade Commission a report in writing setting forth in detail the manner in which each intends to comply with this Order and within thirty (30) days after the end of each year, shall file a report in writing setting forth in detail the manner in which respondent is complying with each applicable requirement of this Order, accompanied by such documents as are necessary to constitute a showing that respondent is in full and faithful compliance herewith.

IX.

It is further ordered, That the provisions of this Order shall not apply to any contract relating to the sale of petroleum coke produced at the refineries designated in the Complaint when said coke is to be used as fuel substitute for coal, heating oil or natural gas.

X.

This Order shall terminate and cease to be effective twenty years from the date of entry of this Order.

By direction of the Commission, Chairman Engman not participating.

Issued: June 5, 1973.

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

[FR Doc.73-14789 Filed 7-18-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Nitrites and/or Nitrates Combined With Spices in Curing Premixes

In the FEDERAL REGISTER of November 3, 1972 (37 FR 23450), the Commissioner of Food and Drugs proposed to eliminate all nonessential uses of nitrites and nitrates previously approved by the Food and Drug Administration. Numerous comments were received in response to that proposal, on the basis of which the Commissioner is presently considering a final regulation.

In June 1973, the Health Protection Branch, Department of National Health and Welfare, Canada, informed the Food and Drug Administration that it had discovered nitrosopiperidine and nitrosopyrrolidine at levels ranging between 2.5 and 56 parts per million (ppm) in certain curing premixes. These premixes combined spices with nitrites and/or nitrates and are subsequently stored for an appreciable period of time prior to use.

The Food and Drug Administration and the United States Department of Agriculture met with industry representatives on June 11, 1973 to determine the extent to which these premixes are used in the United States. The industry representatives stated that, except for one type of buffered premix, the prevalent practice is not to package the spices and curing mix together in a premix, but rather to package them separately to be combined just prior to use.

On June 12, 1973, the Food and Drug Administration and the United States Department of Agriculture publicly announced discovery of this potential problem. Industry was advised that spices and curing mixes should not be mixed together until just prior to use except in a buffered premix. Both agencies stated that they would conduct investigations to determine whether nitrosamines can be detected in curing premixes marketed in the United States.

The United States Department of Agriculture has now discovered nitrosamines at levels ranging from 5.6 parts per billion (ppb) to 48.5 ppb in unbuffered curing premixes containing spices and nitrates and/or nitrates marketed in the United States. Accordingly, the Commissioner has concluded that nitrates and/or nitrates are no longer generally recognized as safe when combined in unbuffered premixes with spices, and that such use constitutes a potential health hazard that justifies immediate action. The Commissioner is therefore promulgating, effective immediately, a notice that all such uses result in the nitrites and/or nitrates being classified as food additives for which no food additive regulation has been approved. Until such time as adequate scientific data are obtained to demonstrate the safety of such uses, such unbuffered curing premixes may not lawfully be used.

One type of curing premix contains sodium carbonate as a buffering agent in order to prevent a reaction between the spices and the nitrites and/or nitrates. Neither the Canadian nor the United States analyses have detected nitrosamines in this buffered curing premix. Accordingly, the Commissioner has concluded that this type of buffered curing premix may continue to be used pursuant to an interim food additive regulation on the condition that adequate scientific data are obtained to demonstrate its safety. Both agencies will continue to monitor this type of product. If nitrosamines are detected, the interim food additive regulation will be revoked.

This action does not affect the use of spices and nitrites and/or nitrates when packaged separately or in a buffered premix. The United States Department of Agriculture has concluded that existing stocks of unbuffered curing premixes may no longer be used in cured meat and it is therefore unnecessary to recall or take other regulatory action against these products.

The Commissioner finds that notice, public procedure, and a delayed effective date are impracticable and contrary to the public interest because of the potential health hazard resulting from nitrosamines in unbuffered curing premixes. Accordingly, the Commissioner is making these regulations effective as of July 19,

1973. Comments on these regulations will be accepted until Sept. 17, 1973. Comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852. Any modifications in the regulations justified by such comments will be made at a later date.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701, 52 Stat. 1040–1041, 1049, 1055; 21 U.S.C. 321, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. By adding the following new section to subpart A:

§ 121.13 Nitrites and/or nitrates in curing premixes; food additive status.

(a) Nitrites and/or nitrates are food additives when combined with spices in curing premixes.

(b) Nitrites and/or nitrates buffered with sodium carbonate may be combined with spices in curing premixes pursuant to § 121.4002 of this chapter.

2. By adding the following new section to subpart H:

§ 121.4002 Nitrites and/or nitrates in buffered curing premixes.

Nitrites and/or nitrates may be safely used in combination with spices in buffered curing premixes in accordance with the following prescribed conditions:

(a) The nitrites and/or nitrates comply with the specifications prescribed in the Food Chemicals Codex, 2nd Ed. (1972).[1]

(b) The curing premix is buffered with sodium carbonate (Na_2CO_3) so that when two grams of the premix are added to 100 grams of water a pH of not less than 7.5 is obtained as measured within 5 minutes after mixing.

(c) On or before September 17, 1973, any person interested in the continued marketing of such a buffered curing premix shall satisfy the Commissioner in writing that studies adequate and appropriate to demonstrate that nitrosamines are not formed in the buffered curing premix have been undertaken.

(d) On or before January 15, 1973, any person interested in the continued marketing of such a buffered curing premix shall submit a food additive petition pursuant to § 121.51 of this chapter establishing the safety of the nitrites and/or nitrates in combination with spices in the buffered curing premix.

Effective date. This order is effective July 19, 1973.

(Secs. 201, 409, 701, 52 Stat. 1040–1041, 1049, 1055; 21 U.S.C. 321, 348, 371)

Dated: July 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–14945 Filed 7–18–73;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, D.C. 20037.

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Butonate Liquid Veterinary

The Commissioners of Food and Drugs has evaluated a supplemental new animal drug application (41–587V) filed by Thuron Industries, Inc., 12200 Denton Drive, Dallas, TX 75234, proposing an amendment to the regulation for butonote liquid, veterinary to provide for a revised chemical name reflecting current preferred chemical nomenclature. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.78 by revising paragraph (a) to read as follows:

§ 135c.78 Butonate liquid, veterinary.

(a) *Chemical name.* O,O-Dimethyl (2,2,2-trichloro-1-n-butyryl-oxyethyl phosphonate.

* * * * *

Effective date. This order shall be effective July 19, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)).

Dated: July 12, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73–14748 Filed 7–18–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73–746; Docket No. 19719]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Public Coast Stations High Frequency Service

Amendment of Part 81 of the rules to delete requirements that Class II public coast stations in the Maritime Service apply for or provide very high frequency (VHF) service.

1. On April 16, 1973, we released a notice of proposed rule making in this Docket (38 FR 9836). The notice specified that the times for filing comments and reply comments were May 24 and June 4, 1973, respectively. Those dates have passed, and comments were filed by Marine Telephone Co., Inc. and American Institute of Merchant Shipping (AIMS).

2. The notice explained that we proposed to change our policy concerning the furnishing of very high frequency (Class III) public correspondence service by Class II stations operating in the medium and high frequencies. This policy was contained in §§ 81.303(c) and 81.304(e) of the rules and in paragraph 45 of the First Report and Order in Docket No. 18307 (23 FCC 2d 553), released June 16, 1970. Those rule sections required Class II station licensees, essentially, to apply for authority to furnish VHF service, and paragraph 45 in the cited Report and Order stated that in processing any such applications, account would be taken of existing VHF public stations only to the extent that electrical interference would be caused to existing VHF service. Paragraph 45 provided, in effect, preferential status to most applications by licensees of Class II stations for VHF authority as against other applications for VHF authority in a particular locality.

3. AIMS is in agreement with the Commission that VHF Maritime Service has reached a level of usage where it is not necessary to force Class II stations to provide VHF service as a means of ensuring adequate VHF coverage. AIMS feels, however, that combining the VHF and 2–4 MHz services in a single station wherever possible has operational advantages. In support of their position, they point out that persons ashore, who are placing a call to a ship equipped with both VHF and 2–4 MHz radiotelephone, may not know which to select. In many instances the vessel's position will not be known precisely enough to follow strictly geographical guidelines. If both services are provided by a single station, the station operator may select the best band based on the operator's knowledge of the coverage of each band and the estimated position of the ship. If he fails to make contact or has a poor link on the first band, then he may switch bands. If the services are separated, the person originating the call would have to try one service and then switch to the others if the call was not completed. There might be considerable delay encountered, as the stations would undoubtedly make several attempts to complete the call before suggesting it be placed via a competitor. As a ship nears port, such a delay in establishing communications can be very expensive.

4. The Commission recognizes that there are some operational advantages to one station having both facilities, and this rule making does not preclude such an operation. In any event, operational unity is certainly a factor that will be considered in conjunction with other circumstances in connection with action on any application. Such action will, of course, be consistent with the provisions of §§ 81.303 and 81.304 as amended herein.

5. Marine Telephone Company, Inc., the licensee of several Public Coast stations—Class III–B, fully supports adoption of the rule amendments proposed in the instant proceeding. Marine believes that the policy of previously granting preferential treatment to Class II Public Coast station licensees, insofar as new VHF facilities are concerned, was an appropriate course to adopt in 1970. However, it feels that the growth of VHF public correspondence coast facilities now makes it clear that there is no longer any requirement to continue such extreme preferences.

6. For the reasons set forth above and in the Notice of Proposed Rule Making, the policy will be changed and the rules will be amended as proposed and as set

forth below. Applications for Class II stations to provide VHF Public Coast service now on file or hereafter received will be processed on the basis of the conditions specified in Section 81.303 of the rules that apply to all other applications for such service.

7. In view of the foregoing, *It is ordered*, That pursuant to the authority contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 81 of the rules is amended, effective August 24, 1973, as set forth below.

8. *It is further ordered*, That, the proceeding in this Docket is terminated.

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

Adopted: July 11, 1973.

Released: July 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.303(c) is amended to read as follows:

[1] Chairman Burch absent.

§ 81.303 Duplication of service.

* * * * *

(c) Only one public coast station operating on frequencies below 27,500 kHz will be authorized to serve any area whose ship-shore communication needs can be adequately served by a single radio communication facility.

§ 81.304 [Amended]

2. Section 81.304(e) is deleted and designated as [Reserved]

[FR Doc.73-14812 Filed 7-18-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-172]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Georgia	Chatham	Vernonburg, Town of.	I 13 051 5606 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St., S.W., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Chatham Co. Metropolitan Planning Commission, 2 East Bay St., Savannah, Ga. 31406.	Mar. 19, 1971. Emergency. July 27, 1973. Regular.
Illinois	Cook	Markham, City of.	I 17 137 5280 01 through I 17 137 5280 03.	Department of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	City of Markham, 16313 South Kedzie Parkway, Markham, Ill. 60425.	Apr. 14, 1972. Emergency. July 27, 1973. Regular.

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

Issued: July 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14888 Filed 7-18-73;8:45 am]

[Docket No. FI-174]

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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Connecticut	New Haven	Madison, Town of.				July 19, 1973. Emergency.
New York	Steuben	Wayne, Town of.				Do.
Utah	Davis	Bountiful, City of.				Do.

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

Issued: July 11, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14690 Filed 7-18-73;8:45 am]

[Docket No. FI-173]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Georgia	Chatham	Vernonburg, Town of.	H 13 051 5696 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St., S.W., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Dept., State Capitol, Atlanta, Ga. 30334.	Chatham Co. Metropolitan Planning Commission, 2 East Bay St., Savannah, Ga. 31406.	July 27, 1973.
Illinois	Cook	Markham, City of.	H 17 137 5280 01 through H 17 137 5280 03.	Department of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	City of Markham, 16313 South Kedzie Parkway, Markham, Ill. 60426.	Do.
Minnesota	Polk	Crookston, City of.	H 27 119 1550 01 H 27 119 1550 02	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55104. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the City Clerk-Treasurer, City of Crookston, City Hall, P.O. Box 453, Crookston, Minn. 56716.	Do.
New Jersey	Bergen	Lodi, Borough of.	H 34 003 1750 01 H 34 003 1750 02	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.	Borough Vaults, Borough Of Lodi, Lodi, N.J. 07644.	Do.
Do.	Morris	Chatham, Township of.	H 34 027 0468 01 through H 34 027 0468 04	do.	Township Hall, Township of Chatham, Chatham, N.J. 07928.	Do.
Pennsylvania	Northumberland	Sunbury, City of.	H 42 097 8270 01, H 42 097 8270 02	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	City of Sunbury, Municipal Bldg., 225 Market St., Sunbury, Pa. 17801.	Do.
Do.	Tioga	Mansfield, Borough of.	H 42 117 4830 01	do.	Borough Office, 19 East Wellsboro St., Mansfield, Pa. 16933.	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: July 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14689 Filed 7-18-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH EDUCATION AND WELFARE

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 71—FOREIGN QUARANTINE

Radio Report of Illness; Correction

In FR Doc. 73-12862 appearing on page 16861 in the issue of Wednesday, June 27, 1973, in § 71.31(a)(1) change the period at the end thereof to a semicolon and add "OR".

Dated: July 13, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73-14794 Filed 7-18-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 25—JOHNNY HORIZON—USE OF NAME AND SYMBOL

On pages 8176 and 8177 of the FEDERAL REGISTER of March 29, 1973, there was published a notice of proposed rulemaking to amend the regulations governing the Johnny Horizon Program to recognize organizational changes and a change in the Johnny Horizon symbol, and to provide for additional noncommercial uses. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These regulations shall be effective on August 20, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 6, 1973.

Part 25 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.
25.0-1 Purpose.
25.0-2 Objectives.
25.0-3 Authority.
25.0-5 Definitions.
25.1 Commercial use.
25.2 Noncommercial use.
25.3 Contributions.
25.4 Unauthorized use.

AUTHORITY: 84 Stat 870; 18 U.S.C. 714.

§ 25.0-2 Objectives.

The objectives of these regulations are: (a) To maintain the integrity of the name and characterization of "Johnny Horizon"—the official symbol for a public service antilitter and environmental cleanup program; (b) to authorize the noncommercial use of the name or symbol; and (c) to provide for use or royalty fees for the manufacture, reproduction, or use of the name or symbol for commercial purposes.

§ 25.0-3 Authority.

The act of September 25, 1970 (84 Stat. 870), authorizes the Secretary of the Interior to establish and collect use or royalty fees for the manufacture, reproduction, or use of the "Johnny Horizon" name and symbol. The Act makes unauthorized manufacture, reproduction, and use a crime (18 U.S.C. 714). The Act also provides that royalty and use fees will be deposited in a special account and used for the purpose of furthering nationwide antilitter campaigns.

§ 25.0-5 Definitions.

As used in this part:

(a) The term "Johnny Horizon" means the name or characterization "Johnny Horizon" originated by the Bureau of Land Management, Department of the Interior, as the official symbol for a public service antilitter and environmental cleanup program, and as described in 18 U.S.C. 714, the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored), and who carries a backpack.

(b) "National Coordinator" means the National Coordinator, Johnny Horizon Program Office, or the person he delegates to act for him on matters pertaining to the "Johnny Horizon" Program.

(c) "Johnny Horizon Program" means those activities and supporting services conducted in furtherance of a public service antilitter and environmental cleanup campaign which uses the "Johnny Horizon" name or symbol.

(d) The "Johnny Horizon" symbol is one following the description of the term "Johnny Horizon," as defined herein, or the one portrayed below:



Let's Clean Up America For Our 200th Birthday

§ 25.1 Commercial use.

(a) *Licenses.* The "Johnny Horizon" name or symbol may be used for commercial purposes only under a license issued pursuant to the regulations in this part. Licenses will be granted to any individual, firm, or corporation if the National Coordinator determines that the proposed commercial use will promote the purposes of the "Johnny Horizon" Program and will not impair the integrity of the name or symbol.

(b) *Terms and conditions.* In order to maintain the integrity of the "Johnny Horizon" Program and to regulate the manufacture, importation, reproduction, or use of the "Johnny Horizon" name and symbol, licensees will be subject, but not limited, to the following terms and conditions:

(1) Payment of fair return shall be made to the United States for its property through negotiation of use or royalty fees.

(2) Licenses will be nontransferable.

(3) All proposed products, services, and programs including marketing and advertising programs which in any way make use of the name or symbol of "Johnny Horizon" must be approved by the National Coordinator prior to manufacture, importation, reproduction, or use by the licensee. Substances inherently dangerous to users shall not be used.

(4) All licenses shall contain Equal Employment Opportunity provisions in compliance with Executive Order 11246, as amended (30 FR 12319 (1965)), and regulations issued pursuant thereto (41 CFR Chapter 60 and Part 17 of this chapter).

(5) Alteration of artwork must first be approved by the National Coordinator.

(6) Licenses shall be subject to revocation by the National Coordinator at any time he finds that (i) the use involved is injurious to the characterization of "Johnny Horizon," or (ii) there has been a violation of the terms and conditions of the license.

§ 25.2 Noncommercial use.

(a) *Permitted uses.* Products or services using, or bearing the name or symbol of "Johnny Horizon," provided by the Government or acquired from licensed sources, may be used without a license or advance permission by any person or organization for the purpose of furthering antilitter and environmental cleanup campaigns, provided that no charge is made by the unlicensed user for the products or services.

(b) *Permits.* The National Coordinator may issue permits containing such terms and conditions as he may determine, for the use of the name or symbol of "Johnny Horizon" to any nonprofit organization for fund raising activities, which may include benefit shows, performances, and other activities at which admissions may be charged or contributions solicited: *Provided,* That any such permittee must agree that no funds so collected shall be expended for purposes contrary to the laws, regulations, or policies of the United States; and *Provided further,* That any funds so collected will be expended for the purpose of furthering antilitter and environmental cleanup efforts.

(c) *Technical advice.* To the extent possible, technical advice will be given to interested parties upon request to the National Coordinator.

(d) *Cooperation.* The National Coordinator may enter into cooperative agreements with other Federal and State agencies for use of the name or symbol of "Johnny Horizon." Agreements shall state the responsibilities of each agency pertaining to: (1) Manufacturing the integrity of the program; (2) supplying materials; (3) assisting other groups or organizations; (4) restrictions of uses of materials; (5) altering artwork; and (6) making arrangements with public personalities engaged in the program.

§ 25.3 Contributions.

The National Coordinator may accept contributions of money and personal property by any person or organization for use in the "Johnny Horizon" program.

§ 25.4 Unauthorized use.

Manufacture, importation, reproduction, or use of the "Johnny Horizon" name or symbol, except as provided for under these regulations in this part is prohibited (18 U.S.C. 714).

[FR Doc.73-14752 Filed 7-18-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1143]

PART 1033—CAR SERVICE

Georgia Rail Road & Banking Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D. C., on the 13th day of July 1973.

It appearing, that there is a critical shortage of plain boxcars throughout the country; that numerous shippers are unable to secure the plain boxcars required for transportation of their traffic; that one such car containing agricultural limestone has been held by the Georgia Rail Road & Banking Company (Ga) awaiting unloading since May 3, 1973; that the Ga has been unable to secure the unloading of this car by the consignee; and that there is need for this car by other shippers for use in transporting their products; that it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1143 Service Order No. 1143.

(a) *Georgia Rail Road & Banking Company shall unload certain car of limestone at Devereux,* Georgia. The Georgia Rail Road & Banking Company (Ga), its agents or employees, shall unload LN 9734 held for unloading at Devereux, Georgia, on or before July 20, 1973.

(b) The Ga, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of LN 9734. Such notice shall specify when, where, and by whom such unloading was performed.

(c) Application. The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(d) Rules and regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(e) Effective date. This order shall become effective at 12:01 a.m., July 16, 1973.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., July 20, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.73-14801 Filed 7-18-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Parts 14–3, 14–55]

PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICE

Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw the notice dated November 22, 1972, and published in the FEDERAL REGISTER of December 1, 1972, (37 FR 25526–25528) which proposed an amendment of the Interior Procurement Regulations to delete the present Subpart 14–3.8 and § 14–3.802 and to add a new Subpart 14–55.2 and §§ 14–55.20 through 14–55.207 to provide for procurement of architectural and engineering services.

Although the comments received in response to the notice were favorable and recommended only minor changes, the General Services Administration issued Federal Procurement Regulations Temporary Regulation 30, dated March 23, 1973, prescribing policies and procedures for obtaining architect-engineer services.

The Department of the Interior has determined that rulemaking action on the proposed amendments is not appropriate at the present time and that the notice should be withdrawn. The withdrawal of the notice, however, does not preclude Interior from issuing similar notices in the future or commit Interior to any course of action.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (37 FR 25526–25528) on December 1, 1972, is hereby withdrawn.

(5 USC 301 and Sec. 205(c), 63 Stat. 390 (40 USC 486(c)).

JULY 13, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-14750 Filed 7-18-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Raisins Acquired Under Weight Dockage System

Notice is hereby given of a proposal to establish additional rules and regulations applicable to natural Thompson Seedless raisins acquired by handlers under a weight dockage system. Such additional rules and regulations would be established pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order regulates the handling of raisins produced from grapes grown in California and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was unanimously recommended by the Raisin Administrative Committee (hereinafter referred to as the "Committee") pursuant to § 989.58(a) of the order. Said section provides that a handler may acquire natural condition raisins which exceed a tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the Committee and approved by the Secretary. The proposal would establish: The basis upon which free and reserve percentages would be applicable to acquisition by handlers of lots of natural Thompson Seedless raisins under a weight dockage system; the extent to which such lots may be set aside as reserve raisins; the basis for levying program assessments on such lots acquired as free tonnage by handlers; and the basis upon which payments would be made by the Committee to handlers for services performed on such lots held as reserve raisins.

At present, § 989.201 (37 FR 17723) contains, among other things, a weight dockage system (including a dockage table) and identification requirements relative to raisins acquired pursuant to a weight dockage system. It is proposed that these requirements be deleted from § 989.201 and included, with minor changes, in a new § 989.210. This is proposed in order that rules and regulations regarding acquisition of raisins under a weight dockage system will all be contained in one section.

The provisions of the weight dockage system currently contained in § 989.201 are applicable to "natural condition Thompson Seedless raisins" (i.e., the varietal types of natural Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped raisins). The provisions of the proposed dockage system would be applicable only to raisins of the natural Thompson Seedless varietal type.

The creditable weight of a lot of raisins containing immature raisins in excess of the permitted levels means that portion of such lot which would meet the applicable minimum grade and condition standards when the excess quantity of immature raisins have been removed from the lot. The creditable weight is determined by multiplying the net weight of the lot of raisins by a dockage factor. The dockage factor reflects the quantity of raisins in the total lot which would be within the permitted level for substandard raisins. The Committee has concluded that the creditable weight of such lot of raisins acquired pursuant to a weight dockage system is an appropriate basis for application of the aforesaid program requirements regarding free and reserve percentages, reserve tonnage set aside, assessments and service payments.

Paragraph A3 of § 989.201 regarding moisture requirements for Thompson Seedless raisins contains a reference to § 989.202. An action published in the FEDERAL REGISTER on May 22, 1973, deleted § 989.202. The aforesaid deletion obviates the need for paragraph A3 of § 989.201, because such moisture requirements are also contained in paragraph A3 of § 989.97 Exhibit B. Hence, in addition to removing provisions regarding the weight dockage system, it is proposed that paragraph A3 be deleted from the revised § 989.201.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend Subpart—Supplementary Orders Regulating Handling by revising § 989.201 and by adding a new § 989.210, as follows:

1. Section 989.201 is revised to read as follows:

§ 989.201 Changes in minimum grade and condition standards for natural condition raisins.

Pursuant to § 989.58(b), the following changes are hereby issued relative to paragraph A2 of § 989.97 *Exhibit B; minimum grade and condition standards for natural condition raisins:*

A. *Thompson Seedless raisins.*

* * * * *

2.a. Shall have a normal characteristic color, flavor, and odor of properly prepared raisins.

b. Shall contain not more than 8 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes).

2. A new § 989.210 is added, reading as follows:

§ 989.210 Handling of natural Thompson Seedless raisins acquired pursuant to a weight dockage system.

(a) *General.* Subject to prior agreement between handler and tenderer, a handler may acquire as standard raisins any lot of natural Thompson Seedless raisins containing more than 8 percent, by weight, of substandard raisins under a weight dockage system. The creditable weight of such lot acquired shall be that obtained by multiplying the net weight of the raisins in the lot by the applicable dockage factor from the dockage table prescribed in paragraph (g) of this section.

(b) *Free and reserve tonnage percentages.* Whenever free and reserve percentages are designated for natural Thompson Seedless raisins for a crop year, such percentages shall be applicable to the creditable weight of any lot of such raisins acquired by a handler pursuant to a weight dockage system.

(c) *Reserve tonnage.* A handler may hold as reserve tonnage raisins any lot, or portion thereof, of natural Thompson Seedless raisins acquired pursuant to a weight dockage system: *Provided,* That, only the creditable weight of such lot, or portion thereof, may be applied by the committee against the handler's reserve tonnage obligation.

(d) *Assessments.* Assessments on any lot of natural Thompson Seedless raisins acquired by a handler pursuant to a weight dockage system shall be applicable to the free tonnage portion of the creditable weight of such lot.

(e) *Payments for services on reserve tonnage.* Payment to a handler for services performed by him with respect to reserve tonnage natural Thompson Seedless raisins acquired pursuant to a weight dockage system shall be made on the basis of the creditable weight of such lot and at the applicable rate specified for such services in § 989.401 of Subpart—Schedule of Payments.

(f) *Identification.* Any lot of natural Thompson Seedless raisins acquired by a handler pursuant to a weight dockage system shall be so identified by the inspection service by affixing to one container on each pallet, or to each bin, in such lot, a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are processed or disposed of as natural condition raisins. The control card shall only be removed by, or under the supervision of, an inspector of the inspection service or authorized Committee personnel.

(g) ***Dockage table.***

% Substandard	Dockage Factor	% Substandard	Dockage Factor
8.0 or less	No dockage	15.1–15.5	.925
8.1–8.5	.995	15.6–16.0	.920
8.6–9.0	.990	16.1–16.5	.915
9.1–9.5	.985	16.6–17.0	.910
9.6–10.0	.980	17.1–17.5	.905
10.1–10.5	.975	17.6–18.0	.900
10.6–11.0	.970	18.1–18.5	.895
11.1–11.5	.965	18.6–19.0	.890
11.6–12.0	.960	19.1–19.5	.885
12.1–12.5	.955	19.6–20.0	.880
12.6–13.0	.950	20.1–20.5	.875
13.1–13.5	.945	20.6–21.0	.870
13.6–14.0	.940	21.1–21.5	.865
14.1–14.5	.935	21.6–22.0	.860
14.6–15.0	.930		

NOTE: Percentages in excess of 22 percent shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .005 less than the dockage factor for the preceding increment.

Dated July 13, 1973.

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

[FR Doc.73-14701 Filed 7-18-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Inspection Intervals for Fire Extinguishers with Aluminum Shells

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, it is hereby proposed to amend Table L–3 in 29 CFR 1910.157 d) (4) (iii) as set forth below.

Table L–3 in paragraph (d) (4) (iii) presently requires, among other things, that dry chemical extinguishers with aluminum shells, stainless steel shells or soldered-brass shells be hydrostatically tested at five year intervals. This table is derived from NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers. On May 18, 1973, the National Fire Protection Association revised its standard to place dry chemical fire extinguishers with aluminum shells in the same class with dry chemical extinguishers with brazed-brass shells and mild-steel shells, with the effect that the test interval for aluminum shells changes from five years to 12 years. (See 1973 NFPA Technical Committee Reports, Vol. B, P. 1273). In order to conform Table L–3 of § 1910.157(d) (4) (iii) to the revised NFPA Standard, it is proposed to revise Table L–3 so as to place dry chemical fire extinguishers with aluminum shells with fire extinguishers with brazed-brass shells and mild-steel shells and thus change the test interval for the former extinguishers from five years to 12 years.

All interested persons may submit written data, views and arguments concerning the proposal to the Office of Standards, Room 305, 400 First Street, NW., Washington, D.C. 20210 by August 18, 1973. The data, views, and arguments will be available for public inspection and copying at the Office of Standards located at the above address.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal, requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before August 18, 1973.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and,

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

In § 1910.157(d) (4) (iii), Table L–3 is proposed to be revised to read as follows:

§ 1910.157 Portable fire extinguishers.

* * * * *

(d) *Inspection, maintenance, and hydrostatic tests* * * *

(4) *Hydrostatic tests.* * * *

(iii) At intervals not exceeding those specified in Table L–3 and subdivision (iv) of this subparagraph, extinguishers shall be hydrostatically tested. The first hydrostatic retest may be conducted between the fifth and sixth years for those with a designated test interval of 5 years.

TABLE L–3

HYDROSTATIC TEST INTERVAL FOR EXTINGUISHERS

Extinguisher type	*Test interval year*
Soda-acid	5
Cartridge-operated water and/or anti-freeze	5
Storage-pressure water and/or anti-freeze	5
Wetting agent	5
Foam	5
Loaded stream	5
Dry chemical extinguishers with stainless steel shells or soldered-brass shells	5
Carbon dioxide extinguishers	5
Dry chemical extinguishers with brazed-brass shells, mild-steel shells or aluminum shells	12
Bromotrifluoromethane	12
Dry powder extinguishers for metal fires	12

NOTE: Cylinders under jurisdiction of the U.S. Department of Transportation (formerly Interstate Commerce Commission) may require hydrostatic testing at more frequent periods.

* * * * *

(Sec. 6, Pub. L. 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 12th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14823 Filed 7-18-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

QUALITY STANDARD FOR CANNED CHERRIES

Proposed Revision of Blemish Limitation

Notice is given that a petition has been filed by the National Canners Association, 1133 20th St., NW., Washington, DC 20036, proposing that the standard of quality for canned cherries (21 CFR 27.31) be amended by:

(1) Changing the definition of a blemished cherry; and

(2) Increasing the aggregate area of the blemish from $\frac{3}{16}$ inch to $\frac{9}{32}$ inch in diameter.

Grounds set forth in the petition in support of the proposal are that: (1) The proposed change in the definition of a blemished unit would be consistent with objections received to an order, published in the FEDERAL REGISTER on February 23, 1971 (36 FR 3364), ruling on a proposed cherry pie standard of quality (21 CFR 28.2). These objections requested that the $\frac{3}{16}$ inch diameter limit for blemished units be changed to a $\frac{9}{32}$ inch diameter limit. The Commissioner of Food and Drugs granted this request in the FEDERAL REGISTER of June 13, 1973 (38 FR 15503).

(2) Mechanical harvesting and bulk handling in tanks of water have replaced the traditional hand picking and handling. As a result there has been a greatly increased problem with a mild form of discoloration known as "tank or water scald" which results in minor color variation but does not affect the tissues or eating quality or the cherries.

(3) Since the present standard was established 32 years ago, changes in cultural practices have resulted in the production of larger and softer cherries. Presently, there are as few as 100 to 110 cherries per pound as compared to 140 to 150 per pound when the standard was adopted. The larger, softer cherries have aggravated the blemish problem because they are more susceptible to blemishes and contain a greater surface area compared to the permitted area of skin discoloration.

(4) Increasing the area of the blemish to 9/32 inch would bring the quality standard for canned cherries (21 CFR 27.31) into agreement with the present voluntary U.S. Department of Agriculture standard for grades of frozen cherries.

(5) The proposed change will insure consumers a continued supply of canned cherries without significantly affecting the quality.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 27 be amended in § 27.31 by revising paragraph (a)(5) to read as follows:

§ 27.31 Canned cherries; quality; label statement of substandard quality.

(a) * * *

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding that of a circle 9/32 inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

* * * * *

Interested persons may, on or before September 17, 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 20, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-14749 Filed 7-18-73;8:45 am]

[21 CFR Part 135]

COMPOUNDS USED IN FOOD-PRODUCING ANIMALS

Procedures for Determining Acceptability of Assay Methods Used for Assuring the Absence of Residues in Edible Products of Such Animals

The Federal Food, Drug, and Cosmetic Act requires that compounds administered to animals as food additives, color additives, or animal drugs be shown to be safe for use. The term "safe" refers to the health of man or animal under section 201(u) of the act. In evaluating the safety of such compounds used in food-producing animals, consideration must be given to the safety of possible residues in the products of those animals which are a source of food for man. When there is insufficient evidence to establish that a finite or negligible residue of the compound is safe in human food, or when the anticancer clauses contained in sections 409(c)(3)(A), 512(d)(1)(H), and 706(b)(5)(B) of the act are applicable, a zero tolerance (no residue) must be required. (Under the provisions of the anticancer clauses no compound may be administered to animals which are raised for food production if such compound has been shown to induce cancer when ingested by man or animal, unless such compound will not adversely affect the animal and no residues, as determined by methods of analysis prescribed or approved by the Secretary, are found in the edible products of such animals under conditions of use specified in labeling and reasonably certain to be followed in practice. A decision is then required as to whether a practicable method exists to determine the absence of such residues in food, under sections 409(b)(2)(D), 512(b)(7), and 706(b)(5)(A)(iv) of the act.

The Commissioner of Food and Drugs has determined that it would be in the public interest to set forth the principles involved in application of these safety provisions of the law with respect to the adequacy of the sensitivity of the required regulatory assay method for monitoring compounds which may be administered to food-producing animals, but for which no residue is permitted in human food. Therefore, a new regulation is proposed to establish the minimum standards for determining the acceptability of assay methods used to assure the absence of residues in edible products of such animals. These proposed regulations do not apply to drugs for which a finite or negligible residue is established as safe for human food.

The proposed new regulation will apply to two classes of compounds administered to food-producing animals: (1) Exogenous compounds, defined as those compounds which are not produced by the normal animal and are not required for normal animal body function (e.g., diethylstilbestrol), and (2) Endogenous compounds, defined as those compounds which are present in and produced by the normal animal and are not required from an exogenous source (e.g., estradiol).

In evaluation of the safety of compounds of both classes the initial testing must involve detailed metabolism studies in the target species. Radiotracer studies are usually the method of choice. The purpose of these studies will be to identify the metabolites of the compound, both qualitatively and quantitatively, and the concentrations of the compound and its metabolites in specific tissues ("tissues" include milk and eggs, if applicable). Another aspect of these studies will be the determination of the effect of the administration of the compound on tissue levels of related endogenous compounds.

For acceptable studies, it is necessary to follow the degradation of the compound and/or its metabolites after slaughter and during the period that the edible tissue would normally be held under storage conditions as well as to determine the impact of cooking at appropriate temperatures on the compounds in question.

EXOGENOUS COMPOUNDS

Determination as to whether an exogenous compound and/or its metabolites will require carcinogenicity testing will be based on the results of the metabolism studies, standard toxicity testing, structural relationships of the compound and/or its metabolites to known carcinogens, modes of physiological actions and interactions, and the intended use pattern of the compound. Tests for carcinogenicity will be routinely required for any new compound for which a priori knowledge is incomplete and which is intended to be used for disease prophylaxis and/or production purposes (e.g., increased rate of weight gain, estrus synchronization, etc.).

If it is determined that tests for carcinogenicity are not required, or if the results of such tests are negative, consideration leading to approval will be based on standard toxicological procedures. These procedures will include, in addition to subacute studies in a minimum of two species, such studies as multi-generation reproduction studies, teratological and any other special studies which may be indicated from the nature of the biological action of the compound, including life-time studies. These studies will involve collecting data from appropriately designed dose-response experiments that demonstrate a maximum "no harmful effect level" as well as a minimum "harmful effect level" in appropriate animal species.

Where a residue is permitted as safe in human food (either as a finite tolerance level or as a negligible residue of less than a specified level), the sensitivity of the assay method will be required to meet the specified level, and the other provisions of this proposed new regulation relating to the required sensitivity of the method will be inapplicable. Where no residue (zero tolerance) is permitted, the provisions of this proposed new regulation are fully applicable.

Under the proposed new regulation the dose-response slope estimated from the toxicological experiments will be used to extrapolate to the required level of sensitivity of the method using appropriate confidence interval techniques in accordance with the concepts underlying the Mantel-Bryan procedure discussed below. Where such extrapolation is not scientifically appropriate, e.g., if no dose-response slope can be estimated from the data, other conservative methods will be invoked to determine an appropriate safety margin based on a thorough evaluation of the quality of the experiments, their rigor as predictive tests and the nature and significance of the observed biological effects.

Where tests for carcinogenicity are required for a compound there are two basic objectives of the tests. The first is to determine whether or not the compound and/or its metabolites is a carcinogen. The second is to determine the relative potency of the compound and/or its metabolites with respect to both its carcinogenic and its noncarcinogenic but toxic effects, through appropriate oral dose-response experiments. Test systems will be selected which maximize sensitivity to detect a minimal dose which induces a carcinogenic effect. These systems will include a sufficiently stable control population to avoid false-positive indications of carcinogenesis.

There is a general lack of agreement within the scientific community regarding appropriate protocols for determining the dose-response relationship of carcinogenic compounds. Until they are revised, the guidelines for protocols set out by the Food and Drug Administration Advisory Committee on Protocols for Safety Evaluation: Panel on Carcinogenesis Report on Cancer Testing in the Safety Evaluation of Food Additives and Pesticides (Toxicology and Applied Pharmacology Vol. 20, pp 419–438, 1971) will be followed by the Food and Drug Administration.

If the results of the test for carcinogenicity establish that the compound or its metabolites will induce cancer in test animals, the required sensitivity of the regulatory assay method will be determined based on the Mantel-Bryan procedure described in the article entitled "Safety" Testing of Carcinogenic Agents (Journal of the National Cancer Institute, Vol. 27, pp 455–470, 1961). However, rather than assuming a dose-response relationship with a slope of one, as suggested in the reference, experimental data obtained from the carcinogenicity studies will be used to obtain a statistical estimate of the slope of the dose-response relationship. The lower 90 percent confidence limit of the estimated slope will be used for extrapolation to the required level of sensitivity of the regulatory assay method. If the data indicate that some linearizing transformation other than the probit-log transformation used in the modified Mantel-Bryan procedure better describes the observed response and has a biological rationale, then this other linearizing transformation may be used for such extrapolation. Examples of the application of this technique are given in the above reference.

Absolute safety can never be conclusively demonstrated experimentally. The level defined by the Mantel-Bryan procedure is an arbitrary but conservative level of maximum exposure resulting in a minimal probability of risk to an individual (e.g., 1/100,000,000), under those exposure conditions of the basic animal studies. Such test conditions generally involve continuous daily lifetime exposure to the compound in question. In contrast, many types of foods are consumed only intermittently, e.g., turkey or broiler kidneys, and therefore any drug residues contained in such foods will be consumed only intermittently. If the same procedure was used to determine the level of exposure for turkey kidneys as was used to determine the level of exposure for foods consumed more frequently, such as beef muscle, the population would not be equally protected in both situations. Consequently, it will be necessary to adjust the procedure for establishing the exposure level to account for usual as well as specific human consumption patterns. Any such adjustments initially will be made on a conservative basis. These adjustments will take into consideration the consumption expected by those who consume the greatest amounts of food, not the average consumption of the food. More definitive information is being complied on food consumption patterns by the Food and Drug Administration, and this information will be used to arrive at more refined adjustments as it becomes available.

It will also be necessary to modify the procedure for establishing the exposure level to account for drug usage, patterns, e.g., the administration of a drug in the treatment of diseased animals. As with consumption patterns, justified modifications will be made on a conservative basis. If a disease has a maximum incidence of 10 percent, then no more than 10 percent of the marketed animals would have been treated with the drug. Under these conditions, the probability of continuous daily exposure for an individual consumer could be very conservatively estimated as 0.10. In this situation, the true probability of risk for the individual consumer would then equal the probability of individual risk under conditions of continuous daily exposure to the drug multiplied by the probability of an individual actually experiencing continuous daily exposure to the drug. If a true exposure of 1/100,000,000 were deemed acceptable for an individual on the basis of risk-benefit considerations, this value could be held constant by assuming a continuous exposure risk of 1/10,000,000 (1/100,000,000=1/10,000,000 X 0.10) in the estimate of the Mantel-Bryan level. The true individual consumer risk would remain at 1/100,000,000 since the consumer is only intermittently exposed to residues of the compound in food.

The maximum level of exposure as estimated above, after standard adjustment for the differences between daily food intake per unit of body weight of the laboratory animal as compared with man, will be the required sensitivity of the assay method for a compound. In the event that both non-carcinogenic harmful effects and carcinogenic effects are observed during testing, the lowest level for the regulatory assay sensitivity as determined for the different effects will be adopted.

Withdrawal or post-medication periods for exogenous compounds shall be based on data obtained from tissue depletion studies. The compound must be administered to test animals for a sufficient time for concentration equilibrium to be achieved. On the basis of the developed assay and/or other suitable methods, a determination must be made as to the time when tissue levels of the parent compound and/or its metabolites and/or any affected endogenous compounds are below the required level of sensitivity for the regulatory assay method.

The withdrawal period shall be the longer of: (1) The number of days for tissue levels to be depleted to less than the maximum level of exposure extrapolated by the modified Mantel-Bryan procedure plus a safety factor to account for animal to animal variation (as determined by appropriate confidence interval techniques) or (2) the number of days for any affected endogenous compound to return to normal levels plus a safety factor to account for animal to animal variation. (The normal level of the affected endogenous compound will be established as described below for endogenous compounds.) For example, if excretion data indicate that the average depletion time for an exogenous compound is 72 hours with a safety factor of 27 hours, the withdrawal period becomes (72 hours+27 hours)=24 hours or, after

rounding upward, 5 days. Current livestock management techniques must be considered in establishing the withdrawal period and may necessitate the lengthening of this period.

The provisions of the proposed new regulation govern the required level of sensitivity of the regulatory assay method for those compounds for which a zero tolerance (no residue) is established. If a regulatory assay method of lower sensitivity is later developed and validated, however, the Commissioner will adopt that more sensitive method and publish it in the FEDERAL REGISTER, even though its development was not required under the law.

ENDOGENOUS COMPOUNDS

It is proposed that animals shown to contain tissue levels of endogenous compounds above the normal due to the administration of such compounds will not be permitted to be marketed for human consumption. Thus, neither tests for carcinogenicity nor standard toxicity testing will be required for endogenous compounds.

Naturally occurring (background) tissue levels of endogenous compounds and/or their metabolites and/or other related endogenous compounds in the target species must be determined in studies designed to show the effect of geographical location, stage of estrus, age, etc., on normal animals receiving no external source of the endogenous compound. The tissue distribution of the levels of the compound and/or its metabolites and/or other related endogenous compounds will be estimated from these studies. This distribution will be used to establish the required sensitivity of the regulatory assay method. The required sensitivity will be that level of the tissue distribution which is exceeded by only one percent of the normal animals. Tissue samples from animals at slaughter will be considered suspect if a level is found above normal background. For example, if 99.0 percent of background tissue levels for a parent endogenous compound and/or its metabolites and/or other related endogenous compounds are below 16 ppt., then a tissue level greater than 16 ppt shall be considered suspect. The final determination with respect to regulatory action will be based on a field investigation to determine if the observed value was due to a misuse of the compound or if it was due to normal biological variability.

Withdrawal periods following the last dosage for endogenous compounds shall be established based on the time required for the level of the parent compound and/or its metabolites and/or other related endogenous compounds in the tissue to return to the median background level of contemporary controls. The maximum approvable level of the compound shall be administered to target animals for a period of time sufficient to establish equilibrium in tissues. The number of days required for tissue levels of any affected endogenous compounds to return to the median background level plus a safety factor to account for animal to animal variation (as determined by appropriate confidence interval techniques) shall be used to establish the required withdrawal period. Current livestock management techniques must be considered in establishing the withdrawal period and may necessitate the lengthening of this period.

ASSAY EVALUATION CRITERIA

Prior to approval, the accuracy and reliability of the regulatory assay must be determined by validation of the method in appropriate Food and Drug Administration laboratories and other laboratories. The objectives of the validation will be to determine the feasibility, specificity, accuracy, and precision of the method (including a determination of the amounts recovered as well as an estimation of the variation associated with the recovered amounts).

Prior to submission of a method for evaluation and subsequent validation, it is recommended that the method be reviewed and tested, both qualitatively and quantitatively, by independent laboratories. This evaluation should fulfill the objectives of the validation as listed above.

The required sensitivity of the regulatory assay method as previously defined will be the regulatory action level and will be published in the FEDERAL REGISTER. Since any "positive" finding reported at a level lower than the published level of sensitivity may actually be a false positive, regulatory action will be taken only at or above the published level. This is necessary in order to assure that a residue is in fact a true positive. In the past the lack of such a procedure has led to finding violative samples in one laboratory which could not be confirmed in a second laboratory.

The assay method will be published or referenced in the FEDERAL REGISTER and will include a definition of the response criteria unique for each method which represents a reliable positive finding based on the validation studies. The criteria will take into account adjustments based on the accuracy and precision of the method. If the method is not specific for the identification of the compound or there are reasons to suspect the occurrence of false positives due to interference, a practical confirmatory test must be provided which will identify the residue at the level of sensitivity required.

In summary, the development and validation of a regulatory assay method for monitoring purposes must consider the following criteria:

1. The method must be capable of reproducibly extracting, at the required level of sensitivity, the significant compounds from target tissues obtained from treated animals as well as from tissues containing known added amounts of the compounds.

2. The method must be capable of measuring residues with a sufficient degree of specificity, precision, and accuracy to preclude the occurrence of false negatives or false positives.

3. The equipment, reagents and compounds used in the assay must be commercially available. Any required specialization in terms of equipment or personnel must be consistent with that normally available in a modern well-equipped analytical control laboratory.

4. The time required for completion of the assay must not be so excessive as to delay regulatory action, when necessary.

5. The assay must offer minimal hazard in the laboratory.

It is proposed that the requirements contained in this regulation will be applicable to all NADA's and supplemental NADA's approved by the Food and Drug Administration after the effective date of the new regulation. In determining the applicability of the provisions of the regulation to already-existing new animal drug approvals, the Commissioner will first determine those drugs for which a zero residue requirement now exists but for which a finite or negligible residue should instead be permitted. The Commissioner recognizes that many of these zero tolerances were established several years ago, at a time when detection methodology was substantially less sensitive and the available toxicology information was not as extensive. For some of these zero tolerances, it may now be possible and consistent with protection of the public health, to establish a finite or negligible residue. Where a finite or negligible residue is established on the basis of adequate safety data, the provisions of the new regulation will not be applicable.

Where a zero tolerance is deemed necessary, either because of a determination of carcinogenicity or because the compound is a suspect carcinogen or is otherwise sufficiently toxic that a determination of a safe level of residue in human food cannot be made at this time, the provisions of the new regulation will be applicable. The Commissioner recognizes that these new requirements cannot be imposed immediately. Accordingly, a determination will be made with respect to each drug as to a reasonable amount of time within which compliance will be permitted. In those instances in which the Commissioner concludes that a health hazard may exist, or where there is a failure to undertake the requisitie studies, the Commissioner will proceed immediately to withdraw approval of the drug. Hence, the above approach will permit a reasonable transition to the new requirements without compromising the public health or disrupting the use of drugs for which there is no known health hazard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 409, 512, 701(a), 706, 52 Stat. 1046–1048, 1055, 72 Stat. 1785–1788 as amended, 74 Stat. 399–404, 82 Stat. 343–351; U.S.C. 342, 343, 348, 706, 360b, 371(a), 376), and under authority delegated to the Commissioner (21 CFR

2.120), it is proposed that Part 135 be amended by adding the following new section:

§ 135.38 Compounds used in food-producing animals; procedures for determining the acceptability of assay methods used for assuring the absence of residues in edible products of such animals.

(a) The act provides that feed and drugs intended for animals shall be safe, that food produced from animals shall be safe, and that any compound administered to a food-producing animal which is found to induce cancer when ingested by man or animal is prohibited from the food supply, unless it can be determined by methods of examination prescribed or approved by the Secretary by regulation, that no residues of any such compound are found in the food produced from such animals under conditions of use reasonably certain to be followed in practice. Petitions for use of a compound in food-producing animals shall include data for determining the absence of residues of any unsafe compounds in the food produced from such animals. The provisions of this section shall determine the required level of sensitivity of the regulatory assay method for any compound for which the Commissioner of Food and Drugs has established a zero tolerance (no residue) in food.

(b) Exogenous compounds, defined as those compounds which are not produced by the normal animal and are not required for normal animal body function, are subject to the following requirements:

(1) Metabolism studies shall be conducted in the target species to identify and quantify metabolites of the parent compound and the concentrations of the compound and its metabolites in specific tissues ("tissues" to include milk and eggs, if applicable). The effect of the exogenous compound on tissue levels of related endogenous compounds also shall be determined.

(2) Degradation of the compound and/or its metabolites during the period of time after slaughter that edible tissue would normally be held under storage conditions and the impact of cooking on the compound and/or its metabolites in question shall be determined.

(3) Determination of whether an exogenous compound and/or its metabolites shall be subjected to appropriate testing for carcinogenicity will be based on the results of the metabolism studies, standard toxicity testing, structural relationships of the compound and/or its metabolites to known carcinogens, modes of physiological actions and interactions, and the intended use patterns of the compounds.

(4) If it is determined that carcinogenicity tests are not required or if the results of carcinogenic testing are negative, consideration for approval shall be based on standard toxicological procedures. These procedures shall include in addition to subacute studies in a minimum of two species, such studies as a multi-generation reproduction studies, teratology and any other special studies which may be indicated from the nature of the biological action of the compound, including lifetime studies. These studies shall involve collection of data from appropriately designed dose-response experiments that demonstrate a "maximum no harmful effect level" as well as a "minimum harmful effect level" in appropriate animal species.

(i) Where a finite or negligible residue of the parent compound and/or its metabolites is determined to be safe in food, the required level of sensitivity of the regulatory assay method will be the level of the tolerance published in the FEDERAL REGISTER and the remaining provisions of this paragraph shall be inapplicable.

(ii) Where no residue of the compound and/or its metabolites is determined to be safe in food, the dose-response slope estimated from the toxicological experiments will be used to extrapolate to the required level of sensitivity of the method using appropriate confidence interval techniques in accordance with the concepts underlying the Mantel-Bryan procedure described in paragraph (b)(6) of this section. Where such extrapolation is not scientifically appropriate, e.g., if no dose-response slope can be estimated from the data, other conservative methods shall be invoked to determine an appropriate safety margin based on a thorough evaluation of the quality of the experiments, their rigor as predictive tests and the nature and significance of the observed biological effects.

(5) If it is determined that testing for carcinogenicity is required, test procedures shall be used which maximize sensitivity to detect a minimal dose which induces a carcinogenic effect and with a sufficiently stable control population to avoid false positive indications of carcinogenesis. Appropriate dose-response experiments shall be conducted to (i) clearly establish whether or not the compound and/or its metabolites are carcinogens, and (ii) determine the relative potency of the compound and/or its metabolites with respect to both its carcinogenic and its other toxic effects.

(6) If it is determined that the compound is carcinogenic, the required sensitivity of the regulatory assay method shall be established according to a modification of the Mantel-Bryan procedure. (Mantel, N. and W. R. Bryan, "Safety" Testing of Carcinogenic Agents, Journal of the National Cancer Institute, Vol. 27, pp. 455–470, 1961).[1] This modification shall consist of using the lower 90 percent confidence limit of the experimentally determined dose-response slope from the carcinogenicity studies for extrapolation to a maximum exposure level with appropriate adjustments to account for drug usage and human consumption patterns and for the differences between daily food intake per unit of body weight of the laboratory animal and of man. (i) If the data indicate that some linearizing transformation other than the probit-log transformation used in the modified Mantel-Bryan procedure better describes the observed response and has a biological rationale, then this other linearizing transformation will be used for the extrapolation. (ii) In the event that both significant noncarcinogenic harmful effects and carcinogenic effects are observed during testing, the lowest level for the regulatory assay sensitivity as determined for the different effects shall be adopted.

(7) The sensitivity of the regulatory assay method as defined above, the method, and a definition of the criteria used to establish a reliable positive finding shall be published in the FEDERAL REGISTER.

(8) The withdrawal period for the compound shall be based, using the regulatory assay method and/or other suitable methods, on the time required after the last dosage for tissue levels of the parent compound and/or its metabolites and/or any affected endogenous compounds to fall below the required regulatory assay sensitivity.

(9) The withdrawal period shall be the longer of either (i) the number of days required for tissue levels to be depleted to less than the maximum exposure level plus a safety factor to account for animal to animal variation as determined by appropriate confidence interval techniques or (ii) the number of days required for any affected endogenous compound to return to a normal level plus a safety factor to account for animal to animal variation. Current livestock management techniques may justify a longer withdrawal period. The normal level of any affected endogenous compound shall be established as described in paragraph (c) of this section.

(10) Based on tissue depletion studies and animal management practices, conditions of use that are reasonably certain to be followed in practice shall be specified for the compounds so that, if followed, they assure that no residue shall occur in food produced from treated animals.

(11) Notwithstanding a determination pursuant to this paragraph of the required level of sensitivity of the regulatory assay method, if a regulatory assay method of lower sensitivity is later developed and validated the Commissioner will adopt that more sensitive method and publish it in the FEDERAL REGISTER even though its development was not required.

(c) Endogenous compounds, defined as those compounds which are present in and are produced by the normal animal and are not required from an external source, are subject to the following requirements:

[1] Copies may be obtained from: Director, Division of Nutritional Sciences (VM-100), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

(1) Metabolism studies shall be conducted in the target species to identify and quantify the metabolites of the parent compound and the concentrations of the compound and its metabolites in specific tissues ("tissues" include milk and eggs, if applicable). The effect of the endogenous compound on tissue levels of related endogenous compounds also shall be determined.

(2) Degradation of the compound and/or its metabolites during the period of time after slaughter that the edible tissue would normally be held under storage conditions and the impact of cooking on the compounds and/or its metabolites in question shall be determined.

(3) Animals containing tissue levels of endogenous compounds above the normal due to the administration of endogenous compounds may not be marketed for human consumption. Thus, neither tests for carcinogenicity nor standard toxicity testing shall be required for endogenous compounds.

(4) The naturally occurring or background tissue levels of endogenous compounds and/or their metabolites and/or other related endogenous compounds in the target species shall be determined in studies designed to show the effect of geographical location, stage of estrus, age, etc., on normal animals receiving no external source of the endogenous compound. The tissue distribution will be used to establish the required sensitivity of the regulatory assay method. The required sensitivity of the regulatory assay method will be that value of the distribution which is exceeded by only one percent of the normal animals.

(5) The sensitivity of the regulatory assay method as defined above, the method, and a definition of the criteria used to establish a reliable positive finding shall be published in the FEDERAL REGISTER.

(6) The withdrawal period for the compound shall be based, using the regulatory assay method and/or other suitable methods, on the time required after the last dosage for the tissue levels of the parent compound and/or its metabolites and/or any affected other related endogenous compounds to return to the median background level of contemporary controls. The withdrawal period shall be the number of days required for tissue levels of any affected endogenous compounds to return to the median background level plus a safety factor to account for animal to animal variation as determined by appropriate confidence interval techniques. Current livestock management techniques may justify a longer withdrawal period.

(7) The characteristics of the distribution of tissue levels of the compound normally found in animals not exposed to external sources of the compound and the specified conditions of use shall be published in the FEDERAL REGISTER as part of the approval of any endogenous drug compound.

(8) Based on tissue depletion studies and animal management practices, a withdrawal period and conditions of use that are reasonably certain to be followed in practice shall be specified for the compound so that, if followed, they assure that no residue shall occur in excess of the established normal level in food from untreated animals.

(d) Prior to approval, the adequacy of the regulatory assay method shall be determined by validation of the method in appropriate Food and Drug Administration laboratories and other laboratories. The validation shall determine the feasibility, specificity, accuracy, and precision of the method. This validation of an assay method used for regulatory purposes shall be based on the following criteria:

(1) The method shall be capable of reproducibly extracting, at the required level of sensitivity, the significant compounds from target tissues obtained from treated animals, as well as from tissues containing known added amounts of the compounds.

(2) The method shall be capable of measuring residues with a sufficient degree of specificity, precision, and accuracy to preclude the occurrence of false negatives or false positives.

(3) The equipment, reagents and compounds used in the assay shall be commercially available. Any required specialization in terms of equipment or personnel shall be consistent with that normally available in a modern well-equipped analytical control laboratory.

(4) The time required for completion of the assay shall not be so excessive as to delay regulatory action.

(5) The assay shall offer minimal hazard in the laboratory.

(e) After publication in the FEDERAL REGISTER of an assay method in accordance with paragraphs (b) through (d) of this section, compliance shall be determined as follows:

(1) Samples of the food produced from appropriate animals will be routinely collected and evaluated using the regulatory assay method(s).

(2) Any sample subject to paragraph (b) of this section yielding a residue of the compound at or above the published level of sensitivity of the method will be liable to regulatory action.

(3) Any sample subject to paragraph (c) of this section yielding a residue of the compound at or above the published level of sensitivity of the method will be subject to investigation. Any such residue which is determined to be the result of improper use of the compound will be liable to regulatory action.

(4) No regulatory action may be based on the measurement of a value which is below the established level of sensitivity of the approved regulatory assay method(s) as published in the FEDERAL REGISTER.

(f) The provisions of this section shall be applicable to all new animal drug applications, including supplements, approved by the Food and Drug Administration subsequent to the effective date of the final regulation, except that supplemental applications meeting the requirements of § 135.13a(d) or that in the opinion of the Commissioner otherwise protect the public health will be permitted to be put into effect in accordance with § 135.13a(e) through (k).

(g) The provisions of this section shall be applicable to existing approvals of new animal drugs in accordance with the following priorities:

(1) The Commissioner will review existing zero tolerances (no residues) to determine whether the drugs involved should be the subject of finite or negligible residues. Those drugs for which finite or negligible residues are established are not subject to the provisions of paragraphs (b) or (c) of this section.

(2) Those drugs for which the Commissioner has determined the appropriateness of a zero tolerance (no residue) will be the subject of a notice published in the FEDERAL REGISTER or a letter to every holder of a new animal drug application establishing a time within which the provisions of this section shall be satisfied. Notices already published in the FEDERAL REGISTER and letters already sent by the Food and Drug Administration requiring additional studies and/or a more sensitive regulatory assay method for a drug subject to a zero tolerance shall remain in effect, and the provisions of this section shall be used in determining compliance with the requirements of the act pursuant to those notices and letters. The Commissioner will immediately proceed to withdraw approval of any drug on the basis of data or information indicating a health hazard or a failure to undertake studies necessary to comply with the provisions of this section.

Interested persons may, on or before September 17, 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 viewed in the above office during working hours, Monday through Friday.

Dated: July 13, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-14746 Filed 7-18-73;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Payment for Services of Physicians in Teaching Hospitals, for Physician Costs to Hospitals and Medical Schools, and for Volunteer Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amended regulations set forth in tentative form below are proposed by the Acting Commissioner of Social Security, with the approval of

the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations are made pursuant to certain provisions of Public Law 92-603 (the Social Security Amendments of 1972) and statements of congressional intent contained in the Report of the Committee on Finance, United States Senate, Senate Report No. 92-1230. The proposed amendments provide (a) effective for hospital accounting periods that begin after June 30, 1973, a method for determining program payments to a hospital for patient care services of physicians in teaching hospitals; a method for determining the reasonable cost to a medical school where its faculty provides services to a hospital's patients; and a method for determining the reasonable cost of patient care services provided by voluntary physician staff and the payment of such costs to a fund designated by the organized medical staff of the hospital; and (b) effective for hospital accounting periods that begin after June 30, 1973, the proposed amendments provide that patient care services provided in participating hospitals with approved teaching programs will be reimbursable on the basis of reasonable charges only where the patient is a "private patient"; establish the elements required before a patient will be considered a private patient; provide that where the status of a patient is questionable, or in borderline cases, the patient will be considered to be a nonprivate patient; and specify situations where it can be presumed that all patients in a hospital or hospital setting are private patients.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before August 20, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1833(a), 1842(b), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 297, 302, 322, and 331; 42 U.S.C. 1302, 1395 et seq.

(Catalogue of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 13, 1973.

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

Regulations No. 5, Subpart D of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (c) of § 405.402 is amended by adding paragraph (c)(9) to read as follows:

§ 405.402 Cost reimbursement; general.

* * * * *

(c) * * *

(9) Reasonable cost of physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital to nonprivate patients (see § 405.521 of Subpart E) is reimbursable as a provider cost.

* * * * *

2. Paragraph (b) of § 405.404 is revised to read as follows:

§ 405.404 Methods of apportionment under title XVIII.

* * * * *

(b) For cost reporting periods starting after December 31, 1971, the principles of reimbursement under title XVIII of the Act require certain providers described in § 405.452(c) to use the Departmental Method of apportionment as described in § 405.452(b)(1), and other providers to use the Combination Method of apportionment as described in § 405.452(b)(2) except that for cost reporting periods beginning after June 30, 1973, the reasonable cost of physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital to nonprivate patients (see § 405.521 of Subpart E) is separately apportioned in accordance with the Aggregate Per Diem Method as described in § 405.452(b)(3). Use of the Departmental Method requires cost finding (see § 405.453) to determine the division of the provider's costs between general routine care, routine care in special care units, and each ancillary department that is revenue producing, i.e., departments furnishing services to patients for which charges are made. Use of the Combination Method necessitates cost finding (see § 405.453) to determine the division of the provider's total allowable cost between general routine care, routine care in special care units, and aggregate ancillary services. Use of the Aggregate Per Diem Method for apportioning cost of physicians' patient care services in a teaching hospital to nonprivate patients does not require cost finding as described in § 405.453. These costs are accumulated in separate cost centers prior to the cost finding process.

3. Paragraph (b) of § 405.451 is amended by adding subparagraphs (3), (4), (5), (6), and (7) to read as follows:

§ 405.451 Cost related to patient care.

* * * * *

(b) *Definitions.* * * *

(3) *Reasonable costs of patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital by physicians on the hospital staff.* For cost reporting periods beginning after June 30, 1973, physicians' patient care services rendered in a teaching hospital to nonprivate patients (see § 405.521 of Subpart E) are reimbursable as a provider service on a reasonable cost basis. For purposes of this paragraph, reasonable costs will be limited to direct salary, plus applicable fringe benefits. The costs of other covered provider services related to the services described in this paragraph are allowable subject to the requirements of all other provider services.

(4) *Reasonable costs incurred by a teaching hospital in reimbursing a medical school for the cost to the medical school in rendering services in a hospital.* For cost reporting periods beginning after June 30, 1973, an amount not in excess of the reasonable costs incurred by a teaching hospital in reimbursing a medical school for certain costs to the medical school in rendering patient care services (and supervision of interns and residents in the care of patients) to health insurance nonprivate patients are reimbursable to the hospital by the program. Also, for cost reporting periods beginning after June 30, 1973, reasonable costs incurred by a teaching hospital in reimbursing a medical school for certain costs to the medical school in rendering other than patient care services to health insurance patients by the medical school faculty are reimbursable to the hospital by the program. The allowable costs to the medical school may not exceed 105 percent of direct salary, plus applicable fringe benefits, that are incurred solely as a result of services to provider patients.

(5) *"Salary Equivalent" payments for physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital to health insurance nonprivate patients by physicians on the voluntary staff of the hospital (or medical school under arrangement with the hospital).* For cost reporting periods beginning after June 30, 1973, payments may be made to a fund as defined in § 405.466 for patient care services rendered on a regularly scheduled basis by physicians on the unpaid voluntary medical staff of the hospital (or medical school under arrangement with the hospital) to health insurance nonprivate patients. Such payments represent compensation for contributed medical staff time which, if not contributed, would have to be obtained through employed staff on a reimbursable basis. However, where a physician either on the hospital staff or on the medical school staff receives any compensation from either the hospital or the medical school, that compensation will be assumed to represent compensation for the physician's full range of services rendered in the hospital including patient care to nonprivate patients. Payments for volunteer services are determined by applying to the regularly scheduled contributed time an hourly rate not to exceed the equivalent of the average salary (exclusive of fringe benefits) paid to all full time, salaried physicians (other than interns and residents) on the hospital staff or, where the number of full time, salaried physicians is minimal in absolute terms

or in relationship to the voluntary staff, at like institutions in the area. This "salary equivalent" is a single hourly rate, covering all physicians regardless of specialty and is applied to the actual time contributed by the physicians in rendering patient care services to nonprivate patients. The amount applicable to program beneficiaries and payable to a fund will be determined in accordance with the Aggregate Per Diem Method described in § 405.452(b)(3).

Health insurance payments to a fund will be used by the fund solely for improvement of care of hospital patients or for educational or charitable purposes (which may include but are not limited to medical and other scientific research). Contributions to the hospital made from such funds would not be recognized as a reimbursable cost when expended by the hospital nor would depreciation expense be allowed with respect to equipment or facilities donated to the hospital by such funds.

(6) *Requirements for reimbursement for physicians' patient care services in a teaching hospital.* (i) *Physicians on the hospital staff.* The requirements are the same as those applicable to all other covered provider services except that the costs of these services are separately determined and are not subject to cost finding as described in § 405.453.

(ii) *Physicians on the medical school staff.* Reimbursement will be made to a hospital by the health insurance program for the costs of these services, which are separately accumulated and are not subject to cost finding as described in § 405.453: *Provided,* That:

(A) There is a written agreement between the hospital and the medical school specifying the types and extent of services to be furnished by the medical school and specifying that the hospital must reimburse the medical school an amount not in excess of the reasonable cost (as defined in subparagraph (4) of this paragraph) of providing such services to health insurance nonprivate patients,

(B) Such costs are reimbursed to the medical school by the hospital not later than the date on which the cost report covering the period in which the services were rendered is due, and

(C) Payment for such services furnished under such arrangement would be made by the program to the hospital had such services been furnished directly by the hospital.

(iii) *Physicians on the voluntary staff of the hospital (or medical school under arrangement with the hospital).* Health insurance payments on a "salary equivalent" basis (as defined in subparagraph (5) of this paragraph) will be made to a fund provided that the conditions outlined in § 405.466 are met.

(7) *Requirements for reimbursement for medical school faculty services other than patient care services rendered in a teaching hospital.* (i) Reimbursement will be made to a hospital by the health insurance program for the costs of medical school faculty services other than patient care services rendered in a teaching hospital provided that the contractual requirements described in paragraph (b)(6)(ii) of this section are met. Where the hospital reimburses the medical school for the costs of these services rendered to all patients, these costs are subject to the cost finding and apportionment methods for all provider services (excepting physicians' patient care services rendered to nonprivate patients). On the other hand, where the hospital reimburses the medical school for these services rendered to only health insurance patients, then the costs which are reimbursed are not subject to cost finding and must not be included in the hospital's total allowable costs. Nevertheless, the health insurance program's portion must be determined on the basis of the health insurance ratio(s) used in the apportionment of all other provider costs (excepting physicians' patient care services rendered to nonprivate patients) applied to the total cost (as defined in paragraph (b)(4) of this section incurred by the medical school for the services rendered).

* * * * *

4. Section 405.452 is amended by adding paragraphs (b)(3), (c)(4), (d)(11), (d)(12), (d)(13), and (e)(6) to read as follows:

§ 405.452 Determination of cost of services to beneficiaries.

* * * * *

(b) *Principle for cost reporting periods starting after December 31, 1971.* * * *

(3) *Aggregate per diem method for physicians' patient care services (and supervision of interns and residents in the care of patients).* The cost of physicians' patient care services rendered in a teaching hospital to nonprivate patients for program beneficiaries is determined on the basis of a separate average cost per diem for physicians' patient care services to all nonprivate patients (see § 405.521 of Subpart E) in each of the following subcategories of services by physicians on the hospital staff and on the medical school staff:

(i) *Physicians on the hospital staff.* (A) Patient care services rendered by physicians excluding radiology and pathology.

(B) Radiology and pathology services.

(ii) *Physicians on the medical school staff.* (A) Patient care services rendered by physicians excluding radiology and pathology.

(B) Radiology and pathology services.

(c) *Availability of apportionment methods for cost reporting periods starting after December 31, 1971.* * * *

(4) *Teaching hospitals.* Teaching hospitals (see § 405.521(c)) incurring costs for physicians' patient care services (and supervision of interns and residents in the care of patients) rendered to nonprivate patients must use the Aggregate Per Diem Method of Apportionment (as defined in paragraph (b)(3)) of this section for such costs.

(d) *Definitions.* * * *

(11) *Average cost per diem for physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital.* Average cost per diem for physicians' patient care services rendered in a teaching hospital to nonprivate patients in each subcategory of physicians' services on the hospital staff and the medical school staff described in paragraph (b)(3)(i) and (ii) of this section means the amount computed by dividing total costs of physicians' services in each subcategory by the total number of:

(i) Inpatient days of care (as defined in paragraph (d)(12) of this section) and,

(ii) Outpatient visit days (as defined in paragraph (d)(13) of this section).

(12) *Inpatient days of nonprivate patients.* Inpatient days of nonprivate patients will be determined during a cost reporting period by counting the day of admission as 3.5 days and each day subsequent to a patient's day of admission as 1 day. The weighted day of admission reflects the intensity of physicians' services rendered on that day.

(13) *Outpatient visit days of nonprivate patients.* Outpatient visit days of nonprivate patients will be determined during a cost reporting period by counting only one visit day for each calendar day that a nonprivate patient visits the outpatient department.

(e) *Application.* * * *

(6) *Aggregate per diem method for physicians' patient care services (and supervision of interns and residents in the care of patients) for cost reporting periods beginning after June 30, 1973.* The following illustrates how apportionment based on the Aggregate Per Diem Method for cost of physicians' patient care services rendered in a teaching hospital to nonprivate patients would be determined for cost reporting periods beginning after June 30, 1973.

TEACHING HOSPITAL Y

Statistical and financial data:

Total nonprivate inpatient days as defined in paragraph (d)(12) of this section and nonprivate outpatient visit days as defined in paragraph (d)(13) of this section 75,000

Total nonprivate inpatient part A days applicable to program beneficiaries 20,000

Total nonprivate inpatient part B days applicable to program beneficiaries where part A coverage has expired or is nonexistent 1,000

Total nonprivate outpatient part B visit days applicable to program beneficiaries 5,000

Total cost of patient care services rendered to all nonprivate patients by physicians on the hospital staff—no radiology or pathology services $1,500,000

Total cost of patient care services rendered to all nonprivate patients by physicians on the medical school staff—no radiology or pathology services $1,650,000

Computation of cost applicable to program for physicians on the hospital staff:

Average cost per diem for patient care services to nonprivate patients by physicians on the hospital staff:

$1,500,000÷75,000=$20 per diem
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part A: $20 per diem x 20,000, $400,000
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part B: $20 per diem x 1,000 $20,000
Cost of physicians' services rendered to nonprivate outpatient beneficiaries covered under part B: $20 per diem x 5,000 $100,000
Computation of cost applicable to program for physicians on the medical school staff:
Average cost per diem for patient care services to nonprivate patients by physicians on the medical school staff:
$1,650,000÷75,000=$22 per diem
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part A: $22 per diem x 20,000 $440,000
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part B: $22 per diem x 1,000 $22,000
Cost of physicians' services rendered to nonprivate outpatient beneficiaries covered under part B: $22 per diem x 5,000 $110,000

5. Section 405.466 is added to read as follows:

§ 405.466 Payment to a fund.

(a) *General.* Payment for services by physicians in teaching hospitals for nonprivate patients (as such services are described in § 405.521(d)) will be paid on a salary equivalent basis (as described in paragraphs (b)(5) and (b)(6)(iii. of § 405.451) subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, to a single fund (as defined in paragraph (b) of this section) designated by the organized medical staff of the hospital (or, where such services are furnished in such hospital by the faculty of a medical school, to such fund as may be designated by the faculty), if:

(1) The hospital (or medical school furnishing the services under arrangement with the hospital) incurs no actual cost in furnishing the services; and

(2) The hospital has an agreement with the Secretary under § 405.602; and

(3) The intermediary, or the Administration, as appropriate, has received written assurances that:

(i) The payment will be used solely for the improvement of care of hospital patients or for educational or charitable purposes; and

(ii) Neither the individuals who are furnished the services nor any other persons will be charged for the services (and if charged, provision will be made for the return of any monies incorrectly collected).

(b) *Definition of a fund.* For purposes of paragraph (a) of this section, a fund is an organization which has and retains exemption, as a governmental entity or under section 501(c) of the Internal Revenue Code (nonprofit educational, charitable, and similar organizations), from Federal taxation.

(c) *Status of a fund.* A fund approved for payment under paragraph (a) of this section has all the rights and responsibilities of a provider under title XVIII of the Act except that it does not enter into an agreement with the Secretary under § 405.602 and does not have the right and responsibilities arising out of such an agreement.

6. Section 405.520 is revised to read as follows:

§ 405.520 Reimbursement for services of interns, residents, and supervising physicians; general.

(a) Under the health insurance program, aged and disability social security beneficiaries have protection against hospital expenses; the great majority also have protection against medical expenses. This health insurance coverage is intended to provide a substantial measure of freedom to beneficiaries in selecting the hospital settings and physicians of their choice. Whatever the choice, beneficiaries are to be accorded the same status as other paying patients in the setting they choose in regard to the hospital and medical care they are provided.

(b) Many beneficiaries will choose to receive the care they need from hospitals with approved graduate medical education programs and from other institutions where services of interns and residents are provided. Many will receive care in these hospitals as patients of physicians who, in turn, will involve interns and residents in the care of their patients. The basis for reimbursement for such physicians' services depends on the circumstances under which the services are rendered and the nature of the financial obligation to pay for such services.

7. Section 405.521 is revised to read as follows:

§ 405.521 Services of physicians supervising interns and residents.

(a) Under certain circumstances, physicians' services rendered to beneficiaries in a teaching setting are covered under the supplementary medical insurance program and the payment for such services is on the basis of reasonable charges: Where such services are rendered in a hospital during a cost accounting period of the hospital that began prior to July 1, 1973, reasonable charge reimbursement will be provided if the physician was the patient's "attending physician" as that term is defined in paragraph (b) of this section. Where such services are rendered in a hospital during a cost accounting period that began on or after July 1, 1973, reasonable charge reimbursements will be provided only if the patient is the physician's "private patient" as that term is defined in paragraph (c) of this section. In part, it is the intent of these provisions to provide reasonable charge reimbursement in the typical community hospital and other teaching settings where the patients are part of their physicians' private practice, and it is customary for the patients to pay on this basis for the physicians' services they receive. The costs to a hospital for teaching services furnished by a physician in connection with an approved graduate medical education program and, in the case of cost accounting periods beginning on or after July 1, 1973, the costs to a hospital for physicians' patient care services to nonprivate patients and certain related actual and imputed patient care and teaching costs, are allowable in accordance with the principles of reimbursement for provider costs (see paragraph (d) of this section).

(b) In the case of physicians' services rendered to beneficiaries in a teaching setting during a hospital cost accounting period beginning prior to July 1, 1973, payment on the basis of reasonable charges is applicable to the professional services rendered to a beneficiary by his attending physician where the attending physician provides personal and identifiable direction to interns or residents who are participating in the care of his patient. In the case of major surgical procedures and other complex and dangerous procedures or situations, such personal and identifiable direction must include supervision in person by the attending physician. A charge should be recognized under the supplementary insurance program for the services of an attending physician who involves residents and interns in the care of his patient only if his services to the patient are of the same character, in terms of the responsibilities to the patient that are assumed and fulfilled, as the services he renders to his other paying patients. The carrying out by the physician of these responsibilities would be demonstrated by such actions as: Reviewing the patient's history and physical examination and personally examining the patient within a reasonable period after admission; confirming or revising diagnosis; determining the course of treatment to be followed; assuring that any supervision needed by the interns and residents was furnished; and by making frequent reviews of the patient's progress.

(c)(1) In the case of physicians' services rendered during a hospital cost accounting period that began on or after July 1, 1973, where the hospital has or is participating in an approved graduate medical education program, payment on the basis of reasonable charges is applicable to the patient care services rendered to a beneficiary if the beneficiary is a private patient. A private patient relationship is deemed to exist between a patient and his personal physician (i.e., a physician other than a consultant, and a physician in the field of pathology and diagnostic radiology) where the following requirements are met:

(i) If the patient was not admitted on an emergency basis, (A) the patient had been seen by a physician (not an intern or resident other than a "locum tenens," i.e., a resident in a family practice residency program who is practicing in a sponsoring physician's office which is independent of a hospital) prior to being hospitalized; and (B) such physician either served as the patient's personal

physician in the hospital or referred the patient to the person who became his personal physician in the hospital because that physician was better qualified, by reason of his specialty, experience, or other professional reason, to deal with the patient's condition; and

(ii) The patient receives his principal physician services from his personal physician who performs, among other things, those activities enumerated in paragraph (b) of this section; and

(iii) The patient is billed charges for physicians' services in the setting, and reasonable efforts have been made to collect such charges, including applicable deductible and coinsurance amounts. The obligation to pay the billed charges is demonstrated by the fact that during the preceding hospital accounting period at least 50 percent of the physician's patients in the same setting (see paragraph (c)(5) of this section) paid all or a substantial part of his fees from sources other than public assistance programs. (A health insurance patient will be deemed to have paid fees from such private sources only if he paid his supplementary medical insurance deductible and coinsurance relative to those services in full or substantial part from private sources and no greater effort was made to collect the supplementary medical insurance deductible and coinsurance amounts than the amounts due from other patients.) It will be presumed that the requirements in this subparagraph are met with respect to patients who are admitted from a physician's private practice, which is conducted off hospital and medical school premises, where the physician is not compensated by a hospital, medical school, or other entity and he bills his patients and retains the collections.

(2) A private patient relationship will be deemed to exist between a patient and a consulting physician (and a physician in the field of pathology or diagnostic radiology) if the patient is the private patient of his personal physician or if the consulting physician meets the requirements of paragraph (c)(1)(iii) of this section.

(3) It will be presumed that all the patients in a hospital or hospital setting (see paragraph (c)(5) of this section) are private patients if the requirements set forth in either paragraph (c)(3)(i) or (ii) of this section are satisfied.

(i) All of a hospital's inpatients or outpatients will be deemed to be private patients if the hospital establishes that during the 2-year period ending December 31, 1967, and each year thereafter: (A) All the patients have been regularly billed fees by the hospital for services rendered by physicians; (B) reasonable efforts have been made to collect such fees in full from all patients; and (C) charges (including applicable deductibles and coinsurance) have been regularly collected in full or in substantial part from at least 50 percent of all patients.

(ii) All of the patients in a hospital or hospital setting will be deemed to be private patients during a hospital accounting year if: (A) At least 85 percent of the patients in the setting meet the requirements in paragraph (c)(1)(i) and (ii) of this section; (B) it can be shown that during a representative period of at least 4 consecutive months during the previous hospital accounting period, 50 percent or more of the patients in the setting paid the billed physician fees from sources other than public medical assistance programs; a health insurance patient will be deemed to have paid fees from such private sources only if he paid the part B deductible and coinsurance amounts with respect to such services in full or substantial part from private sources and no greater effort was made to collect the health insurance deductible and coinsurance amounts than the amounts due from other patients;

(C) Ability to pay was not a factor in deciding the status of the patients inside the setting or the services provided by various types of practitioners (for example, ability to pay had no bearing within the setting on the assignment of accommodations, or in the respective roles played by residents, interns, and the personal physician in patient care); and (D) assurance is provided that the foregoing requirements will continue to be met in subsequent accounting periods and appropriate arrangements have been made to notify the intermediary as soon as it appears that the foregoing requirements may not be met for any accounting period.

(4) A hospital may elect to be reimbursed exclusively on a reasonable cost basis for patient care services rendered in one or more settings during cost accounting periods beginning on or after July 1, 1973, even though some of its patients in these settings are private patients. The hospital may make this election to receive cost reimbursement only where: (A) the election would reduce the total of benefit payment and administrative costs for which the program would otherwise be liable had the cost option not been elected; and (B) all the physicians who might render patient care services to patients in the setting agree not to bill charges for such services. Such an election may also cover a cost accounting period that began prior to July 1, 1973, where the preceding requirements of this subparagraph are met if procedural difficulties have prevented determinations of the proper amount of fee-for-service reimbursement for the past period.

(5) The status of patients under paragraph (c) (1) and (2)(ii) of this section may be determined on a setting basis in recognition of the fact that in some hospitals patients are assigned geographically, according to their medical needs, ability to pay, or some other criteria that are generally applied by the institution. Quite often, the patients in one geographical setting are primarily private patients, while those in another setting in the same hospital are not. It will be necessary for intermediaries to recognize these differences in order to differentiate among: (i) settings in which all patients may be presumed to be private patients; (ii) settings in which all patients may be considered to be nonprivate patients; and (iii) settings in which private and nonprivate patients are mixed together. To be considered a distinct "setting," the area must be readily identifiable. It may take the form of a separate building, floor, department, unit, wing, treatment center, or room accomodations assigned under an established plan. For example, a hospital that usually serves nonprivate patients may have a special burn, poison, or trauma center that is used by the community at large. In such cases, the special center might qualify as a private patient setting even though the balance of the institution might be treated as a nonprivate patient setting. In other cases, a hospital that principally treats private patients may maintain a ward, an outpatient clinic, or other area for nonprivate patients where the involvement of residents and interns in the care of patients is relatively greater than in the rest of the hospital. Where such distinctions exist between patients in the same hospital, each setting should be considered separately in applying the requirements prescribed in paragraph (c) (1) and (2)(ii) of this section.

(d) It is recognized that there will necessarily be situations where a patient will receive medical services in the teaching setting for which payment on the basis of reasonable charges will not be applicable. For example, there will be instances where it will neither be necessary from the standpoint of the medical needs of the patient nor appropriate from the standpoint of the continuing development of the resident's competence for there to be a supervising physician who carries out the responsibilities referred to in paragraph (b) of this section. Whether or not a physician makes a charge recognized under the supplementary medical insurance program for services to patients which involve the participation of residents or interns, the hospital can receive reimbursement on a cost basis for an appropriate share of the compensation it pays its residents and interns. If the teaching program is an approved education activity of the hospital, reimbursement will also be available on a cost basis in recognition of the services rendered by physicians for which reasonable charge reimbursement is not applicable. In the case of accounting years that begin prior to July 1, 1973, reimbursement is provided on a cost basis to the hospital for an appropriate share of the compensation it pays to physicians for teaching services (as opposed to professional services which contribute to the diagnosis or treatment of the patient) and for other costs of educational programs conducted by the hospital. In the case of subsequent cost accounting periods, cost reimbursement may also be made for patient care services provided to nonprivate patients and, in addition, allowable costs of teaching and patient care may include salary

equivalents where donated services are provided and certain medical school costs. These costs are allowable in accordance with the principles of reimbursement for provider costs (see § 405.451 of Subpart D).

(e) Where there is a question as to whether reimbursement for the services of physicians in a teaching setting should be made on the basis of costs or charges, reimbursement will be made on the basis of costs.

(f) Nothing in the foregoing restricts the disposition of payments for services received either from the health insurance program or from beneficiaries, in accordance with agreements between hospital and physicians.

[FR Doc.73-14795 Filed 7-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-53]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Charleston, W. Va., Control Zone (38 FR 363).

A review of the requirements for the Charleston terminal area requires an alteration of the control zone to conform with the requirements of the Terminal Instrument Procedures (TERPS) criteria.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Charleston, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Charleston, W. Va. control zone and by substituting the following in lieu thereof:

Within a 5.5-mile radius of the center, 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within a 6-mile radius of the center of the Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 2 miles each side of the extended centerline of Runway 5, extending from the 5.5-mile radius to 6.5 miles northeast of the lift-off end of Runway 5; within 1.5 miles each side of the extended centerline of Runway 14, extending from the 5.5-mile radius to 6.5 miles southeast of the lift-off end of Runway 14; within 2 miles each side of the Charleston VORTAC 081° radial, extending from the 5.5-mile radius to 2 miles east of the VORTAC; within 2 miles each side of the extended centerline of Runway 23, extending from the 5.5-mile radius to 6.5 miles southwest of the lift-off end of Runway 23 and within 2 miles each side of the extended centerline of Runway 32, extending from the 5.5-mile radius to 6.5 miles northwest of the lift-off end of Runway 32.

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

Issued in Jamaica, N.Y., on July 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14720 Filed 7-18-73;8:45 am]

[Airspace Docket No. 73-EA-55]

[14 CFR Part 71]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Lakehurst, N.J., Control Zone (38 FR 392) and Wrightstown, N.J., Transition Area (38 FR 603).

Due to a revision of the TACAN instrument approach procedures for NAS Lakehurst, Lakehurst, N.J., the subject control zone and transition area will require revision.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Lakehurst, New Jersey, and Wrightstown, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Lakehurst, N.J. control zone and substituting the following in lieu thereof:

Within a 5-mile radius of the center 40°02'00" N., 74°21'00" W. of NAS Lakehurst, Lakehurst, N.J.; within 3 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to the description of the Wrightstown, N.J. transition area by deleting the following: "within a 12-mile radius of NAS Lakehurst (West Field) (Latitude 40°02'05" N., Longitude 74°21'05" W.)" and by substituting the following in lieu thereof:

* * * within a 9.5-mile radius of the center, 40°02'00" N., 74°21'00. W. of NAS Lakehurst, N.J.; within a 13-mile radius of the Navy Lakehurst TACAN, extending clockwise from the Navy Lakehurst TACAN 310° radial to the 148° radial; within 5 miles each side of the Coyle VORTAC 031° radial, extending from the Coyle VORTAC to 13 miles northeast; within 5 miles each side of the Robbinsville VORTAC 148° radial, extending from the Robinsville VORTAC to 18.5 miles southeast; within 3 miles southwest and five miles northeast of the Navy Lakehurst TACAN 148° radial, extending from the TACAN to 14 miles southeast; within 3.5 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the RBN to 11.5 miles northeast.

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

Issued in Jamaica, N.Y., on July 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14722 Filed 7-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-54]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Coatesville, Pa., Transition Area (38 FR 464).

A review of the airspace requirements for the Coatesville terminal area requires an alteration of the transition area to conform with the requirements of the Terminal Instrument Procedures (TERPS) criteria.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

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

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations by deleting the description of the Coatesville, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°58'40" N., 75°51'44" W., of Chester County G. O. Carlson Airport, Coatesville, Pa., extending clockwise from a 024° bearing to a 231° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 231° bearing to a 024° bearing from the airport; within 3.5 miles each side of a 283° bearing from the Coatesville RBN (39°59'32" N., 75°56'32" W.), extending from the 6-mile radius arc to 11.5 miles west of the RBN; within 4.5 miles south and 6.5 miles north of the Modena VORTAC 095° and 275° radials, extending from 11.5 miles east to 5.5 miles west of the VORTAC; within 5 miles each side of the Modena VORTAC 293° radial extending from the VORTAC to 11 miles northwest of the VORTAC, excluding the portion that coincides with the Toughkenamon, Pa. transition area.

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

Issued in Jamaica, N.Y., on July 10, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14721 Filed 7-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-21]

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 Great Bend, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 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. 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A study of the existing designated airspace to protect the NDB Runway 11 instrument approach to the Great Bend, Kansas Municipal Airport has recently been accomplished. Based on this review, it has been determined that alteration of the Great Bend, Kansas transition area is necessary to adequately protect aircraft executing this approach procedure.

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:

GREAT BEND, KANSAS

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Great Bend Municipal Airport (latitude 38°20'50" N, longitude 98°51'47" W) and within 2 miles each side of the 301° bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upwards from 1,200 feet above the surface within 5 miles NE and 9.5 miles SW of the 301° bearing from the airport extending from 6.5 miles SE to 18.5 miles NW of the airport.

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 Kansas City, Missouri on June 27, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14723 Filed 7-18-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 128]

POLLUTANTS IN PUBLICLY OWNED TREATMENT WORKS

Pretreatment Standards

Pursuant to the authority delegated in section 307(b) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), notice is hereby given that the Environmental Protection Agency proposes to issue standards for pretreatment of pollutants introduced into publicly owned treatment works.

Under section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) To protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Section 128.131 of the proposed regulations is designed to achieve the purpose of protecting the operation of publicly owned treatment works. Section 128.133 is designed to prevent the discharge of pollutants which pass through publicly owned treatment works inadequately treated. Section 128.133 is based on the premise that pollutants which pass through publicly owned treatment works in amounts greater than would be permitted if the user discharged directly to the receiving waters are inadequately treated. On the basis of this premise, § 128.133 requires users discharging incompatible pollutants to publicly owned treatment works to adopt best practicable control technology currently available, as defined by the Administrator pursuant to section 304(b) of the Act, subject to a credit for the percentage of removal to which the publicly owned treatment works is commited in its permit. To insure the basis for allowing such credit, a commitment with respect to percentage removal of an industrial pollutant will be included in the permit at the request of a municipality where a basis for such commitment can be demonstrated.

In some cases, these pretreatment standards may not be sufficient to protect the operation of a publicly owned treatment works or to enable the treatment works to comply with the terms of its NPDES permit. This may be the case, for example, when the terms of the permit for the publicly owned treatment works are dictated by water quality standards or toxic standards. In such cases, the State or municipality may have to impose more stringent pretreatment standards under State or local laws than are specified in these regulations

to enable compliance with NPDES permits issued to publicly owned treatment works.

Pretreatment guidelines will be published, pursuant to section 304(f) of the Act, to assist the States and municipalities in establishing their own pretreatment requirements. When published, the guidelines will be made available through the Environmental Protection Agency Regional Offices.

Interested parties are encouraged to submit written comments, views, or data concerning the regulations proposed herein, to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions, received on or before September 4, 1973, will be considered prior to promulgation of final regulations. If, during the period for written submissions, it is deemed necessary that public hearings be held notice of such hearings will be published in the FEDERAL REGISTER.

ROBERT W. FRI,
Acting Administrator.

JULY 13, 1973.

PART 128—PRETREATMENT STANDARDS

Sec.

128.100 Purpose.
128.101 Applicability.
128.110 State or local law.
128.120 Definitions.
128.121 Compatible pollutant.
128.122 Incompatible pollutant.
128.123 Joint treatment works.
128.124 Major contributing industry.
128.125 Pretreatment.
128.130 Pretreatment standards.
128.131 Prohibitions.
128.132 Compatible pollutants.
128.133 Incompatible pollutants.
128.140 Time for compliance.

§ 128.100 Purpose.

The provisions of this part implement section 307(b) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) hereinafter referred to as "the Act".

§ 128.101 Applicability.

The standards set forth in § 128.131 apply to all non-domestic users of publicly owned treatment works. The standard set forth in § 128.133 applies only to major contributing industries.

§ 128.110 State or local law.

Nothing in this part shall affect any pretreatment requirement established by any State or local law not in conflict with any standard established pursuant to this Part. In particular cases, a State or municipality, in order to meet the effluent limitations in a NPDES permit for a publicly owned treatment works may find it necessary to impose pretreatment requirements stricter than those contained herein.

§ 128.120 Definitions.

Definitions of terms used in this part are as follows:

§ 128.121 Compatible pollutant.

For purposes of establishing Federal requirements for pretreatment pursuant to § 128.133, the term "compatible pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria.

§ 128.122 Incompatible pollutant.

The term "incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in § 128.121.

§ 128.123 Joint treatment works.

Treatment works for both non-industrial and industrial wastewater.

§ 128.124 Major contributing industry.

A major contributing industry is one that: (a) Has a flow of 50,000 gallons or more per average work day; (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Act, or (d) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

§ 128.125 Pretreatment.

Treatment of wastewaters from sources before introduction into the joint treatment works.

§ 128.130 Pretreatment standards.

The following sections set forth pretreatment standards for pollutants introduced into publicly owned treatment works.

§ 128.131 Prohibitions.

No discharge to publicly owned treatment works shall contain the following described materials:

(a) Wastes which create a fire or explosion hazard in the publicly owned treatment works.

(b) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0.

(c) Solid or viscous substances in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(d) Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

§ 128.132 Compatible pollutants.

Except as required by § 128.131, pretreatment for removal of compatible pollutants is not required by these regulations. However, States and municipalities may require such pretreatment pursuant to section 307(b)(4) of the Act.

§ 128.133 Incompatible pollutants.

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

§ 128.140 Time for compliance.

Any owner or operator of any source to which the pretreatment standards required by this Part are applicable, shall be in compliance with such standards within three years from the date of promulgation of this part.

[FR Doc.73-14791 Filed 7-18-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 73-40]

COMMON CARRIERS BY WATER IN DOMESTIC OFFSHORE COMMERCE OF U.S.

Filing of Tariffs

Notice is hereby given that the Federal Maritime Commission is considering the revision of Part 531 of this Chapter which contains the regulations governing the contents of tariff publications by common carriers by water in the domestic offshore commerce of the United States.

Part 531 became effective October 4, 1963. The purpose of the Part was to provide regulations governing the contents of tariff publications by common carriers by water in the domestic offshore commerce of the United States. The Commission has now had several years experience working with the tariffs filed under the existing rules, and has determined that due to containerization of cargo an additional rule is necessary to insure the propriety of payments to carriers when such carriers name rates and charges applicable to cargo moving in containers.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 USC 553), section 18(a) and 43 of the Shipping Act, 1916 (46 USC 817a and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 USC 843), notice is hereby given that the Federal Maritime Commission is considing amending § 531.5 by adding a new paragraph (j) reading as follows:

§ 531.5 Contents of tariff publications.

* * * * *

(j) Tariffs which publish rates and/or charges on containerized cargo must provide that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) which are as shown on designated pages of the freight rate tariff, or that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) as listed in a governing tariff. Freight charges based upon a per container unit are subject to the container specifications provided in the rate item(s). Where container(s) of a different specification than that provided in the rate item(s) are permitted, the unit freight charge shall be adjusted by either a formula or a conversion table. If a conversion table is published, the capacity increments must be of a reasonable size and may not be open ended as to either a maximum or minium capacity. The specifications of containers shall include the identification of the container by serial number or similar identification device, the dimensions of the container, viz: inside and outside, length, height and width and the cubic capacity stated in feet or meters as well as the light weight and maximum load weight stated in pounds or kilos. For the purpose of this rule a container shall also include trailer(s).

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 10, 1973, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before August 24, 1973, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before September 3, 1973.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-14844 Filed 7-18-73;8:45 am]

[46 CFR Part 536]

[Docket No. 73-39]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF U.S.

Filing of Tariffs

Notice is hereby given that the Federal Maritime Commission is considering the revision of Part 536 of this Chapter which contains the regulations governing the contents of tariff publications by common carriers by water in the foreign commerce of the United States and by conferences of such carriers.

Part 536 became effective July 1, 1965. The purpose of the Part was to provide regulations governing the contents of tariff publications by common carriers by water in the foreign commerce of the United States and by conferences of such carriers. The Commission has now had several years experience working with the tariffs filed under the existing rules, and has determined that due to containerization of cargo an additional rule is necessary to insure the propriety of payments to carriers when such carriers or conferences of such carriers name rates and charges applicable to cargo moving in containers.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 USC 553) and sections 18(b) and 43 of the Shipping Act, 1916 (46 USC 817b and 841(a)), notice is hereby given that the Federal Maritime Commission is considering amending subparagraph (9) of § 536.4(b) by the addition of a new subdivision (x) reading as follows:

§ 536.4 Contents of tariffs.

(b) * * *

(9) * * *

(x) Tariffs which publish rates and/or charges on containerized cargo must provide that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) which are as shown on designated pages of the freight rate tariff, or that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) as listed in a governing tariff.

Freight charges based upon a per container unit are subject to the container specifications provided in the rate item(s). Where container(s) of a different specification than that provided in the rate item(s) are permitted, the unit freight charge shall be adjusted by either a formula or a conversion table. If a conversion table is published, the capacity increments must be of a reasonable size and may not be open ended as to either a maximum or minimum capacity.

The specifications of containers shall include the identification of the container by serial number or similar identification device, the dimensions of the container, viz: inside and outside, length, height and width and the cubic capacity stated in feet or meters as well as the light weight and maximum load weight stated in pounds or kilos. For the purpose of this rule a container shall also include trailer(s).

and quantify the metabolities of the par-

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 10, 1973, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before August 24, 1973, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before September 3, 1973.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-14843 Filed 7-18-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-455]

STATEMENTS AND REPORTS

Imputed Rate of Return on Jurisdictional Rate Base; Termination of Rulemaking Proceeding

JULY 12, 1973.

Revisions to FPC Annual Report Form No. 2 to obtain allocation of costs between jurisdictional and non-jurisdictional pipeline operations to determine the imputed rate of return on jurisdictional rate base.

On September 21, 1972, the Commission issued in this docket a notice of proposed rulemaking proposing to amend FPC Annual Report Form No. 2 to require all reporting Class A and B pipelines to allocate total company costs and rate base between jurisdictional and nonjurisdictional operations (37 FR 20260, Sept. 28, 1972). The purpose of the proposed new reporting requirements was to permit the determination of an imputed rate of return earned by the reporting pipeline solely on its jurisdictional natural gas operations for each calendar year. In response to the rulemaking notice, a number of parties submitted comments for the Commission's consideration. Eleven potentially affected natural gas pipelines submitted comments in opposition to the proposed rulemaking.[1] Opposing comments were also filed by the American Gas Association and the Independent Natural Gas Association of America (INGAA). A majority

[1] Arkansas Louisiana Gas Company, Colorado Interstate Gas Company, Columbia Gas Transmission Corporation, El Paso Natural Gas Company, Iowa-Illinois Gas and Electric Company, Mississippi River Transmission Corporation, Northern Natural Gas Company, Pacific Gas Transmission Company, Southern Natural Gas Company, Tennessee Gas Pipeline Company, and United Gas Pipeline Company.

of responding pipelines adopted the comments submitted by INGAA. The only response favorable to the proposed rulemaking was that submitted by the General Service Administration.

The numerous comments in opposition to the proposed rulemaking stress the fact that cost allocations based on unadjusted annual book data without normalizing or other necessary ratemaking adjustments would render the resulting imputed jurisdictional rate of return inaccurate and misleading. The parties further observe, quite correctly, that if the appropriate rate-making adjustments are made, the result would be to require the annual filing of a fully allocated and adjusted cost study essentially identical to that required in support of proposed rate increases under section 4 of the Natural Gas Act. In addition, the parties point out that pursuant to the requirements of Commission's Order Nos. 452 and 452–A and § 154.38 (d) (4) of the Commission's Regulations issued thereunder, each pipeline having an approved Purchased Gas Adjustment (PGA) clause is required to file with the Commission at least once every three years a complete cost-of-service study, including jurisdictional-nonjurisdictional allocations.

Upon review and further consideration of the additional reporting requirements proposed by this rulemaking, and giving consideration to the pertinent comments filed herein, we find that this proposed rulemaking should not be implemented. We agree that any attempt to determine an imputed jurisdictional rate of return without provision for necessary test year adjustments, elimination of nonrecurring cost items, or the proper annualization of expenses, revenues, and rate base items, would lead to misleading and inaccurate results. On the other hand, to require the necessary ratemaking adjustments would amount to requiring the filing of a complete rate case each year by every Class A and B pipeline, a result which we think is unreasonable and which we did not intend. Even if we were to require such an annual submittal via Form 2, such a filing would amount to nothing more than the reporting company's statement of its position on many complex and disputed allocation and test-year adjustment issues. We believe instead that the issues involving the allocation of costs and the determination of earned rates or return should continue to be considered in a rate-making context and on a case-by-case basis as such cases arise under sections 4 and 5 of the Natural Gas Act. We are also mindful of the fact that virtually all of the major interstate trunklines have approved PGA clauses[2] and are thus subject to the requirements of § 154.38(d)(4) of the Regulations requiring the filing of a complete cost of service at least once every three years. The reporting requirements proposed in this docket would be largely duplicative as to those pipelines having approved PGA clauses.

The General Services Administration, while supporting in general terms the overall objectives of the proposed rulemaking, does not address the fundamental issue concerning the reliability of the imputed rate of return data proposed to be required. As we have noted the proposed imputed rate of return data would be inaccurate and misleading in the absence of a comprehensive annual rate-type filing by each pipeline. We agree with the need to review and monitor the rates of return earned by pipelines on their jurisdictional operations, but believe, on balance, that such determination should be undertaken in the context of rate proceedings.

For the reasons stated, we find that the proposed rulemaking in this docket is not in public interest and should therefore not be implemented. Accordingly, the rulemaking will be terminated.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

(A) Effective upon issuance of this order, the proposed rulemaking in Docket No. R–455 is terminated.

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

By the Commission.

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

[FR Doc.73-14850 Filed 7-18-73;8:45 am]

[2] Major interstate pipelines having approved PGA causes include Alabama-Tennessee Natural Gas Company, Cities Service Gas Company, Colorado Interstate Gas Company, Columbia Gas Transmission Corporation, El Paso Natural Gas Company, Florida Gas Transmission Company, Great Lakes Gas Transmission Company, Michigan Wisconsin Pipe Line Company, Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Southern Natural Gas Company, Texas Eastern Transmission Corporation, Texas Gas Pipe Line Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Trunkline Gas Company, and United Gas Pipe Line Company.

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.

FEDERAL POWER COMMISSION

[Docket No. G-13633, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications and Petitions [1]

JULY 9, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 30, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-13633..... D 2-12-73 [4]	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Monroe Field, Morehouse Parish, La.	[3]	.....
CI60-87..... D 6-21-73	Felmont Oil Corp., P.O. Box 1855, Midland, Tex. 79701.	Transwestern Pipeline Co., Artesia Area, Eddy County, N. Mex.	[3]	.....
CI61-1542..... E 6-5-73	Pecos Co. (successor to Northwest Production Corp.), El Paso Natural Gas Bldg., El Paso, Tex. 79901.	El Paso Natural Gas Co., Barnhart Gasoline Plant, Reagan County, Tex.	[6] 19.3278	14.65
CI62-825..... D 6-22-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Rojo Caballos Field, Pecos County, Tex.	Unproductive	.....
CI68-676..... D 6-22-73	Mobile Oil Corp.....	El Paso Natural Gas Co., Flora Vista Field, San Juan County, N. Mex.	[3]	.....
CI71-884..... C 6-11-73 [8]	Pioneer Gas Products Co., P.O. Box 511, Amarillo, Tex. 79163.	Lone Star Gas Co., Madill Plant, Marshall County, Okla.	18.0	14.65
CI71-885..... D 6-22-73	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Parc Perdue Field, Vermilion Parish, La.	Unproductive	.....
CI73-127..... C 6-25-73 [7]	Suburban Propane Gas Corp., P.O. Box 206, Whippany, N.J. 07981.	Northern Natural Gas Co., Davidson Ranch Area, Crockett County, Tex.	[6] 36.0	14.65
CI73-730..... (CI60-578) F 6-22-73 [9]	Herman Geo. Kaiser (Operator), et al. (successor to Exxon Corp.), 4120 East 51st St., Tulsa, Okla. 74135.	Panhandle Eastern Pipeline Co., Mocane-Laverne Field, Beaver County, Okla.	[10] 19.8290	14.65
CI73-737..... (CI67-152) F 6-22-73 [9]	Herman Geo. Kaiser (Operator), et al. (successor to Sun Oil Co.).	Panhandle Eastern Pipeline Co., South Peek Field, Ellis County, Okla.	[10] 19.33231	14.65
CI73-738..... (CI67-343) F 6-22-73 [11]	Herman Geo. Kaiser (Operator), et al. (successor to Odessa Natural Corp.).	.....do.....	[10] 17.29733	14.65
CI73-778..... (CI64-921) F 6-7-73 [12]	Kenneth D. Luff (successor to Champlin Petroleum Co.), 520 Patterson Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Patrick Draw Area, Sweetwater County, Wyo.	22.94	14.65
CI73-881 (G-10990) F 6-11-73	Harry W. Brennan, Jr. (successor to Franklin Jones, Jr.), 508 Petroleum Bldg., Longview, Tex. 75601.	United Gas Pipe Line Co., Bethany Field, Panola and Harrison Counties, Tex.	[13] 12.37	14.65
CI73-884 (G-11543) B 6-13-73	Lamar Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	Natural Gas Pipeline Co., Twin (Morrow) Field, Hansford County, Tex.	Depleted	.....
CI73-888..... (G-11035) B 6-14-73	Prudential Drilling Co., 5051 Westheimer, Houston, Tex. 77027.	Texas Gas Pipeline Corp., Marrs McLean and Gilbert Woods Fields, Jefferson County, Tex.	Depleted	.....
CI73-890..... A 6-14-73	Jones & Pellow Oil Co., 2821 Northwest 50th St., Oklahoma City, Okla. 73112.	Michigan Wisconsin Pipe Line Co., Herbert Fast Unit, Major County, Okla.	[6] 28.0	14.65
CI73-895..... (G-8684) B 6-15-73	Flora A. Maze Gas Co., C. W. & L. W. Beecher, agents, 6920 North 16th St., Omaha, Nebr. 68112.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	Uneconomic	.....
CI73-896..... (G-8287) B 6-15-73	C. W. Beecher & L. W. Beecher, 6920 North 16th St., Omaha, Nebr. 68112.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Unproductive	.....
CI73-897..... (G-6816) B 6-15-73	R. D. Nester Oil & Gas Co., C. W. & L. W. Beecher, agents, 6920 North 16th St., Omaha, Nebr. 68112.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Uneconomic	.....
CI73-905..... A 6-21-73 [14]	Felmont Oil Corp., P.O. Box 1855, Midland, Tex. 79701.	Transwestern Pipeline Co., Artesia Area, Eddy County, N. Mex.	[6] 35.0	14.65
CI73-906..... (G-13943) B 6-22-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	United Gas Pipe Line Co., North Indian Hill Field, Montgomery County, Tex.	Depleted	.....
CI73-908..... (CI68-935) B 5-29-73	San Juan Exploration Co., P.O. Box 458, Harleton, Tex. 75651.	Texas Eastern Transmission Corp., H. A. Dunn Well No. 1, Harrison County, Tex.	Depleted	.....
CI73-911..... (CI68-513) B 6-19-73	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipe Line Co., North Kent Bayou Field, Terrebonne Parish, La.	Cessation of production	.....
CI73-913..... A 6-22-73 [15]	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., McCaughtry Unit No. 1, Grady County, Okla.	[6] 21.315	14.65
CI73-915..... (CI62-203) F 6-18-73	Gill-Mac, Inc. successor to Seneca Oil Co.,) Box 316, Wakita, Okla. 73771.	Cities Service Gas Co., Wakita Eureka Field, Grant County, Okla.	15.0	14.65
CI73-916..... (CI64-1093) F 6-18-73	Gill-Mac, Inc (successor to Mineral Mining Co.).	.....do.....	15.0	14.65
CI73-917..... (CI65-689) B 6-18-73	Weva Oil Corp., 608 Main St., Hingham, Mass. 02043.	Consolidated Gas Supply Corp., Spring Creek District, Wirt County, W. Va.	Uneconomic	.....
CI73-919..... A 6-25-73	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Cities Services Gas Co., Mathers Ranch Area, Hemphill County, Tex.	[6] 21.5	14.65
CI73-923..... A 6-25-73	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Koon Gas Unit, La Plata County, Colo.	[6] 28.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This application was originally assigned docket No. CI73-540 and noticed as an abandonment on May 16, 1973, in docket No. G-14116 et al. It is being renoticed to show that it is an application to delete acreage.
[2] Gas lease on acreage covered by contract has been released to land owner.
[3] Felmont proposes to delete acreage which is now covered by a new contract related to the authorization requested in docket No. CI73-906. Felmont has agreed to participate in the drilling of a gas well on the subject acreage and Transwestern, in return, has canceled the original contract insofar as it covered said acreage and entered into a new contract.
[4] Rate in effect subject to refund in docket No. RI70-62.
[5] Acreage assigned to J. Gregory Merrion and Robert L. Bayless.
[6] Applicant proposes to sell residue gas from gas purchased from producers who presently sell gas to Lone Star Gas Co. Lone Star has assigned its gas purchase contracts and gathering facilities to applicant and applicant will use the facilities to continue to gather gas. Lone Star has filed an application in docket No. CP73-30 for permission and approval to abandon the facilities. Applicant does not regard the facilities as being jurisdictional.
[7] This is an amendment to a pending certificate application.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Being renoticed to reflect a change in price. Originally noticed on May 18, 1973, in docket No. G-12094 et al.
[10] Subject to upward B.t.u. adjustment.
[11] Being renoticed to reflect a change in price. Originally noticed on June 25, 1973, in docket No. G-12101 et al.
[12] Being renoticed to reflect a change in price. Originally noticed on May 31, 1973, in docket No. G-8820 et al.
[13] Includes ½ percent tax reimbursement.
[14] Felmont proposes to initiate sales of gas from acreage previously covered by authorization in docket No. CI60-87. Felmont has agreed to participate in the drilling of a gas well on the subject acreage and Transwestern, in return, has canceled the original contract insofar as it covered said acreage and entered into a new contract.
[15] Applicant proposes to continue the sale of natural gas heretofore made under the contract, which has now expired, on file as its FPC Gas Rate Schedule No. 24.
[8] *Supra.*
[16] Applicant proposes to continue the sale of natural gas heretofore made under the contract, which has now expired, on file as its FPC Gas Rate Schedule No. 24.

[FR Doc.73-14677 Filed 7-18-73;8:45 am]

[Docket Nos. RI73-322, *et al.*]

RATE CHANGES

Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund [1]

JULY 10, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the Date Suspended Until column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[2]		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI73-322	Phillips Petroleum Co.	65	21	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex., Permian Basin).	$5,744	6-6-73	[3]	8-7-73	19.4368	19.9483	RI72-265.
	do	151	16		911	6-6-73	[3]	8-7-73	19.4368	19.9483	RI72-265.
	do	315	10	El Paso Natural Gas Co., (Spraberry Field, Reagan County, Tex., Permian Basin).	25	6-6-73	[3]	1-1-74	20.8536	21.3623	RI72-265.
	do	309	17	El Paso Natural Gas Co., (Amacker-Tippett Field, Upton County, Tex., Permian Basin).	128	6-6-73	[3]	8-7-73	17.8019	18.3105	RI72-265.
	do	300	12	El Paso Natural Gas Co., (Noelke Field, Crockett County, Tex., Permian Basin).	81	6-6-73	[3]	8-7-73	18.3105	18.8191	RI72-265.
	do	47	[4] 18	El Paso Natural Gas C., (Jack Herbert Field, Upton County, Tex., Permian Basin).	503	6-6-73	[3]	8-7-73	17.8019	18.3105	RI72-265.
RI73-323	Cities Service Oil Co.	382	[5] 7	El Paso Natural Gas Co., (Washington Ranch Morrow Pool, Eddy County, N. Mex., Permian Basin).		6-11-73	7-12-73	[6] Accepted	[7] [8] 30.03		RI73-76, RI73-49.
	do		[4] 8	do	1,124	6-11-73	[3]	12-12-73	[8] 30.03	[4] 35.35	RI73-76, RI73-49.
RI73-324	Exxon Corp.	276	10	Transwestern Pipeline Co., (Bell Lake Field, Lea County, N. Mex., Permian Basin).	3,186	6-11-73	[3]	2-1-74	21.1016	23.6136	RI70-870.
RI73-325	Hunt Oil Co.	71	1	Northern Natural Gas Co., (Elsmore Field, Pecos County, Tex., Permian Basin).	15,000	6-8-73	[3]	1-1-74	27.0	28.25	

[2] Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[3] Applicable to production from Dodson "B" No. 1 well and sold pursuant to provisions set forth in Phillips Rate Schedule No. 309 as provided by letter dated Nov. 2, 1972.
[4] Letter agreement providing that seller will construct facilities to connect Government "M" No. 1 well, which does not meet contract connection qualifications, to buyers gathering facilities with a corresponding 5 cents per Mcf increase for gas so delivered.
[5] Includes quality adjustment.
[6]
[7] Applicable only to production from Government "M" No. 1 well as set forth in supplemental No. 4.
[8] Accepted to be effective as of the date shown in the "Effective Date" column.

APPENDIX A

The proposed increases of Phillips Petroleum Company under FPC Gas Rate Schedule No. 65, Cities Service Oil Company, Exxon Corporation and Hunt Oil Company exceed the rate limit for a one day suspension and, are, therefore, suspended for five months from the expiration of the statutory notice or the contractual effective date, whichever is later.

The remaining proposed increases do not exceed the rate limit for a one day suspension and are suspended for one day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-14675 Filed 7-18-73;8:45 am]

[Rate Schedule Nos. 8, *et al.*]

SUN OIL CO. et al.
Rate Change Filings

JULY 9, 1973.

Take notice that the producers listed in the Appendix below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 25, 1973	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	8	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.
June 28, 1973	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	78	Tennessee Gas Pipeline Co.	Do.
Do	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	18	United Gas Pipeline Co.	Other southwest area.

[FR Doc.73-14678 Filed 7-18-73;8:45 am]

[Docket No. RI73-321]

UNION OIL COMPANY OF CALIFORNIA
Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 10, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the Date Suspended Until column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73-321	Union Oil Co. of California	206	[1] 5	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex., Permian Basin).	$6,568	6-7-73	.....	1-24-74	[2] 26.85	[2] 27.20	RI73-7.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Applicable to Gomez Field only.
[2] Subject to B.t.u. adjustment.

The proposed increase of Union Oil Company of California exceeds the rate limit for one day suspension, and, is, therefore, suspended for five months from the contractual effective date.

Union's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, section 2.56).

Nothing contained in this order shall relieve respondent of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-14676 Filed 7-18-73;8:45 am]

[Docket No. ID-1704 and 1705]

WARREN A. GRETEN AND WALTER F. FEE

Notice of Applications

JULY 11, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1704	Warren A. Greten	June 18, 1973	The Connecticut Light and Power Company. The Hartford Electric Light Company. Western Massachusetts Electric Company. Holyoke Water Power Company. Holyoke Power and Electric Company.
1705	Walter F. Fee	June 18, 1973	The Connecticut Light and Power Company. The Hartford Electric Light Company. Western Massachusetts Electric Company. Holyike Water Power Company. Holyoke Power and Electric Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14729 Filed 7-18-73;8:45 am]

[Docket No. ID-1676 etc.]

JAMES E. GRIFFIN ET AL.

Notice of Applications

JULY 12, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1676	James E. Griffin	June 18, 1973	Central Vermont Public Service Corporation. Vermont Electric Power Company. Connecticut Valley Electric Company, Incorporated. Vermont Yankee Nuclear Power Corporation. Maine Yankee Atomic Power Company. Yankee Atomic Electric Company.
1698	Virginia S. Papineau	June 7, 1973	Central Vermont Service Corporation. Vermont Electric Power Company, Incorporated.
1703	Donald L. Rushford	June 18, 1973	Central Vermont Public Service Corporation. Vermont Electric Power Company, Incorporated. Connecticut Valley Electric Company, Incorporated.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14733 Filed 7-18-73;8:45 am]

[Docket No. CI73-456 etc.]

ECEE, INC. ET AL.

Extension of Time and Postponement of Hearing

JULY 11, 1973.

In the matter of Ecee, Inc., Pinto, Inc., Texas Production Company, Pennzoil Offshore Gas Operators, Inc., The Offshore Company, Southern Natural Gas Company; Docket No. CI73-456, Docket No. CI73-455, Docket No. CI73-454, Docket Nos. CI73-477 and CI73-456, Docket No. CI72-773, and Docket No. CP72-259.

On July 10, 1973, Ecee, Inc., Pinto, Inc., and Texas Production Company filed a joint telegram requesting an extension of the procedural dates set by order issued July 3, 1973, in the above-designated proceedings.

Upon consideration, notice is hereby given that the procedural dates in the above-designated proceedings are modified as follows:

Service of direct testimony and evidence by applicants and all intervenors supporting the applications July 13, 1973
Service of direct testimony and evidence by Commission Staff and all intervenors opposing the application July 17, 1973
Service of all rebuttal testimony and evidence July 20, 1973
Hearing July 23, 1973 (10:00 a.m., EDT)
Completion of Hearing On or before July 26, 1973

In accordance with the provisions of the order issued July 3, 1973, the Administrative Law Judge's decision shall be rendered on or before August 10, 1973.

All briefs on exceptions shall be due on or before August 17, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14731 Filed 7-18-73;8:45 am]

[Docket No. CI74-2]

EXXON CORP.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI74-2 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 United Gas Pipe Line Company from the Arp Field Area, Smith County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an average daily volume of up to 2,000 Mcf of gas for one year at 50.0 cents per Mcf at 14.65 psia within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Initial deliveries are estimated at 60,000 Mcf 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 26, 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.73-14727 Filed 7-18-73;8:45 am]

[Docket No. CI74-3]

FRANKS PETROLEUM INC.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Franks Petroleum Inc. (Applicant), P.O. Box 7665, Shreveport, Louisiana 71107, filed in Docket No. CI74-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company and delivery of said gas to Beacon Gasoline Company from the Chalybeat Springs Field, Columbia County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-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 all the available gas at 48.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment. Initial deliveries are expected to be approximately 4,500 Mcf 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 26, 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.73-14738 Filed 7-18-73;8:45 am]

[Docket No. E-8301]

IDAHO POWER CO.

Notice of Initial Rate Schedule

JULY 13, 1973.

Take notice that on July 2, 1973, Idaho Power Company (Idaho) tendered for filing an agreement between itself and Portland General Electric Company (Portland) dated September 25, 1972 as an initial rate schedule. Idaho states that the agreement provides that Idaho will stand ready to supply to Portland during light load hours surplus energy which Idaho will either generate as surplus energy on its own system or will be generated by Utah Power and Light Company and transmitted to Idaho. Idaho requests an effective date of October 1, 1973 and contemplates that the agreement will remain in effect until March 31, 1974.

Any person desiring to be heard or to protest 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 Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. 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.73-14728 Filed 7-18-73;8:45 am]

[Docket No. CI73-931]

LONE STAR PRODUCING CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Lone Star Producing Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CI73-931 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) 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 of America from the E.R. Baden No. 1 Well, Beckham County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell up to 6,000 Mcf of gas per month as 42.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated January 15, 1973. Said contract provides for a 1.0-cent per Mcf price escalation each year, for tax reimbursement to the seller for all additional taxes which are being levied on the date of the contract, and for a term of 20 years.

Applicant states that the gas offered for certification pursuant to said contract has not been previously sold in the interstate market, nor have any applications been previously filed with the Commission for certification of the sale of such gas.

Applicant states that it spent $6,500,000 in drilling the world's deepest well in search for gas reserves and that the instant sale from said well is a salvage

operation to recover a portion of the large expenditures incurred therein. Applicant asserts that the instant sale at the proposed initial rates with escalations are reasonable in light of recently executed contracts for the sale of gas from the same area which call for prices of 50.0 cents per Mcf of gas, and that the cant also asserts that the price on the interstate market is in the neighborhood of 50.0 cents pe Mcf of gas, and that the instant sale will be less costly to consumers than synthetic natural gas from liquefied hydrocarbons and coal gasification and imported liquefied natural 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 23, 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.73-14726 Filed 7-18-73;8:45 am]

PROVIDENCE GAS CO. AND BROCKTON TAUNTON GAS CO.

Notice of Conference

JULY 12, 1973.

Take notice that representatives of Providence Gas Company and Brockton Taunton Gas Company by telegram dated July 9, 1973, have requested a meeting with members of the FPC staff on Tuesday, July 17, 1973. The companies state that the purpose of the meeting is to seek staff guidance with regard to steps they should take to achieve appropriate regulatory approval, in a timely fashion, of a proposed purchase of Liquified Natural Gas (LNG) during the current summer period from the Philadelphia Gas Works. The meeting will be held at 10:00 a.m., e.d.t., in Room 7000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14730 Filed 7-18-73;8:45 am]

[Project 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Application for Approval of Non-Project Use of Project Lands

JULY 12, 1973.

Public notice is hereby given that application for approval of non-project use of project lands has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, Santee-Cooper, Moncks Corner, South Carolina 29461) in Project No. 199 located on the Santee River and the Cooper River. The project affects navigable waters of the United States.

Applicant has requested Commission approval of the development of 74-acre Pintail Island, located in Berkeley County at the lower tip of Lake Marion, adjacent to and south of the project diversion canal, into a low-density residential and recreational area. The development would include 92 single-family homesites, five public areas, a 30-foot-wide shoreline buffer zone, roadways, an access bridge-causeway to the mainland, and utilities.

The homesites (20,000 square foot minimum) would be leased from Applicant, and residential construction would be of a permanent type not smaller than 1,000 square feet. Utilities would include a waste treatment plant on an adjacent island northeast of the main island with a capacity for treating 40,000 G.P.D. of domestic sewage. Effluent from the plant would be discharged through an 800-foot-long submerged line into the deep water of the project diversion canal.

Public recreational areas would include boat ramps, docks and/or picnic areas. Applicant states that no commercial development or individual docks and boat launching at homesites would be permitted.

Any person desiring to be heard or to make protest with reference to said application should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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.73-14736 Filed 7-18-73;8:45 am]

[Docket No. CI73-936]

SOUTHLAND ROYALTY CO.

Notice of Application

JULY 12, 1973.

Take notice that on June 28, 1973, Southland Royalty Company (Applicant), 1600 First National Bank Building, Forth Worth, Texas 76102, filed in Docket No. CI73-936 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Mathers Ranch Field, Hemphill County, Texas, 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 June 22, 1972, 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 one year from the end of the sixty-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 66,000 Mcf of gas per month at 45.00 cents per Mcf at 14.65 psia, subject to upward and downward Btu 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 25, 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.73-14735 Filed 7-18-73;8:45 am]

[Docket No. CI74-1]

SUN OIL CO.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI74-1 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Texas County, Oklahoma, 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 June 20, 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 one year from the end of the sixty-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 1,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, but states that it is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf. Initial deliveries are estimated at 30,000 Mcf 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 25, 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.73-14737 Filed 7-18-73;8:45 am]

[Docket No. CI74-4]

W. S. ETCHIESON AND J. B. WATKINS

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, W. S. Etchieson and J. B. Watkins (Applicants), P.O. Box 188, Borger, Texas 79007, filed in Docket No. CI74-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipeline Company from the West Panhandle Field, Carson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year after the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to sell up to 3,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment with upward adjustment limited to 1,200 Btu per cubic foot. Sales volume is estimated at 60,000 Mcf of gas 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 26, 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 section 7 and 15 of the Natural Gas Act and the the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14732 Filed 7-18-73;8:45 am]

[Docket No. CI73-501]

LOUISIANA LAND & EXPLORATION CO.

Order Granting Intervention and Fixing Date for Hearing

Issued July 6, 1973.

Before Commissioners: John N. Nassikas, Chairman; Albert B. Brooke, Jr., and Rush Moody, Jr.

On January 22, 1973, Louisiana Land And Exploration Company (LALEXCO) filed in Docket No. CI73-501 an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] for a

[1] 15 U.S.C. § 717, *et seq.* (1970).

[2] 18 CFR § 2.75.

[3] "Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas," Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending, "John E. Moss, et al. v. F.P.C.," No. 72-1837 (D.C. Cir.).

certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) from the Caillou Island and Lake Raccourci Fields, Lafourche and Terrebonne Parishes, Louisiana.

LALEXCO, pursuant to the optional procedure, filed its contract with Texas Eastern dated December 27, 1972, concurrently as its FPC Gas Rate Schedule and submitted a Summary of Gas Purchase Contract with the application. The basic contract provides for an initial price of 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, and price escalations of 2.0 cents per Mcf every year starting January 1, 1974. The contract also provides for reimbursement to the seller (LALEXCO) of 100 percent of all new or increased taxes, and for 100 percent reimbursement of all compression and dehydration costs if LALEXCO elects to install compression and dehydration facilities. The contract term ends December 28, 1990, unless extended to make up volumes of deferred gas. The application also seeks pre-granted abandonment at the end of the contract term.

LALEXCO's application was noticed on February 1, 1973, and was published in the FEDERAL REGISTER on February 7, 1973 (38 FR 3550). Timely protests or petitions to intervene were due on or before February 26, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors
Algonquin Gas Transmission Company
Philadelphia Gas Works
American Public Gas Association
Columbia Gas Transmission Corporation
Texas Eastern Transmission Corporation
The Public Service Commission For The State of New York

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in these proceedings to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated.

> We will, absent a showing a special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rate for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. "Austral Oil, et al, v. F.P.C.," 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered. . . .

No intervenor has questioned Texas Eastern's need for the approximately 9 billion cubic feet per year of natural gas that will be available as a result of this purchase. We note from the filings that Texas Eastern is currently curtailing deliveries to its customers pursuant to its curtailment plan approved in Docket Nos. RP71-130, et al., -- F.P.C. -- (issued December 1, 1972). Texas Eastern is currently making emergency purchases of natural gas under section 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) and Order No. 431 (18 CFR 2.70). A Texas Eastern subsidiary, Tecon Gasification Company, has filed an application (Docket No. CP72-100) to construct and operate a naphtha gasification plant and sell the output to Texas Eastern. Accordingly, the hearing provided for herein should not explore any issues related to Texas Eastern's need for additional supplies of natural gas. However, we shall require Texas Eastern to present evidence as to whether or not a comparable supply of natural gas is available to Texas Eastern at any rate lower than the rates proposed in this application.

The six month period during which a producer under § 2.75(o) (18 CFR 2.75(o)) may not collect a rate in excess of the prevailing area ceiling rate will expire on September 2, 1973. Consequently, we shall provide special procedures which will enable us to determine promptly whether the public convenience and necessity requires that these sales be certificated and whether the rate sought is just and reasonable. We will provide that the hearing hereinafter ordered shall commence on July 31, 1973, and conclude not later than August 3, 1973.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) Good cause exists for the waiver of the intermediate decision procedure in view of the imminent expiration of the six-month period in this proceeding from the commencement of deliveries under section 2.75o.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing July 31, 1973, at 10:00 a.m. (e.d.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR s3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before July 13, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before July 20, 1973. All testimony

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293 et al., -- F.P.C. --, -- (issued May 30, 1973, slip op. at Para. 21, p. 5).

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[6] Opinion No. 659, *supra*.

and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before July 25, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before August 24, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before August 31, 1973.

By the Commission. Chairman Nassikas, concurring in part, filed a separate statement which is filed as part of the original document.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14851 Filed 7-18-73;8:45 am]

[Docket No. RI73-227]

AUSTRAL OIL COMPANY INC.

Notice of Hearing

JULY 12, 1973.

Notice is hereby given that by order of the Presiding Administrative Law Judge in the above-designated proceeding the hearing will commence at 10:00 a.m. (EDT) on August 21, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Cross-examination will begin at that time.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14872 Filed 7-18-73;8:45 am]

[Docket No. CP73-349]

CASCADE NATURAL GAS CORP.

Notice of Application

JULY 12, 1973.

Take notice that on June 29, 1973, Cascade Natural Gas Corporation (Applicant), 222 Fairview Avenue North, Seattle, Washington, 98109, filed in Docket No. CP73-349 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to transport natural gas in interstate commerce for others through its Colorado-Utah Division pipeline, 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 is engaged in the purchase, gathering, delivery and sale for resale of natural gas in interstate commerce and that it currently has approximately 38,000 to 40,000 Mcf of existing peak-day unused mainline capacity on its Colorado-Utah Division mainline, which extends between a point southeast of Rifle, Colorado, to Bonanza, Utah, which amount is expected to increase in the future. It is stated that Applicant is unable to obtain new gas reserves at competitive prices for resale under its fixed price contract.

Applicant proposes to render a transportation service to any qualified gas distributor or gas pipeline company pursuant to its proposed Rate Schedule T-1, FPC Gas Tariff, Original Volume No. 1, and the correspondingly proposed T-1 Service Agreement. Applicant therein proposes to charge 11.2 cents per Mcf of gas for the first 15 days of service, 4.4 cents per Mcf for the balance of the service time rendered, and 8.8 cents per Mcf for authorized overrun deliveries of gas. The proposed rate schedule prescribes a minimum annual bill consisting of the sum of the charges for a volume of gas corresponding to 75 percent load factor use of the weighted average maximum daily quantity for the contract year. Applicant states that it plans to install and operate measurement facilities at the points of receipt and delivery upon authorization by the Commission in future proceedings, subject to reimbursement by the other contracting party. It is stated that the proposed transportation service will not jeopardize Applicant's ability to meet other existing gas delivery obligations.

Applicant states that the purpose of the proposed transportation service is to utilize more fully the existing Colorado-Utah Division pipeline on which Applicant states that it incurred a net loss of $281,000 in 1972. Applicant further states that it makes this application only to obtain authorization to offer initially the transportation service and that there are no proposed facilities to be constructed or specific service to be authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14867 Filed 7-18-73;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in Rates and Charges

JULY 12, 1973.

Take notice that Cities Service Gas Company on July 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Pursuant to the Purchased Gas Cost Rate Adjustment provision of its tariff, the Company proposes to increase its rates in the amount of 0.82¢ per Mcf effective August 23, 1973, to reflect increased purchased gas costs. The Company states that this increase will produce an increase in the Company's jurisdictional revenues of $2,910,246 based on annual sales volumes for the twelve months ended May 22, 1973.

Copies of the company's filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP71-106 and RP72-142.

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, N.E., 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 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 filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14866 Filed 7-18-73;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 12, 1973.

Take notice that Cities Service Gas Company (CSGC) on July 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21 of its FPC Gas Tariff, the Company proposes to increase its rates effective August 23, 1973, to reflect increased purchased gas costs.

According to CSGC, the Fifth Revised Sheet PGA-1 included in Appendix A of the Company's filing reflects a rate increase of 0.82¢ per Mcf. This 0.82¢ per Mcf increase in rates will produce an increase in the Company's jurisdictional revenues of $2,910,246 based on annual sales volumes for the twelve months ended May 22, 1973.

CSGC submits that copies of the company's filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP71-106 and RP72-142.

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, N.E., 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 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14864 Filed 7-18-73;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Revised Tariff Sheets

JULY 12, 1973.

Georgia Power Company (Georgia) on April 30, 1973, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The filing consists of First Revised Sheets 1 and 26 through 33, Second Revised Sheets 23 and 24, and Third Revised Sheet 35. The proposed rate changes would increase Georgia's revenues from jurisdictional sales and services by approximately $17.5 million annually, based on 1972 usage and all wholesale delivery points under Rate Schedule WR-6.

The proposed effective date of the change was June 30, 1973. However, review of Georgia's filing found it to be deficient and the Commission Secretary by letter dated May 31, 1973, informed Georgia of the deficiency and that a filing date would not be assigned its submittal until the deficiency was cured. On June 12, 1973, Georgia submitted additional data which fulfills the filing requirements of the Commission's regulations. Therefore, we will assign an official filing date of June 12, 1973.

Georgia states that the proposed changes are designed to replace Rate Schedule WR-6 with a new Rate Schedule WR-7. Further, Georgia proposes several modifications to the terms and conditions of the present tariff which, Georgia asserts, are intended to update the tariff and incorporate proposals made by the wholesale customers and agreed to by Georgia in Docket No. E-7548. Georgia's Rate Schedule WR-6 is presently before the Commission in Docket No. E-7548.

In support of its filing, Georgia states that the principal reasons for the increased revenue requirement from wholesale service are the large construction program necessary to meet increasing demands and the increased unit cost of plant investment entailed in completing that program. Georgia asserts that increasing costs have not only caused a large increase in the revenue requirements from wholesale service, but also the resultant pressure of its earnings and on coverage for its securities has seriously threatened its financial integrity. Further, Georgia avers that its proposed rate of return, which produces an 8.73 percent return on municipal sales and 9.04 percent return on cooperative sales, is reasonable. Moreover Georgia states that the WR-6 rate was designed to produce a 7.71 percent rate of return while the rate actually produced a rate of return of 5.86 percent and 6.05 percent from the municipal and cooperative customers respectively based on 1971 operations.

This filing was noticed on May 8, 1973, with the period for protests or petitions to intervene ending on May 24, 1973. Petitions to intervene were timely filed by the Water, Light and Sinking Fund Commission, of the City of Dalton, Georgia (Dalton), The Georgia Electric Membership Corporation (GEMC) jointly with Mitchell Electric Membership Corporation (Mitchell), and the Power Section of the Georgia Municipal Association, Inc. jointly with forty-eight municipal cooperatives (Municipals).[1]

GEMC-Mitchell requests that the Commission reject Georgia's filing as defective on its face. These defects, GEMC-Mitchell asserts, are lack of an appropriate test year of 12 months' experienced cost data and a cost allocation derived from a competely different 12 months of experience. Further, GEMC-Mitchell asserts that Georgia antitrust conduct is a substantial issue in the pending Docket E-7548 and the proposed WR-7 rate exceed Georgia's industrial rate by about 5 percent to 20 percent for 5,000-20,000 KW levels which continues and augments such conduct to the extent that the Commission should not allow Georgia's filing until the antitrust issue has been finally resolved. In the alternative, GEMC-Mitchell and the other intervenors request a five month suspension.

Subsequent to GEMC-Mitchell filing of its petition to intervene Georgia has provided non-coincident and coincident demand data, for each month of the test period and for each delivery point. On June 28 Georgia also filed actual data for the last three months of its test period.

On July 3, 1973, the Municipals filed comments to Georgia's supplemental filings and made a further request for suspension of the proposed rates. The Municipals contend that since Georgia did not file data for 12 months of actual experience until June 28, 1973, the filing was not complete until then. There is nothing in the Commission's regulations under the Federal Power Act that requires the filing of 12 months of actual data. Since Georgia on June 12, 1973, cured the deficiency noted by Commission letter dated May 31, 1973, we will assign an official filing date of June 12, 1973.

By order issued May 31, 1973, in "Indiana and Michigan Electric Company," Docket No. E-7740 we set minimum standards for those who would raise anticompetitive issues. These standards are that the petition to intervene must clearly specify (1) the facts relied upon, (2) the anticompetitive practices challenged, and (3) the requested relief which is within this Commission's authority to direct. (mimeo p. 3). Our review of GEMC-Mitchell's petition to intervene indicates that it fails to specify the relief it seeks from this Commission. Accordingly, we shall limit GEMC-Mitchell's participation in this proceeding to matters other than the alleged anticompetitive activities. This action is without prejudice to GEMC-Mitchell's right to file an appropriate amended petition which sets forth the relief for the alleged anticompetitive conduct that is within this Commission's authority to grant.

Review of the rate filing and the pleadings indicate that issues are raised which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we shall provide for hearing herein and shall suspend the proposed changes for the full statutory period.

[1] The Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Calhoun, Camilla, Cartersville, College Park, Commerce, Covington, Doerun, Douglass, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Sandersville, Sylvania, Sylvester, Thomaston, Thomasville, Washington, West Point, and Whigham, Georgia.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Georgia's FPC Electric Tariff, Original Volume No. 1, as proposed to be amended in this docket, and that the tendered revised tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held, commencing with a prehearing conference on November 27, 1973, at 10:00 a.m., edt, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Georgia's Electric Tariff as proposed to be revised herein.

(B) Pending hearing and a final decision in this proceeding, Georgia's proposed revised tariff sheets, originally tendered on April 30, 1973, and with an official filing date of June 12, 1973, are hereby accepted for filing, suspended and the use thereof deferred until December 12, 1973, or until such time as they are made effective in the manner provided in the Federal Power Act.

(C) At the prehearing conference on November 27, 1973, Georgia's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of the Commission's rules of practice.

(D) On or before October 23, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 6, 1973. Any rebuttal evidence by Georgia shall be served on or before November 20, 1973. Cross-examination of the evidence filed will commence on December 4, 1973, at 10.00 A.M.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, except that GEMC-Mitchell's participation is limited to matters other than alleged anti-competitive activities, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379), 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

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

By the Commission.

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

[FR Doc.73-14868 Filed 7-18-73;8:45 am]

[Dockets Nos. CS71-878, CI73-431, CI73-558, CI61-1379, CI73-578, CI73-558]

HURLEY PETROLEUM CORP.

Order To Show Cause

JULY 12, 1973.

By Commission Order issued October 21, 1971, in Docket No. CS71-878, Hurley Petroleum Corporation (Hurley) was granted a small producer certificate under which it sells natural gas to Car-Tex Producing Company (Car-Tex) from the Carthage Field, Panola County, Texas, at a contract price of 5.6580 cents per Mcf.[1] Car-Tex gathered, transported, compressed and resold Hurley's gas to Arkansas Louisiana Gas Company (ArkLa) at a contract price of 12.6323 cents per Mcf under certificate authorization issued in Docket No. CI61-1379. The volume of gas involved totals approximately 1,000 Mcf per day.

On December 13, 1972, Hurley filed in Docket No. CI73-431 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of gas to Car-Tex from the Carthage Field and on February 28, 1973, Car-Tex filed in Docket No. CI73-578 an application pursuant to section 7(b) of said Act for permission and approval to abandon its sale of the Hurley gas to Arkla. On February 26, 1973, Hurley filed in Docket No. CI73-558 an application, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretation, for a one-year limited term certificate of public convenience and necessity authorizing the sale of gas, formerly sold to Car-Tex, to Texas Eastern Transmission Corporation (Texas Eastern), at a rate of 45.0 cents per Mcf.

On December 9, 1972, prior to the filing of the aforesaid abandonment applications, Car-Tex shut down its compression facilities used to deliver the gas into Arkla's line and Hurley terminated its gas deliveries from the Carthage Field to Car-Tex. Following the filing of the abandonment applications, but while they were still pending before the Commission, Car-Tex dismantled its compression facilities and Hurley, in order to avoid flaring gas, instituted a 60-day emergency sale of the gas involved to Texas Eastern pursuant to Section 157.29 of the Commission's Regulations. The 60-day period expired April 20, 1973.

In view of the foregoing, we are hereinafter directing Hurley and Car-Tex to show cause why they or either of them should not be found to be in violation of section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for not having first secured the requisite authorization before abandoning jurisdictional sales of natural gas and related compression facilities as hereinbefore described.

By letter filed January 18, 1973, Hurley indicated that the compressors of Car-Tex are old, expensive to operate, and frequently closed down for several days during which time the subject gas was flared. Although this may be a factor which enters into a public interest determination, such allegation does not excuse a natural gas company from complying with Section 7(b) of the Natural Gas Act. In support of its request to abandon service to Arkla and the related compression facilities, Car-Tex states that the sales of gas have declined below economic limits for a three-stage compression operation and that it has accordingly cancelled its gas purchase contract with Hurley by letter of January 9, 1973. The Commission, however, has no documentary evidence before it establishing the adequacy or inadequacy of the compression facilities in relation to the sales proposed to be abandoned. Furthermore, economic hardship alone does not justify abandonment of previously certificated facilities and service without Commission consent and, despite such hardship, the reactivation of the facilities and service illegally abandoned may be ordered by the Commission. (*United Gas Pipeline Company* v. *FPC*, 385 U.S. 83 (1966).

In an addendum to its application for permission and approval to abandon the sale of gas to Car-Tex from the Carthage Field on grounds that the purchaser's compression facilities are inadequate to handle the purchase and resale of the gas, Hurley states that, in order to avoid flaring the gas longer than absolutely

[1] Hurley previously sold this gas to Car-Tex under a contract, dated January 12, 1961, formerly on file with the Commission as Hurley's FPC Gas Rate Schedule No. 2, for which the related certificate authorization was issued in Docket No. CI61-1381. Such certificate was terminated by the small producer order of October 21, 1971, which also cancelled the above FPC Gas Rate Schedule No. 2.

necessary, it contacted Texas Eastern who agreed to take the gas on an emergency basis until our [Hurley's] abandonment application is approved. Hurley states further that Texas Eastern also agreed to enter into a more permanent type contract with us once we [Hurley] have received approval of the abandonment of the [Car-Tex] sale * * *. Subsequently, Texas Eastern filed a petition to intervene in support of Hurley's limited-term application of February 26, 1973, for authorization to sell the gas to Texas Eastern pursuant to a one-year gas purchase contract between the parties, dated February 19, 1973. The record strongly suggests that Texas Eastern's actions in taking gas from Hurley on a 60-day emergency basis and in contracting with the latter for additional gas upon termination of the emergency period have been done with knowledge that such gas was and is still dedicated to Car-Tex. In view of these circumstances, we shall direct Texas Eastern, which has filed a petition to intervene in Docket No. CI73-558 and which we shall hereafter join as a party to these proceedings, to show cause why it should not be found in violation of the Natural Gas Act for operating facilities to take gas dedicated to another party and why it should not be required to make restitution of such gas purchased from Hurley.

By letter of March 27, 1973, filed with the Secretary of the Commission, Arkla indicated acquiesence in the unauthorized discontinuance of the delivery of natural gas as heretofore authorized by the Commission. Since Arkla may be a position to contribute significantly to a proper determination of the matter herein being set for formal hearing, we shall join Arkla as a party to these proceedings. It is noted that Arkla is purchasing natural gas at above ceiling rates within the contemplation of § 2.70.

In the public hearing that we shall hereinafter order for determination of the issues presented herein, we shall also consider the related question of the price at which the subject gas should be sold and purchased by the parties involved. If the aforesaid requests of Hurley and Car-Tex for abandonment of service are not granted, we should determine what would be a just and reasonable rate under current conditions at which Car-Tex should purchase the subject gas from Hurley and resell it to Arkla. On the other hand, if the proposed abandonments are approved, we should determine whether the public convenience and necessity support a price of 45.0 cents per Mcf at which Hurley proposes in its aforementioned application for a limited term certificate to sell the subject gas to Texas Eastern.

After due notice by publication in the FEDERAL REGISTER of the notice of applications, petitions for leave to intervene in the event of a formal hearing were filed by Texas Eastern and Algonquin Gas Transmission Company (Algonquin) in support of the application filed by Hurley in Docket No. CI73-558. No notice of intervention, protest to the granting of the applications, or further petitions to intervene have been filed. We shall hereinafter provide opportunity for the filing of petitions to intervene, notices of intervention or protests in the instant proceedings.

The Commission finds:

(1) It may be that Hurley, Car-Tex, and Texas Eastern are in violation of the Natural Gas Act and the Commission's Regulations thereunder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and issues presented in these proceedings as hereinbefore described.

(3) In order to maintain the integrity of the orders in Docket Nos. CS71-878 and CI61-1379 in which it was found that the public convenience and necessity required certification of the subject sale, Respondents, Hurley and Car-Tex should be ordered, pendante lite, to resume and continue their sales of natural gas.

(4) Participation by the petitioners to intervene in Docket No. CI73-558 may be in the public interest.

The Commission orders:

(A) Respondents Hurley and Car-Tex shall show cause, if any there be, at the hearing directed in paragraph (D) below, why they or each of them should not be held in violation of Section 7(b) of the Natural Gas Act and § 157.18 of the Commission's regulations thereunder for not having obtained authorization before abandoning jurisdictional sales and related facilities as hereinbefore described.

(B) Respondent Texas Eastern shall show cause, if any there be, at the hearing directed in paragraph (D) below, why it should not be held in violation of Section 7 (c) and (e) of the Natural Gas Act by operating facilities to take natural gas dedicated to Arkla and Respondent Car-Tex and why it should not be required to make restitution of the volumes of gas purchased from Hurley during the 60-day emergency period as hereinbefore described.

(C) It is directed that Arkla be joined as a party to these proceedings and be prepared to show at the formal hearing ordered herein why it has acquiesced in the abandonment by Car-Tex while making purchases of gas from others at above ceiling rates.

(D) Pending the hearing set by paragraph (D) below, and a decision in these proceedings, Respondents Hurley and Car-Tex shall resume the sale and delivery of gas as made under certificates issued in Docket Nos. CS71-878 and CI-1379.

(E) Pursuant to the authority of the Natural Gas Act, particularly Sections 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Chapter I], a public hearing concerning the matters involved and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C., commencing at 10:00 a.m., (EDST) on August 29, 1973. All Respondents and interveners shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties, all testimony and exhibits which they propose to offer at the hearing provided for above on or before August 10, 1973.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [See Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(G) Petitions to intervene, notices of intervention, or protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the rules of practice and procedure on or before July 25, 1973.

By the Commission.

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

[FR Doc.73-14869 Filed 7-18-73;8:45 am]

[Docket No. E-8125]

KANSAS POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 26, 1973.

On June 21, 1973, the Kansas Power and Light Company filed a motion for a continuance of the prehearing conference scheduled for June 29, 1973, by order issued May 31, 1973, in the above designated matter. The motion states that the customers concur in the motion and staff counsel has no objection.

Upon consideration, notice is hereby given that the prehearing conference in the above designated matter is postponed to August 7, 1973. The other procedural dates are modified accordingly:

Service of Testimony and Exhibits by Staff.	August 21, 1973
Service of Testimony and Exhibits by Interveners.	September 4, 1973
Service of Rebuttal evidence by Kansas Power and Light Company.	September 11, 1973
Cross-examination	September 25, 1973 (10:00 a.m., EDT)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-14852 Filed 7-18-73;8:45 am]

[Docket No. E-7565]

KENTUCKY POWER CO.

Filing of Proposed Rate Schedule Supplement

JUNE 26, 1973.

Take notice that Kentucky Power Company (Kentucky) on June 8, 1973, tendered for filing Amended Supplement No. 2 to Kentucky's Rate Schedule FPC No. 12 in purported compliance with Opinion No. 652 issued March 2, 1973, and Opinion No. 652-A issued April 27,

1973, in this docket. Kentucky states that Amended Supplement No. 2 contains a provision providing for the termination of service under the Rate Schedule on file with the Commission between Kentucky and Vanceburg Electric Light, Heat, and Power System, Vanceburg, Kentucky and that the filing became effective upon its being filed with the Commission. Kentucky further states that the filing was served upon all parties listed on the Commission's official service list in this docket.

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, N.E., 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 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14853 Filed 7-18-73;8:45 am]

[Docket No. CP74-3]

LOWELL GAS CO.

Notice of Application

JULY 11, 1973.

Take notice that on July 3, 1973, Lowell Gas Company (Applicant), 95 East Merrimack Street, Lowell, Massachusetts 01863, filed in Docket No. CP74-3 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States from Canada liquefied natural gas (LNG) purchased from Gaz Metropolitan, Inc., Montreal, P.Q., Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that before October 25, 1973, it intends to purchase from Gaz Metropolitan, Inc., 1,042,750 U.S. gallons of LNG at 13,788 cents per U.S. gallon, equivalent to approximately 91 billion Btu at a price of $1.58 per million Btu. Applicant states that it has first option to purchase additional quantities of LNG up to 2,291,720 U.S. gallons at a negotiated price not lower than that for the firm contract LNG, equivalent to approximately 200 billion Btu, from Gaz Metropolitan, Inc., should Gaz Metropolitan, Inc., have quantities of LNG in excess of 7,001,222 U.S. gallons for sale and delivery before December 31, 1973. It is also stated that Applicant has first option to purchase between January 1, 1974, and April 30, 1974, up to 3,437,580 U.S. gallons of LNG at a negotiated price not lower than that for the firm contract LNG, equivalent to approximately 300 billion Btu from Gaz Metropolitan, Inc., should such quantities be available for sale and delivery. Applicant proposes to transport the LNG from Montreal to its LNG storage facilities at Tewksbury, Massachusetts, by its motor carriers in cyrogenic trailers.

Applicant states that it is required to import LNG as proposed in the instant application as a result of the expected curtailments of gas deliveries by its suppliers during the winter period of 1973-1974 and its inability to secure additional supplies of natural gas needed to serve its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14870 Filed 7-18-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECRIC CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 11, 1973.

On June 27, 1973, the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California filed a motion for a further change in the procedural dates fixed by the notice issued June 21, 1973 in the above-designated matter. The motion states that no party has any objection to the request.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff Service Date	July 13, 1973
Prehearing Conference	August 21, 1973 (10:00 a.m., EDT)
Intervener Service Date.	August 28, 1973
Company Rebuttal Date.	September 11, 1973
Hearing	September 18, 1973 (10:00 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14861 Filed 7-18-73;8:45 am]

[Docket No. CI73-706]

PHILLIPS PETROLEUM CO.

Further Extension of Time and Postponement of Hearing

JULY 12, 1973.

On July 11, 1973, El Paso Natural Gas Company filed a motion for a further change in the hearing date fixed by the notice issued June 14, 1973, in the above-designated matter. The motion states neither Staff Counsel nor Philips Petroleum Company objects to the motion.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to July 31, 1973, at 10:00 a.m. (edt) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14858 Filed 7-18-73;8:45 am]

[Docket No. CP73-344]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JULY 12, 1973.

Take notice that on June 28, 1973, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73-344 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing July 1, 1973, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from available funds and may at some later date be financed through the issuance of long-term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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.73-14865 Filed 7-18-73;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Proposed Curtailment Plan

JULY 11, 1973.

Take notice that on June 29, 1973, Transcontinental Gas Pipe Line Corporation (Transco) submitted for filing revised tariff sheets [1] to Transco's FPC Gas Tariff, First Revised Volume No. 1 constituting its permanent curtailment plan filed pursuant to the Commission's order of May 23, 1973. Transco represents that it will not make the subject tariff sheets effective prior to November 16, 1973.

In summary Transco's proposed permanent curtailment plan embodies *in haec verba* the end-use priorities established by the Commission in Order No. 467-B as modified in Opinion No. 647-A issued May 30, 1973 in *United Gas Pipeline Company* Docket Nos. RP71-29 and RP71-120. The proposed tariff sheets utilize the definitions of service propose by the Commission in Docket No. R-474.

Transco's proposed curtailment plan, however, deviates from Order No. 467-B in the following respects:

(1) Transco requests that its direct interruptible customers be completely curtailed prior to any other curtailment on its system.

(2) Customers which obtain more than the system average gas supply will pay $.25 per Mcf for such over supply of gas and customers which receive less than the system average gas supply will obtain a credit of $.25 per Mcf for the under supply.

[1] First Revised Sheet No. 136
Second Revised Sheet No. 138
Second Revised Sheet No. 139
Second Revised Sheet No. 140
Second Revised Sheet No. 141
Second Revised Sheet No. 142
First Revised Sheet No. 143
First Revised Sheet No. 144

Transco's permanent curtailment plan is on file with the Commission and is available for public inspection.

Transco states that copies of its filing are available for public inspection during regular business hours in its office in Houston, Texas.

Any person desiring to be heard or to make any protest with reference to this filing should on or before July 20, 1973, file with the Federal Power Commission, 825 North Capitol Street, 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 participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14863 Filed 7-18-73;8:45 am]

[Docket No. RP73-101]

TRANSWESTERN PIPELINE CO.

Extension of Time

JULY 11, 1973.

On July 2, 1973, Transwestern Pipeline Company filed a motion for an extension of time for submission and service of end use data as required by the order issued May 31, 1973. The motion states that all parties agreed at the prehearing conference that an extension should be sought.

Upon consideration, notice is hereby given that an extension is granted to and including September 24, 1973, within which Transwestern shall submit end use data and serve it on all interveners.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14871 Filed 7-18-73;8:45 am]

[Docket No. E-8289]

UNION ELECTRIC CO.

Revised Service Schedule

JULY 11, 1973.

Take notice that on June 21, 1973, Union Electric Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, an application for revision of Service Schedule B, dated May 25, 1973, to the Interchange Service Contract between Applicant and the City of Columbia, Missouri (City), dated July 18, 1967, and designated in Applicant's Rate Schedule FPC No. 73. The application states that a portion of City's generating capacity is restricted by pollution regulations, and with the impending summer peaks the availability of emergency energy from Applicant is considered desirable in order to limit the use of such facilities.

The parties recognized that the existing rate under their Interchange Service Contract is inadequate, and through negotiations the proposed revision of Service Schedule B was agreed upon in order to compensate the supplying party for the cost of using peaking capacity and to make the rate comparable to emergency energy rates under other agreements between power suppliers in their area. Emergency Energy shall, at the option of the seller, be returned in kind, or paid for at the rate of 1.75 cents per kWh or, if out-of-pocket costs plus 10 percent exceed such rate, by the payment of such costs plus 10 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 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). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules.

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. The application referred to above, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14862 Filed 7-18-73;8:45 am]

[Docket No. RP73-90]

UNION LIGHT, HEAT AND POWER CO.

Deferring Procedural Dates

JUNE 22, 1973.

On June 20, 1973, Staff Counsel filed a motion to terminate the proceedings in the above-designated matter. The motion also requested that the procedural dates set by the order issued April 27, 1973 be held in abeyance pending further action by the Commission.

Upon consideration, notice is hereby given that the procedural dates in the above matter are held in abeyance pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14856 Filed 7-18-73;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION INC.

Extension of Time

JULY 12, 1973.

On July 9, 1973, Staff Counsel filed a motion for an extension of the procedural dates set by the order issued May 14, 1973, in the above-designated matter. The motion states that no objections were raised by the interveners. By letter received July 11, 1973, Staff advised that Valley

Gas Transmission Incorporated had no objection to the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff service of evidence	August 13, 1973
Intervener service of evidence.	August 23, 1973
Prehearing conference	September 5, 1973 (10:00 a.m., e.d.t.)
Company rebuttal evidence served.	September 14, 1973
Public hearing	September 20, 1973 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14859 Filed 7-18-73;8:45 am]

[Project No. 2058]

WASHINGTON WATER POWER CO.

Application for Change in Land Rights

JULY 12, 1973.

Public notice is hereby given that application was filed April 13, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by The Washington Water Power Company (Correspondence to: Mr. J. P. Buckley, Vice President and Secretary, The Washington Water Power Company, East 1411 Mission Avenue, Spokane, Washington 99202) for a change in land rights for constructed Project No. 2058, known as the Cabinet George Project, located on the Clark Fork River in Banner County, Idaho and Sanders County, Montana. Project transmission lines are located in Banner and Kootenai Counties, Idaho and Spokane County, Washington.

The Applicant proposes to sell approximately one acre of project land located within the right-of-way of the project Cabinet-Spokane 230 kv transmission line near the Beacon Substation in Spokane County, Washington. The land would be conveyed to the owners of an adjoining tract of land who cross the project land for access. The land would be conveyed with a restriction against the building of any structures and with a reservation of an easement for the transmission line.

Any person desiring to be heard or to make protest with reference to said application should on or before August 17, 1973, file with the Federal Power Commission, Washington, D. C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14860 Filed 7-18-73;8:45 am]

[Docket No. E-8157]

WISCONSIN PUBLIC SERVICE CORP.

Proposed Changes in Rates and Charges

JUNE 26, 1973.

On April 27, 1973, Wisconsin Public Service Corporation (WPS) tendered for filing a revision of its rate schedule for "Primary Resale Service" to its municipal customers, designated as 5th Revised Sheet No. 1, Schedule W-1. The company states that various blocks of the demand charge and the energy charge have each been increased by approximately 9.8 percent to produce added revenues of $300,427.06 based on test year 1972. WPS gives as its reason for the increase the necessity of meeting rising financial and operating costs. The Company's filing indicates that the proposed increase would yield an 8.7 percent overall rate of return and a 12.5 percent return on equity, based on a total capitalization of $344,117,354. The company states that its filing includes Statements A through P and testimonies and exhibits to serve as its case-in-chief. WPS proposes an effective date of June 27, 1973, for the rates contained in the filing.

The filing was noticed on May 9, 1973, with protests and petitions to intervene due on or before May 24, 1973. On May 21, 1973, six of WPS's customers filed a request for an extension of the time within which to file petitions. This request was granted on May 23, 1973, by the Acting Secretary and an extension was granted to and including June 5, 1973. On May 29, 1973, a petition to intervene was received from the Cities of Algoma, Eagle River, New Holstein, and Sturgeon Bay and the Village of Stratford, Wisconsin, and the City of Stephenson, Michigan. This petition states that the petitioners have not had sufficient time to investigate the WPS filing but they indicate several areas of disagreement based upon a preliminary review of the application. In view of our actions herein, it will not be necessary to discuss these allegations in detail. No other protests or petitions have been received.

Our review of the filing indicates that the proposed rate schedule changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

It appears that under WPS's proposed fuel adjustment clause impuits WPS' own fuel expense variations to its purchased power and net interchange receipts. Such procedure is inconsistent with Commission Opinion No. 633, "New England Power Company," Docket No. E-7541, issued October 30, 1972. Accordingly, this feature of the proposed fuel clause should be eliminated.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in WPS's Rate Schedule as proposed to be amended in this docket, and that the tendered Rate Schedule be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioners for intervention in this proceeding may be in the public interest.

(5) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on August 17, 1973, at 10:00 a.m., edt, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in WPS's revised Rate Schedule as proposed to be revised herein.

(B) At the prehearing conference on August 17, 1973, WPS's prepared testimony and exhibits together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(C) On or before October 29, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before November 20, 1973. Any rebuttal evidence by WPS shall be served on or before December 10, 1973. The pubic hearing herein ordered shall convene on January 8, 1973, at 10:00 a.m., edt.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Pending hearing and final decision in this proceeding, WPS's revised rate schedule tendered on April 27, 1973, is suspended and the use thereof deferred until August 27, 1973 one day after the proposed effective date.

(F) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act,

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Secretary of the Commission shall cause prompt proclamation of this order in the Federal Register.

(I) Within 30 days from the date of this order, WPS shall file an amendment to its fuel price adjustment clause in compliance with the requirements of Commission Opinion No. 633, as herein described.

By the Commission.

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

[FR Doc.73-14855 Filed 7-18-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JUNE 26, 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:

Alvin W. Vogtle, Jr., Chairman, Edison Electric Institution, Inc.

By the Commission.

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

[FR Doc.73-14854 Filed 7-18-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

IRON AND SPONGE IRON POWDERS (EXCLUDING ALLOY POWDERS) FROM CANADA

Antidumping; Withholding of Appraisement Notice

JULY 17, 1973.

Information was received on December 7, 1972, that iron powder (excluding alloy and sponge iron powders) from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the Federal Register of January 19, 1973, on page 1945. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Information received after publication of the "Antidumping Proceeding Notice" indicated that sponge iron powers from Canada were also being sold at less than fair value within the meaning of the Act. Accordingly, an amendment to the "Antidumping Proceeding Notice" was published in the Federal Register of April 10, 1973, on page 9094, to include sponge iron powders from Canada within the scope of the investigation.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of iron and sponge iron powders (excluding alloy powders) from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of Reasons. The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be based on either an f.o.b. customer, duty and/or brokerage paid price or an f.o.b. plant, duty and/or brokerage paid price, with probable deductions for brokerage fees, U.S. duty, freight handling charges and a quantity discount, as appropriate.

Home market price will probably be based on either an f.o.b. customer or f.o.b. plant price with probable deductions for freight and quantity discounts, as applicable. An adjustment will probably be made for a packing differential when appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of iron and sponge iron powders (excluding alloy powders) from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office not later than July 30, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than August 20, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective July 19, 1973. It shall cease to be effective January 19, 1974, unless previously revoked.

[SEAL] EDWARD L. MORGAN, *Assistant Secreary of the Treasury.*

[FR Doc.73-14943 Filed 7-18-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

INDUSTRY ADVISORY COMMITTEE FOR TELECOMMUNICATIONS (CIACT)

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92-463(1972)], notice is hereby given that closed meetings of the Chief of Naval Operations Industry Advisory Committee for Telecommunications will be held on July 31, 1973, and August 1, 1973, at the Naval War College, Newport, Rhode Island. The agenda consists of discussions of classified information.

Dated: July 12, 1973.

MERLIN H. STARING, *Rear Admiral JAGC, U.S. Navy, Judge Advocate General of the Navy.*

[FR Doc.73-14739 Filed 7-18-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ALASKA

Proposed Eligibility of Native Villages

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a)(2) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Pages 14222 and 14223 of the May 30, 1973, issue of FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and Subpart 2651.2 of said regulations, notice is hereby given that the following is a proposed decision determining the eligibility of certain Native villages in Alaska listed in sections 11(b)(1) and 16(a) of said Act.

This is to certify that investigations have been made and available records and other evidence having a bearing on the character of the following Native villages and their eligibility have been

examined and they appear to meet the eligibility requirement of the Act and Subpart 2651.2(b) of the regulations:

Name of Listed Native Village:	Bureau of Land Management Serial Number
Akhiok	AA-6645
Akiachak	F-14823
Akiak	F-14824
Akutan	AA-6647
Alakanuk	F-14825
Aleknagik	AA-6648
Allakaket	F-14827
Ambler	F-14828
Anaktuvuk Pass	F-14829
Andreafsey (Andreafsky)	F-14830
Angoon	AA-6978
Aniak	F-14831
Anvik	F-14832
Arctic Village	F-14833
Atka	AA-6649
Atmautluak	F-14835
Barrow	F-14836
Beaver	F-14837
Belkosky (Belkofski)	AA-6650
Bethel	F-14838
Birch Creek (near Fort Yukon	F-14840
Brevig Mission	F-14841
Buckland	F-14842
Cantwell	F-14844/AA-7587
Chalkyitsik	F-14846
Chefornak	F-14848
Chevak	F-14849
Chignik	AA-6652
Chignik Lagoon	AA-6654
Chignik Lake	AA-6655
Chistochina	AA-6656
Circle	F-14989
Clark's Point	AA-6657
Copper Center	AA-6658
Craig	AA-6979
Crooked Creek	F-14990
Deering	F-14851
Dillingham	AA-6659
Dot Lake	F-14852
Eagle (Indian Village)	F-14853
Eek	F-14854
Egegik	AA-6660
Ekiutna	AA-6661
Ekwok	AA-6663
Elim	F-14855
Emmonak	F-14856
English Bay	AA-6664
False Pass	AA-6665
Fort Yukon	F-14857
Galena	F-14858
Gambell	F-14859
Golovin	F-14861
Goodnews Bay (Mumtrak).	F-14862/AA-7726
Grayling	F-14863
Gulkana	AA-6667
Holy Cross	F-14865
Hoonah	AA-6980
Hooper Bay	F-14865
Hughes	F-14867
Huslia	F-14868
Hydaburg	AA-6981
Inalik (Diomede)	F-14869
Kake	AA-6982
Kaktovik	F-14870
Kalskag	F-14871
Kaltag	F-14872
Karluk	AA-6674
Kasigluk	F-14873
Kiana	F-14874
King Cove	AA-6675
Kipnuk	F-14875
Kivalina	F-14876
Klawock	AA-6984
Kobuk	F-14877
Kiukwan	AA-6985
Kokhanok (Kakhonak).	AA-6673
Koliganek	AA-6676
Kongiganok (Kongiganak).	F-14878
Kotlik	F-14879
Kotzebue	F-14880
Koyuk	F-14881
Koyukuk	F-14882
Kwethluk	F-14883
Kwigillingok	F-14884
Larsen Bay	AA-6677
Levelock	AA-6678
Lower Kalskag	F-14888
Manokotak	AA-6679
Marshall (Fortuna Ledge).	F-14892
Mekoryuk	F-14895
Mentasta Lake	F-18896/AA-6716
Minto	F-14897
Mountain Village	F-14898
Naknek	AA-6680
Napakiak	F-14901
Napaskiak	F-14902
Nelson Lagoon	AA-6681
Nenana	F-14903
Newhalen	AA-6682
New Stuyahok	AA-6683
Newtok	F-14904
Nightmute	F-14905
Nikolai	F-14906
Nikolski	AA-6684
Ninilchik	AA-6685
Noatak	F-14907
Nome	F-14908
Nondalton	AA-6686
Noorvik	F-14910
Northway	F-14912
Nulato	F-14913
Nunapitchuk	F-14914
Old Harbor	AA-6687
Oscarville	F-14916
Ouzinkie	AA-6688
Pedro Bay	AA-6690
Perryville	AA-6691
Pilot Point	AA-6692
Pilot Station	F-14918
Pitkas Point	F-14919
Platinum	F-14920
Point Hope	F-14921
Port Graham	AA-6695
Port Heiden	AA-6693
Port Lions	AA-6694
Portage Creek	AA-6717
Quinhagak (Kuinhagak).	F-14885
Rampart	F-14923
Red Devil	F-14924
Ruby	F-14925
Russian Mission (Kuskokwim).	F-14926
Russian Mission (Yukon).	F-14927
St. George	AA-6696
St. Mary's	F-14937
St. Michael	F-14938
St. Paul	AA-6697
Sand Point	AA-6699
Savoonga	F-14928
Saxman	AA-6986
Scammon Bay	F-14929
Selawik	F-14930
Shageluk	F-14931
Shaktoolik	F-14932
Sheldon's Point	F-14933
Shishmaref	F-14934
Shungnak	F-14935
Sleetmute	F-14936
South Naknek	AA-6747
Stebbins	F-14939
Stevens Village	F-14940
Stony River	F-14941
Tanacross	F-14943
Tanana	F-14944
Tatitlek (Tatilek)	AA-6703
Teller	F-14946
Tetlin	F-14947
Togiak	AA-6705
Toksook Bay	F-14948
Tuluksak (Tulusak)	F-14949
Tuntutuliak	F-14950
Tununak	F-14951
Twin Hills	AA-6706
Tyonek	AA-6707
Unalakleet	F-14952
Unalaska	AA-6709
Venetie	F-14953
Wainwright	F-14954
Wales	F-14955
White Mountain	F-14956
Yakutat	AA-6987

This proposed decision will be published in one or more newspapers of general circulation in Alsaka and a copy will be mailed to each affected village, all villages located in the Native region in which the affected village is located, all Native regional corporations within the State of Alaska, and the State of Alaska.

This proposed decision is subject to protest by any interested party by August 20, 1973. If no valid protest is received within the thirty-day period, this proposed decision shall become final and shall be published in the FEDERAL REGISTER. If the final decision is in favor of a listed village, the Director, Juneau Area Office, Bureau of Indian Affairs, will issue a certificate as to the eligibility of the village in question for land benefits under the Act, and certify the record and the decision to the Secretary. Copies of the final decisions and certificates of village eligibility will be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, and the State of Alaska.

Within thirty days from the date of publication of this proposed decision in the FEDERAL REGISTER, any interested party may protest a proposed decision as to the eligibility of a village. No protest shall be considered which is not accompanied by supporting evidence. The protest shall be mailed to the Director, Juneau Area Office, Bureau of Indian Affairs, P.O. Box 3-8000, Juneau, Alaska 99801. Upon receipt of a protest, the Director, Juneau Area Office, Bureau of Indian Affairs, will examine and evaluate the protest and supporting evidence required, together with his record of findings of fact and proposed decision and will render a decision on the eligibility of the Native village that is the subject of the protest. Such decision shall be rendered within thirty days from the receipt of the protest and supporting evidence by the Director, Juneau Area Office, Bureau of Indian Affairs. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, will be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based will be mailed

to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary by a notice filed with the Ad Hoc Board as established in Section 2651.2(a)(5) of the regulations within thirty days of its publication in the FEDERAL REGISTER.

This is the first notice of proposed decisions and others will be made from time to time as soon as the eligibility of the other listed villages can be determined.

MORRIS THOMPSON,
Director.

JULY 13, 1973.

[FR Doc.73-14751 Filed 7-18-73;8:45 am]

Bureau of Land Management

[Group 366]

ARIZONA

Filing of Plat of Survey and Dependent Resurvey

JULY 13, 1973.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Arizona, and California State Office, Sacramento, California, effective at 10:00 a.m., on August 31, 1973:

Gila and Salt River Meridian, Arizona and California

T. 4 N., R. 22 W.,
The dependent resurvey of a portion of the south boundary of the Colorado River Indian Reservation and a portion of the subdivisional lines, and, the survey of accreted lands within the Colorado River Indian Reservation established by Executive Order 2273 dated November 22, 1915.

2. The above survey was executed to accommodate a request of the Bureau of Indian Affairs.

3. The above described lands were withdrawn by Executive Order 2273 dated November 22, 1915, as a part of the Colorado River Indian Reservation.

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.73-14753 Filed 7-18-73;8:45 am]

[Nev-055233]

NEVADA

Proposed Withdrawal and Reservation of Lands

JULY 12, 1973.

The Bureau of Land Management has filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws or from disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. secs. 601, 602.

The applicant desires the land as an addition to the Alkali Lake Wildlife Management Area.

On or before August 20, 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 Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

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.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

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.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 23 E.,
sec. 3, SW¼SW¼.

The area described contains 40 acres in Lyon County, Nevada.

WILLIAM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.73-14784 Filed 7-18-73;8:45 am]

[N-7653]

NEVADA

Proposed Withdrawal and Reservation of Lands

JULY 12, 1973.

The Department of Agriculture, U.S. Forest Service has filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land as an administrative site for the Toiyabe National Forest.

On or before August 20, 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 Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR 2351.4(c)) provide that 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 lands will be withdrawn as requested.

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.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 S., R. 57 E.,
sec. 27: NE¼SW¼, NW¼SE¼.

The area described contains 80 acres in Clark County.

WILLIAM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.73-14783 Filed 7-18-73;8:45 am]

VERNAL DISTRICT GRAZING ADVISORY BOARD, UTAH

Notice of Meeting

Notice is hereby given that the Vernal District Grazing Advisory Board will hold a meeting August 14 and 15, 1973 in the district office in the Cooper Building, Vernal, Utah, beginning at 9 a.m.

The meeting August 14 will be a field review of present and potential water developments in the district.

The meeting August 15 will be open to the public. Limited time will be available for comments from the public but persons desiring to make brief statements should contact in advance the Advisory Board Chairman, Nick Meagher, Jr., P.O. Box F, Vernal, Utah 84078. The agenda will include review of grazing license applications, review of other types of grazing use authorizations, preditor control program, West Tabyago allotment management plan, review of the district's annual work plan, status of proposed regulations concerning wild horses, progress report for land use planning, and the proposed antelope transplant by the Utah Division of Wildlife Resources on East Bench.

ROBERT E. ANDERSON,
Acting State Director.

[FR Doc.73-14754 Filed 7-18-73;8:45 am]

[BLM Manual Supplement 1510]

JULY 5, 1973.

DISTRICT MANAGER, DILLON DISTRICT, MONT.

Delegation of Procurement Authority

A. Pursuant to delegation of authority delegated to me by State Director, Montana, BLM Manual supplement 15.10, Release 1-94, February 14, 1972, the Chief, Division of Administration, Dillon District is authorized:

1. *Open market purchases.* Authority to enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies, services, and rental of equipment and aircraft, not to exceed $2,500 per transaction, and for construction, not to exceed $2,000 per transaction; *Provided*, That the requirement is not available from established sources of supply.

2. *Established sources of supply.* Auto to procure necessary supplies and services available from established sources of supply regardless of amount.

JACK A. MCINTOSH,
District Manager.

Approved:
EDWIN ZAIDLICZ,
State Director.

[FR Doc.73-14785 Filed 7-18-73;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, July 28, 1973, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. Thomas W. Richards
Arlington, Virginia
Mr. John C. Lewis
Hamilton, Virginia
Hon. Joseph H. Manning
Annapolis, Maryland
Mr. Burton C. English
Berkeley Springs, West Virginia
Mr. James G. Banks
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James Gilford
Frederick, Maryland
Dr. K. R. Bromfield
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Justice Douglas
(Special Consultant)
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Donald Frush
Hagerstown, Maryland

The matters to be discussed at this meeting include:

1. Proposed rezoning of the Georgetown Waterfront District.

2. A report of the Cumberland Boundary.

3. The two Superintendents' reports on their major activities since the last Commission meeting.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, S.W., Washington, D.C.

Dated: July 11, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-14934 Filed 7-18-73;8:45 am]

Office of Oil and Gas

NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the following meeting: National Petroleum Council meeting, July 24, 1973, 9:00 a.m., Department of the Interior Auditorium, Washington, D.C. The agenda will include reports from the Nominating Committee and election of officers, factors affecting U.S. petroleum refining, and emergency preparedness.

The purpose of the National Petroleum Council is solely to advise, inform, and make recommendations to the Secretary of the Interior on any matter relating to petroleum or the petroleum industry.

This meeting is open to the public.

DUKE R. LIGON,
Director.

JULY 17, 1973.

[FR Doc.73-15005 Filed 7-18-73;11:20 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUT ADMINISTRATIVE COMMITTEE

Budget of Expenses and Rate of Assessment for the 1973 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1973 and for the crop year beginning July 1, 1973, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1973, shall be in the total amount of $300,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determined to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1973 Crop Peanuts, effective July 1, 1973, are estimated at, but may exceed $4.0 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of $3.30 per net ton of farmers stock peanuts received or acquired other than those described in section 31(c) and (d) ($0.30 for administrative expenses and $3.00 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $3.00 rate and not expended in providing indemnification on 1973 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and

handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: July 16, 1973.

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

[FR Doc.73-14776 Filed 7-18-73;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-320]

DOMESTIC BEET SUGAR PRODUCING AREA

Hearing on Proportionate Shares for 1974 Crop

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1974 crop of sugarbeets in the Domestic Beet Sugar Area. Also, for use by the Secretary if he determines that proportionate shares are needed, views and recommendations are desired on all phases of the proportionate share program, including the level of the National Sugarbeet Acreage Requirement. The hearing will be conducted at Denver, Colorado, on August 9, 1973, in Room 1430 (ground floor), Federal Building, 1961 Stout Street, beginning at 10:00 a.m. local time.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132 (b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugarbeets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

With the exception of the 1970 crop, proportionate shares have not been in effect since the 1966 crop. Acreage restrictions on 1970-crop plantings were established in October 1969 but were removed in April 1970 because of deficiencies in the 1969 crop. Latest estimates indicate that approximately 3,663,000 short tons, raw value, of sugar will be produced from 1972-crop plantings, and that 1973-crop acreage planted or to be planted will total about 1,280,455 acres.

Views and recommendations on the need for establishing proportionate shares and the details of the program may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing without an oral presentation or they may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 23, 1973. Oral and written proposals that proportionate shares be established for the 1974 crop in addition to the rationale should include recommendations as to the level of the National Sugarbeet Acreage Requirement and as to the details of a program. These would include such items as methods (formulae) of establishing State allocations, area allotments and farm bases, and the level of set-asides for new producers, appeals and adjustments.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. (7 C.F.R. 1.27 (b)).

Signed at Washington, D.C. on July 13, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-14873 Filed 7-18-73;8:45 am]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

Notice to buyers. This Monthly Sales List for the fiscal year ending June 30, 1974, is issued pursuant to the policy of the Commodity Credit Corporation issued on October 12, 1954, and published in the FEDERAL REGISTER of October 16, 1954, (19 FR 6669), and amended on January 31, 1970, (35 FR 1273), and on June 3, 1970, (35 FR 107). This Monthly Sales List is effective with respect to Commodity Credit Corporation (CCC) commodity holdings, which are available for sale, beginning at 2:30 p.m., e.d.t., on June 29, 1973. Sales price transitions between successive months will be made at 2:30 p.m. (Washington, D.C.), on the last CCC business day of each month unless otherwise specified.

This Monthly Sales List reflects sales policy for the beginning month of the period covered by the list. This Monthly Sales List also projects the beginning sales policy as far as possible into the balance of the fiscal year by setting forth prices that will prevail in subsequent months if the beginning sales policy remains unchanged. The inclusion of projected prices for subsequent months is intended to minimize the repetitive publication of price information and shall not be construed as an annual sales policy commitment by CCC. This Monthly Sales List will be amended in the FEDERAL REGISTER from time to time during the fiscal year to reflect intramonth and end-of-month changes.

This Monthly Sales List sets forth the commodities available for sale, information concerning financing, and barter, the pricing basis on which sales will be made, and sources from which further information concerning matters described in this paragraph may be obtained. This list is issued for the purpose of public information and does not constitute an offer to sell by CCC or an invitation for offers to purchase from CCC.

1. *General.* (a) CCC will entertain offers from responsible buyers for the purchase of any commodity in this Monthly Sales List. Offers accepted by CCC will be subject to the terms and conditions prescribed by CCC. With certain exceptions such terms and conditions appear in published regulations and in pamphlets which are designated as announcements. The identity of such announcements are with certain exceptions, stated in this Monthly Sales List. The announcements may be obtained from the sources described herein.

(b) CCC reserves the right to refuse to consider an offer if CCC does not have adequate information of financial responsibility of the offeror to meet contract obligations of the type contemplated under the prospective contract. If a prospective offeror is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named to receive offers in the appropriate announcement or invitation prior to making an offer or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only on submission by offeror of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offeror will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of a performance bond or other security acceptable to CCC. Interest at 8 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

(c) Prices on deferred delivery sales of grain at origin locations will be in accordance with the CCC Monthly Sales List in effect at the time of sale with interest beginning for the account of the buyer the day after the date of sale. Such sales made on an in-store delivery basis will require storage to begin for the account of the buyer 10 days after the date of sale. Such sales made on an FOB origin basis will require storage for the account of the buyer beginning on the day after the date of sale. Storage charges will be in accordance with Uniform Grain Storage Agreement rates. Interest to date of payment will be at 8 percent. No cash advance will be required from responsible buyers, but buyers will be required to furnish CCC an irrevocable letter of credit covering the purchase price plus estimated storage and interest to the end of the delivery period. Specific terms for to-arrive sales

will be enumerated with separate announcements.

(d) Financial coverage for commodities purchased shall be furnished before delivery, in cash or by irrevocable letter of credit. Corn, oats, barley, grain sorghum, wheat or rye, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price.

(e) CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

(f) Nonstorable commodities will be sold at not less than market price.

2. *Export commodities.* On sales for export, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon which service of judicial process may be had.

Prospective buyers for export should note that, generally sales to U.S. Government agencies, with minor exceptions, will constitute sales for domestic unrestricted use of the commodity.

CCC reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from CCC whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce export control regulations. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

In the case of export sales, the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Although a commodity may not be specifically listed for export sale, CCC reserves the right to make emergency sales of its stocks for export if unexpected trade opportunities develop or when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Specific offering terms, including the applicable export announcement to be used, will be provided interested parties through special sales announcements and by amendments to the CCC Monthly Sales List.

3. *CCC binsite commodities.* Information on the availability of commodities stored in CCC binsites may be obtained from the Agricultural Stabilization and Conservation Service State offices shown at the end of this sales list.

4. *Odd lot quantities.* Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and, therefore, generally they do not appear in the monthly sales list.

5. *Definitions.* The following terms as used in this monthly sales list shall have the following meanings unless otherwise specifically stated:

(a) "Market price" means market price as determined by CCC.

(b) "Transit value" means transit value as determined by CCC.

(c) "Sales for unrestricted use and unrestricted sales" means sales which permit either domestic or export use.

(d) "Sales for export and export sales" means sales which require export of a commodity.

(e) "Designated terminals" are listed in grain price support regulations.

(f) "Export market price" means a price as determined by CCC and generally reflects the price at which commodities are being sold for export.

6. *Barter eligibility list.* Stocks of tobacco, under CCC loan, are available for new and existing barter contracts.

7–10. [*Reserved*].

11. *Wheat—unrestricted use sales—bulk-storable—basis grade 1 in-store.* The minimum price is the market price but not less than the formula price.

(a) Except as specified in paragraph (b) of this section:

(1) At designated terminals the formula price for the predominant class of wheat is the 1973 county loan rate where stored plus the monthly markup shown in this section plus the transit value or 4 cents per bushel whichever is higher. Adjustments for other classes will be established when necessary by CCC.

(2) Outside of designated terminal markets, the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

(3) Loan differentials will be applied in determining the formula price of other qualities at all locations.

MONTHLY MARKUPS IN CENTS PER BUSHEL

July 1973	25	Jan. 1974	31
August	25	February	33
September	25	March	35
October	25	April	37
November	27	May	37
December	29	June	37

(b) The July formula price of wheat at the west gulf is fixed at $1.83 per bushel. The minimum price for sales of Hard Red Winter wheat at points tributary to the gulf will be the higher of the market price, the formula price at point of sale, or the west gulf price of $1.83 backed off to point of sale. The foregoing fixed price of wheat at the west gulf will increase in accordance with the following monthly markup schedule:

MONTHLY MARKUP SCHEDULE

July 1973	0	Jan. 1974	6
August	0	February	8
September	0	March	10
October	0	April	12
November	2	May	12
December	4	June	12

12. [*Reserved*].

13. *Corn—Unrestricted use sales—Interior positions bulk—Storable—Basis grade 2 yellow corn 15.1–15.5 percent moisture—In-store.* The minimum price will be the market price but not less than the formula price. The formula price is the 1972 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

MONTHLY MARKUPS—CENTS PER BUSHEL

July 1973	30½	Sept	30½
Aug	30½		

Loan differentials will be applied in determining the formula price of other grades or qualities.

14. *Corn—Unrestricted use sales—Port positions bulk—Storable—Basis grade 2 yellow corn 15.1–15.5 percent moisture—In-store.* The minimum price will be the market price but not less than $1.31 per bushel Duluth/Superior; $1.34 other Great Lake ports; $1.42 gulf, and $1.43 Atlantic plus markups for each month as follows:

MONTHLY MARKUPS—CENTS PER BUSHEL

July 1973	13½	Sept	13½
Aug	13½		

Loan differentials will be applied in determining the formula price of other grades or qualities.

15.–16. [*Reserved*].

17. *Grain sorghum—Unrestricted use sales (bulk—storable—basis grade 2 or better in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1972 county loan rate where stored plus the monthly markup shown in this section plus 7 cents per hundredweight or the transit value, whichever is higher.

Outside of designated terminals the formula price is the county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of other grades and qualities.

Monthly Markups—Cents Per Hundredweight

July 1973	49½	Sept.	49½
Aug.	49½		

18. [*Reserved*].

19. *Barley—unrestricted use sales (bulk-storable-basis grade 2 in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value, whichever is higher.

Outside of designated terminals, the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of various classes and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

	1973		*1974*
July	19	Jan.	25
Aug.	19	Feb.	27
Sept.	19	Mar.	29
Oct.	19	Apr.	31
Nov.	21	May	31
Dec.	23	June	31

20. [*Reserved*].

21. *Oats—unrestricted use sales (bulk—storable—basis grade 3 in-store)*. The minimum price is the market price but not less than the formula price which is the 1973 base loan rate where stored plus the monthly markup shown in this section plus transit value, if any. Loan differentials will be applied in determining the formula price of other grades and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1973		1974	
July	13½	Jan	18
Aug	13½	Feb	19½
Sept	13½	Mar	21
Oct	13½	Apr	22½
Nov	15	May	22½
Dec	16½	June	22½

22. [*Reserved*].

23. *Rye—unrestricted use sales (bulk—storable—basis grade 2 in-store)*. The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1973 base loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value, whichever is higher. The formula price for rye stored outside of designated terminals is the 1973 base loan rate where stored plus the monthly markup shown in this section plus the transit value, if any. Loan differentials will be applied in determining the formula price of other qualities.

Monthly Markups—Cents Per Bushel

1973		1974	
July	20	Jan	26
Aug	20	Feb	28
Sept	20	Mar	30
Oct	20	Apr	32
Nov	22	May	32
Dec	24	June	32

24. [*Reserved*].

25. *Rice, rough—unrestricted use sales—F.O.B. warehouse*. The minimum price is the market price but not less than the formula price. The formula price for July 1973 is the 1972 loan rate plus 5 percent plus 59 cents per hundredweight. Basis of sale is f.o.b. warehouse as is, or at buyers option, basis outturn weights and grades with privilege of rejecting individual cars which are more than one grade below the listed grade or contain more than 1 percent smut in excess of the listed percentage.

26–29. [Reserved].

30. *Tung oil—unrestricted use sales*. Competitive offers under the terms and conditions of Announcement NO–TNO–1.

The quantity offered, storage location, and date bids are to be received and announced in invitations issued by the New Orleans ASCS Commodity Office.

Bids will include, and be evaluated on the basis of price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the announcement, refund to the buyer a "freight equalization" allowance.

Sales will be made by the New Orleans ASCS Commodity Office. Copies of the announcement and the applicable invitation may be obtained from that office.

31. [Reserved].

32. *Peanuts, shelled or farmers stock—restricted use sales*. When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GPA Peanut Association.	Camilla, Ga. 31730
Peanut Growers Cooperative Marketing Association.	Franklin, Va. 23851
Southwestern Peanut Growers' Association.	Gorman, Tex. 76454

Terms and conditions of sale are set forth in Announcement OC–10 (Revision 1), effective October 1, 1972, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 Grade may be purchased for foreign or domestic crushing.

2. Shelled graded peanuts equal to or exceeding requirements of U.S. grades may be purchased for export without limitations on their use.

3. Farmers Stock: Segregation 1 may be purchased and:

A. Milled to produce U.S. No. 1 or better grade shelled peanuts to be exported and the balance either crushed domestically or fragmented and exported.

B. Milled to remove the hulls and exported after fragmentation.

C. Exported as farmers stock with no warranty after delivery by CCC.

Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids submitted each Tuesday to the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250. 33–37 [*Reserved*].

38. *Cotton, extra long staple—unrestricted use sales*. Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2), as amended. Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the 1973 loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Revised) (Sale of Special Condition Cotton). Any such cotton (below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

MONTHLY CARRYING CHARGES—POINTS PER POUND

July 1973	135	January	70
August	45	February	90
September	45	March	105
October	45	April	120
November	45	May	135
December	60	June	135

39–45 [Reserved].

46. *Flaxseed—unrestricted use sales (bulk—storable—basis grade 1 in-store Minneapolis and Duluth/Superior)*. Market price but not less than $2.80 per bushel plus transit value. Minimum price at locations other than Minneapolis and Duluth/Superior will be adjusted, taking into consideration: (a) Cost of movement to these terminals, and (b) other market factors. Available from the Minneapolis ASCS Branch Office.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES:

GRAIN OFFICES, ADDRESSES, TELEPHONE AND SALES AREAS

Kansas City ASCS Commodity Office. 2400 West 75th Street (P.O. Box 8377) Shawnee Mission, Kansas 66208: Telephone: Area Code 816, 361–0860.

Domestic and Export Sales. Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Domestic Sales Only. California.

Export Only. Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office. Chicago ASCS Branch Office, 226 W. Jackson Blvd. Room 106, Chicago, Illinois 60606 Telephone: Area Code 312, 353–6581

Domestic Sales Only. Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office. Minneapolis ASCS Branch Office, 310 Grain Exchange Bldg. Minneapolis, Minnesota 55415 Telephone: Area Code 612, 725–2051

Domestic and Export Sales. Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office. Portland ASCS Branch Office, 921 S.W. Washington St. Room 256 Pittock Block, Portland, Oregon 97205 Telephone: Area Code 503, 221–2715.

Domestic and Export Sales. Idaho, Oregon, Utah, and Washington

Export Sales Only. California

PROCESSED COMMODITIES OFFICE.—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Ave. South, Minneapolis, Minnesota 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE. (ALL STATES)

New Orleans ASCS Commodity Office, New Orleans Service Center, Bldg. 350, 13800 Gentilly Road, New Orleans, Louisiana 70129 Telephone: Area Code 504, 255–5500

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701, Telephone: Area Code 217, 525–4180.

Indiana, Suite 1600, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kansas 66502, Telephone: Area Code 913, 539–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823, Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201, Telephone: Area Code 314, 442-3111.
Minnesota, Room 230 Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101, Telephone: Area Code 612, 725-7651
Montana, P.O. Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715, Telephone: Area Code 406, 587-4511, Ext. 3271
Nebraska, P.O. Box 82208, 5801 O Street, Lincoln, Nebr. 68501, Telephone: Area Code 402, 475-3361
North Dakota, P.O. Box 3046, 657 Second Avenue, North, Fargo, N.D. 58103, Telephone: Area Code 701, 237-5205
Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215, Telephone: Area Code 614, 469-6814
South Dakota, P.O. Box 843, 239 Wisconsin Street, SW, Huron, S.D. 57350, Telephone: Area Code 605, 352-8651, Ext. 321 or 310
Wisconsin, P.O. Box 4248, 4601 Hammersley Road, Madison, Wis. 53711, Telephone: Area Code 608, 252-5301, Ext. 7535

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U.S.C. 1427; sec. 301, 79 Stat. 1188, as amended; 7 U.S.C. 1441 (note).)

Signed at Washington, D.C., on July 13, 1973.

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

[FR Doc.73-14781 Filed 7-18-73;8:45 am]

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with a proposed release of loan funds to Central Electric Power Cooperative, Inc., PO. Box 23, Cayce, South Carolina. This release of funds would provide financing for the Pinopolis-Ringstree 230 kV transmission line and Darlington 230-69 kV substation; the Robinson-Blythewood 230 kV transmission line and Blythewood 230-115 kV substation and Camden switching facilities; plus the Batesburg-Newberry 230 kV transmission line.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Acting Assistant Administrator—Electric, Rural Electricfication Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4322, or at Central Electric Power Cooperative, Inc., Cayce, South Carolina.

Final REA action may be taken with respect to this matter after thirty (30) days.

Dated at Washington, D.C., this 13th day of July 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.73-14780 Filed 7-18-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BONA FIDE MOTOR-VEHICLE MANUFACTURERS AS OF MAY 1, 1973

List of Names and Addresses

As required by headnote 2, subpart B, part 6, of the Tariff Schedules of the United States (19 U.S.C. 1202) and Chapter VI, Part 615, of Title 15 of the Code of Federal Regulations (36 FR 7127), the following is a list of the names and addresses and dates of determinations of bona fide motor vehicle manufacturers which shall be effective for a 12-month period beginning with the date shown following the name and address of each manufacturer:

UNITED STATES BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST AS OF MAY 1, 1973

Action-Age, Inc.
1060 N. Detroit Avenue
Monroe, Michigan 48161
September 1, 1972

Adams International Truck Co.
P.O. Box 1556
Thomasville, Georgia 31792
January 18, 1973

Advanced Equipment Corporation
51-55 Delancey Street
Newark, New Jersey 07105
June 1, 1972

Allentown Brake & Wheel Service, Inc.
R.D. No. 3
Allentown, Pennsylvania 18104
October 19, 1972

Allied Leisure, Inc.
P.O. Box 5411
Lansing, Michigan 48905
January 18, 1973

AM General Corporation
(formerly Jeep Corporation)
32500 Van Born Street
Wayne, Michigan 48184
April 1, 1973

American La France
Division American LaFrance, Inc.
100 East La France Street
Elmira, New York 14902
July 8, 1972

American Motors Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 18, 1973

American Trailer Service, Inc.
2814 North Cleveland Avenue
St. Paul, Minnesota 55113
January 18, 1973

American Trailers, Inc.
5702 E. Admiral Place
Box 15708
Tulsa, Oklahoma 74115
October 27, 1972

American Trailers, Inc.
1500 Exchange Avenue
Oklahoma City, Oklahoma 73126
January 18, 1973

AMREC, Inc.
Rt. 1, Box 199A
Farmington, Minnesota 55024
November 1, 1972

Amthor's Welding Service, Inc.
Route 52 East
Walden, New York 12586
July 9, 1972

Antietam Equipment Corporation
P.O. Box 91
Hagerstown, Maryland 21740
January 1, 1973

Arctic Enterprises, Inc.
P.O. Box 635
Thief River Falls, Minnesota 56701
August 1, 1972

Ariens Company
655 West Ryan Street
Brillion, Wisconsin 54110.
August 10, 1972

ATV Manufacturing Co.
1215 William Flynn Highway
Route 8
Glenshaw, Pennsylvania 15116
October 1, 1972

Automotive Service Company
111-113 North Waterloo
Jackson, Michigan 49204
January 18, 1973

Avanti Motor Corporation
765 South Lafayette Blvd.
South Bend, Indiana 46623
January 10, 1973

Bethlehem Fabricators, Inc.
1700 Riverside Drive
Bethlehem, Pennsylvania 18016
January 20, 1973

Donald Billings, Inc.
555 Longfellow Avenue
Bronx, New York 10474
May 12, 1972

Adam Black & Sons, Inc.
276-300 Tonnele Avenue
Jersey City, New Jersey 07306
January 18, 1973

Blue Bird Body Company
P. O. Box 937
Fort Valley, Georgia 31030
January 18, 1973

Bock Products, Inc.
2132 South Main Street
Elkhart, Indiana 46514
October 20, 1972

Boyertown Auto Body Works, Inc.
3rd & Walnut Streets
Boyertown, Pennsylvania 19512
September 1, 1972

Brake & Equipment Co. Inc.
1801 North Mayfair Road
Milwaukee, Wisconsin 53226
January 1, 1973

Brake Service and Parts, Inc.
170 Washington Street
P. O. Box 774
Bangor, Maine 04401
January 18, 1973

Bristol-Donald Co. Inc.
Bristol-Donald Manufacturing Corp.
50 Roanoke Avenue
Newark, New Jersey 07105
January 1, 1973

Brutanza Engineering, Inc.
Box 158
Brooten, Minnesota 56316
August 8, 1972

Bus Andrews Equipment Sales & Service, Inc.
2828 East Kearney Street
Springfield, Missouri 65803
December 1, 1972

The Carnegie Body Company
9500 Brookpark Road
Cleveland, Ohio 44129
January 18, 1973

Champion Carriers, Inc.
2321 E. Pioneer Drive
Irving, Texas 78601
October 20, 1972

Chaparrel Industries, Inc.
5995 North Washington Street
Denver, Colorado 80216
July 8, 1972

Checker Motors Corporation
2016 N. Pitcher Street
Kalamazoo, Michigan 49007
January 1, 1973

Chrysler Corporation
Chrysler Center
12000 Oakland Avenue
Highland Park, Michigan 48231
January 18, 1973

B. M. Clark Co., Inc. & Subsidiary
Route 17
Union, Maine 04862
January 14, 1973

Fred Clemett & Co., Inc.
2020 Lemoyne Street
(P. O. Box 26)
Syracuse, New York 13211
July 1, 1972

Coder Service, Inc.
420 Hopkins Street
Buffalo, New York 14220
February 17, 1973

Comet Corporation
N. 3808 Sullivan Road
Spokane, Washington 99216
January 18, 1973.

Commercial Body Corporation
200–68th Place
P. O. Box 8514
Seat Pleasant, Maryland 20027
November 1, 1972

Commercial Truck & Trailer, Inc.
313 North State Street
Girard, Ohio 44420
January 1, 1973

Connell Motor Truck Co. of Fresno
P. O. Box 3316
Fresno, California 93766
January 15, 1973

Cook Body Company
3701 Harlee Avenue
Charlottee, North Carolina 28208
October 22, 1972

Cortez Corporation
777 Stow Street
Kent, Ohio 44240
February 1, 1973

O. R. Cote Company
556 St. James Avenue
P. O. Box 8 Highland Station
Springfield, Massachusetts 01109
June 17, 1973.

Crenshaw Corporation
1700 Commerce Road
P. O. Box 4217
Richmond, Virginia 23224
April 1, 1973

Critzer Equipment Company, Inc.
E. 3804 Front Avenue
P. O. Box 152
Spokane, Washington 99210
January 10, 1973

Cross Truck Equipment Company, Inc.
5130–18th Street, S. W.
Canton, Ohio 44706
August 23, 1972

Crown Coach Corporation
2500 East 12th Street
Los Angeles, California 90021
March 20, 1973

Dade Trailer Sales and Services, Inc.
2960 N.W. 73rd Street
Miami, Florida 33147
December 2, 1972

Daleiden Auto Body & Mfg. Corp.
425 E. Vine Street
Kalamazoo, Michigan 49001
January 12, 1973

Daybrook-Ottawa Division Gulf & Western Metals Forming Co.
1313 North Hickory Street
Ottawa, Kansas 66067
and
1175 North Main Street
Bowling Green, Ohio 43402
January 1, 1973

Dealers Truck Equipment Co., Inc.
2460 Midway Street
P. O. Box 1435
Shreveport, Louisiana 71108
January 17, 1973

Dealers Truckstell Sales, Inc.
653 Beale Street
P.O. Box 502
Memphis, Tennessee 38101
January 1, 1973

Chet Decker Auto Sales
300 Lincoln Avenue
Hawthorne, New Jersey 07506
November 3, 1972

John Deere Horicon Works of Deere & Company
Horicon, Wisconsin 53032
June 1, 1972

Diamond Reo Trucks, Inc.
1331 South Washington Avenue
Lansing, Michigan 48920
October 26, 1972

Divco Truck Co. of Transairco, Inc.
London Road Extension
P.O. Drawer "B"
Delaware, Ohio 43015
July 1, 1972

Dufrane Motor Distributors, Inc.
417 E. Main Street
Malone, New York 12953
May 15, 1972

Eastern Tank Corporation
290 Pennsylvania Avenue
Paterson, New Jersey 07503
January 1, 1973

Economy Motors, Inc.
3102 W. 1st Street
Duluth, Minnesota 55806
November 22, 1972

Eight Point Trailer Corporation
6100 E. Washington Blvd.
Los Angeles, California 90040
January 18, 1973

Elder International, Inc.
5875 North Loop
P.O. Box 2061
Houston, Texas 77001
December 1, 1972

Equipment Service, Inc.
40 Airport Road
Hartford, Connecticut 06114
April 1, 1973

E. & R. Trailer Sales, Inc.
R. R. #1
Middle Point, Ohio 45863
December 1, 1972

John Evans Manufacturing Co. Inc.
2 Mi. South, Highway 15–A
Sumter, South Carolina 29150
January 1, 1973

Flagmaster, Inc.
2875 North 31st Street
P.O. Box 3565
Springfield, Illinois 62708
May 1, 1973

Fleet Equipment Co.
10605 Harry Hines
P.O. Box 20578
Dallas, Texas 75220
December 1, 1972

The Flexible Co.
326—332 N. Water Street
Loudonville, Ohio 44842
January 1, 1973

FMC Corporation
Bolens Division
215 S. Park Street
Port Washington, Wisconsin 53074
April 1, 1973

Ford Motor Company
The American Road
Dearborn, Michigan 48121
January 18, 1973

Fox Corporation
1111 W. Racine Street
Janesville, Wisconsin 53545
January 18, 1973

F & P Truck & Trailer Equipment
254–266 Central Avenue
Newark, New Jersey 07103
October 1, 1972

Freightlinger Corp.
2525 S.W. Third Avenue
Portland, Oregon 97201
December 14, 1972

Fruehauf Corporation
10900 Harper Avenue
Detroit, Michigan 48232
December 1, 1972

FWD Corporation
105 East 12th Street
Clintonville, Wisconsin 54929
January 1, 1973

Gallagher's Tank & Equipment, Inc.
317 West Service Road
Hartford, Connecticut 06120
June 1, 1972

Peter Garafano & Son, Inc.
264 Wabash Avenue
Paterson, New Jersey 07503
June 3, 1972

General Motors Corporation
3044 West Grand Blvd.
Detroit, Michigan 48202
January 18, 1973

General Trailer Co. Inc.
546 W. Wilkins Street
Indianapolis, Indiana 46225
January 27, 1973

The Gertsenslager Company
1425 East Bowman Street
Wooster, Ohio 44691
July 1, 1972

Gidley-Eschenheimer Corporation
858 Providence Highway
Dedham, Massachusetts 02026
July 15, 1972

Gillig Bros.
25800 Clawiter Road
Hayward, California 94543
January 1, 1973

Gilson Brothers Company
P.O. Box 152, Highway 57
Plymouth, Wisconsin 53073
September 26, 1972

Gooch Brake and Equipment Co.
531 Grand Avenue
Kansas City, Missouri 64106
January 1, 1973

Harley-Davidson Motor Co. Inc.
3700 West Juneau Avenue North
Milwaukee, Wisconsin 53201
April 1, 1973

Harris Rim and Wheel, Inc.
525 Peters Street, S.W.
Atlanta, Georgia 30310
January 1, 1973

Hawkeye Truck Equipment Co.
5800 Second Avenue
Des Moines, Iowa 50313
October 28, 1972

Heil Equipment Co. of Philadelphia, Inc.
1223 Ridge Pike
Conshocken, Pennsylvania 19428
January 3, 1973

Hendrickson Manufacturing Co.
8001 West 47th Street
Lyons, Illinois 60534
January 1, 1973

Herter's, Inc.
Route 1
Waseca, Minnesota 56093
May 15, 1972

The Hess & Eisenhardt Co.
8959 Blue Ash Road
Cincinnati, Ohio 45242
January 9, 1973

Hews Body Co.
190 Rumery Street
South Portland, Maine 04106
January 18, 1973

H. & H. Truck Tank Co., Inc.
745 Tonnele Avenue
Jersey City, New Jersey 07307
September 30, 1972

Highway Products, Inc.
789 Stow Street
Kent, Ohio 44240
March 27, 1973

Hobbs Equipment Co. Inc.
Keeler Avenue
Norwalk, Connecticut 06856
August 9, 1972

Hobbs Trailers
609 North Main Street
Fort Worth, Texas 76101
April 5, 1973

H. M. Howe Co. of New England, Inc.
93 Bucklin Street
Providence, Rhode Island 02907
December 12, 1972

O. G. Hughes & Sons, Inc.
4816 Rutledge Pike (Box 6277)
Knoxville, Tennessee 37914
January 1, 1973

International Harvester Co.
401 North Michigan Avenue
Chicago, Illinois 60611
January 18, 1973

Iroquois Manufacturing Co., Inc.
Richmond Road
Hinesburg, Vermont 05461
July 1, 1972

Jac-Trac, Inc.
Route 2 East 29th Street
Marshfield, Wisconsin 54449
May 26, 1972

Jamie E. Jacobs, Owner
Vermont Chemicals
Colchester, Vermont 05446
and
Bobcat Mfg. Company
P.O. Box 191
N. Suite, Rhode Island 02857
January 8, 1973

Jeep Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 1, 1973

Kay Wheel Sales Co.
Van Kirk Street at State Road
Philadelphia, Pennsylvania 19135
January 1, 1973

L. W. Ledwell & Son, Inc.
P.O. Box 1106
Texarkana, Texas 75501
January 18, 1973

Leisure Design Corp.
Route 3, Box 706
Excelsior, Minnesota 55331
December 1, 1972

Leisure Vehicles, Inc.
1460 Rankin
Troy, Michigan 48084
January 25, 1973

Leland Equipment Co.
7777 E. 42nd Place South
Box 45128
Tulsa, Oklahoma 74145
January 18, 1973

Liberty Oil Equipment Co. Inc.
82 Cherry Street
East Hartford, Connecticut 06108
May 1, 1973

Long Trailer Service, Inc.
P. O. Box 5105 Station "B"
Henderson Drive
Greenville, South Carolina 29606
March 1, 1973

Lori Equipment Corporation
333 Nassau Avenue
Brooklyn, New York 11222
October 16, 1972

Mack Trucks, Inc.
Box M
Allentown, Pennsylvania 18105
January 18, 1973

Madison Truck Equipment
2410 S. Stoughton Road
Madison, Wisconsin 53716
October 22, 1972

Jay Madsen Division Air Springs, Inc.
126–136 Linden Street
Allentown, Pennsylvania 18101
January 1, 1973

Manning Equipment, Inc.
12000 Westport Road
P. O. Box 22266
Louisville, Kentucky 40222
April 16, 1973

Massey-Ferguson Inc.
1901 Bell Avenue
Des Moines, Iowa 50315
and
Badger Northland Inc., a subsidiary of Massey-Ferguson Inc.
215 West Second Street
Kaukauna, Wisconsin 54130
July 1, 1972

Maxon Industries, Inc.
1960 E. Slauson Avenue
Huntington Park, California 90255
August 15, 1972

Mercury Marine, Division of Brunswick Corporation
1939 Pioneer Road
Fond du Lac, Wisconsin 54935
June 24, 1972

Merit Tank & Body, Inc.
707 Gilman Street
Berkeley, California 94710
January 18, 1972

Mickey Truck Bodies, Inc.
P. O. Box 2044
1305 Trinity Avenue
High Point, North Carolina 27261
June 30, 1972

Middlekauff, Inc.
1615 Ketcham Avenue
Toledo, Ohio 43608
January 18, 1973

Mid West Truck Equipment Sales Corp.
640 East Pershing Road
Decatur, Illinois 62526
February 22, 1973

Moline Body Company
222–52nd Street
Moline, Illinois 61265
January 6, 1973

Monon Trailer Inc.
P.O. Box 446
Monon, Indiana 47959
April 8, 1973

Moore and Sons, Inc.
P.O. Box 30091
Memphis, Tennessee 38130
January 1, 1973

Motor Coach Industries, Inc.
Pembina, North Dakota 58271
January 18, 1973

Motor Truck Equipment Corporation
P.O. Box 47385
Dallas, Texas 75247
January 18, 1973

M & R Sales, Inc.
6640 County Trk.
Neenah, Wisconsin 54956
September 21, 1972

MTD Products Inc.
5389 West 130th Street
P.O. Box 2741
Cleveland, Ohio 44111
September 15, 1972

Murphy Body Distributors, Inc.
310 Herring Avenue
Wilson, North Carolina 27893
November 22, 1972

Mutual Truck Parts Co., Inc.
2000 S. Wabash Avenue
Chicago, Illinois 60616
May 23, 1972

Mutual Wheel Company
2345–4th Avenue
Moline, Illinois 61265
February 20, 1973

Neil's Automotive Service, Inc.
167 E. Kalamazoo Avenue
Kalamazoo, Michigan 49006
January 1, 1973

Nelson Manufacturing Company
Route 1, Box 90
Ottawa, Ohio 45875
January 18, 1973

Ohio Body Mfg. Co.
New London, Ohio 44851
January 1, 1973

Olson Bodies, Inc.
600 Old Country Road
Garden City, New York 11530
November 1, 1972

Chas. Olson & Sons, Inc.
Pillsbury at Lake Street
Minneapolis, Minnesota 55408
April 14, 1973

Olson Trailer & Body Builders Co. Inc.
2740 South Ashland Avenue
P.O. Box 2445
Green Bay, Wisconsin 54306
January 18, 1973

Oshkosh Truck Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54901
January 18, 1973

Outboard Marine Corporation
100 Pershing Road
Waukegan, Illinois 60085
January 18, 1973

Palmer Spring Company
355 Forest Avenue
Portland, Maine 04101
January 18, 1973

Palmer Spring Co.
399 Willow Street
Manchester, New Hampshire 03103
November 4, 1972

Palmer Trailer Sales Co. Inc.
162 Park Street
Palmer, Massachusetts 01069
January 18, 1973

Peabody Galion Corporation
P.O. Box 607
500 Sherman Street
Galion, Ohio 44833
August 24, 1972

Peerless Div. Royal Industries, Inc.
18205 S.W. Boones Ferry Road
P.O. Box 447
Tualatin, Oregon 97062
January 8, 1973

Perfection Equipment Company
7 South Pennsylvania
Oklahoma City, Oklahoma 73107
January 12, 1973

Peterbilt Motors Company Div. of PACCAR Inc. and Kenworth Motor Truck Company
P.O. Box 1518
Bellevue, Washington 98009
January 16, 1973

Phoenix Manufacturing Incorporated
375 West Union Street
Nanticoke, Pennsylvania 18634
February 20, 1973

Polaris Div. of Textron, Inc.
1225 N. County Road 18
Minneapolis, Minnesota 55427
August 2, 1972

C. E. Pollard Company
13575 Auburn Avenue
Detroit, Michigan 48223
July 27, 1972

Power Brake Company, Inc.
1506 W. Morehead Street
Charlotte, North Carolina 28201
January 17, 1973

Power Brake Service & Equipment Co. Inc.
1022 Carnegie Avenue
Cleveland, Ohio 44115
October 21, 1972

Providence Body Co.
750 Wellington Avenue
Cranston, Rhode Island 02910
June 1, 1972

Quality Truck Equipment Co.
Route 66 and Mercer Avenue
P. O. Box 420
Bloomington, Illinois 61701
November 15, 1972

Quality Truck Equipment Co.
I-74 & Prospect Avenue
P. O. Box 969
Champaign, Illinois 61820
November 15, 1972

Raleigh Spring & Brake Service, Inc.
P. O. Box 9304
1813 S. Saunders Street
Raleigh, North Carolina 27603
April 9, 1973

Rectrans Division of White Motor Corp.
800 Whitney Avenue
Brighton, Michigan 48116
May 10, 1972

Reliable Spring Company, Inc.
10557 S. Michigan Avenue
Chicago, Illinois 60628
January 20, 1973

Rhode Island Petroleum Equipment Co.
Mill Street
Johnston, Rhode Island 02861
(Mailing Address:
John F. Cullinan, President
Rhode Island Petroleum Equipment Co.
88 Manistee Street
Pawtucket, Rhode Island 02861)
May 16, 1972

Roanoke Welding Co.
P.O. Box 4373
Roanoke, Virginia 24015
January 1, 1973

Rowland Truck Equipment, Inc.
2900 Northwest 73rd Street
P.O. Box 398
Miami, Florida 33147
and
2265 W. Beaver Street
P.O. Box 2006
Jacksonville, Florida 32203
November 19, 1972

Rupp Industries, Inc.
1776 Airport Road
Mansfield, Ohio 44903
October 3, 1972

Schafer Body, Inc.
5009 Superior Avenue
Cleveland, Ohio 44103
August 16, 1972

Schien Body & Equipment Co., Inc.
North on University
Carlinville, Illinois 62626
January 18, 1973

Schweigers, Inc.
South Highway 81
Watertown, South Dakota 57201
January 18, 1973

Scientific Brake & Equipment Co.
314 W. Genesee Avenue
Saginaw, Michigan 48602
January 19, 1973

Scorpion, Inc.
Box 300
Crosby, Minnesota 56441
April 29, 1973

Sharpsville Steel Equipment Company
6th and Main Streets
Sharpsville, Pennsylvania 16150
January 2, 1973

Simpson Equipment Corporation
P. O. Box 1020
Wilson, North Carolina 27893
January 3, 1973

SMI (Watertown), Inc.
Purdy Avenue
Watertown, New York 13601
August 1, 1972

Smith-Moore Body Co., Inc.
P. O. Box 27287
Richmond, Virginia 23261
January 18, 1973

Southeastern Equipment, Inc.
1105 Pulaski Street
Columbia, South Carolina 29201
November 22, 1972

South Florida Engineers, Inc.
5911 E. Baffalo Avenue
P. O. Box 11927
Tampa, Florida 33610
July 2, 1972

Speedway Products, Inc.
(Div. of Taylor Metal Products)
160 E. Longview Avenue
Mansfield, Ohio 44095
August 7, 1972

SS Automobiles, Inc.
1735 South 106th Street
Milwaukee, Wisconsin 53214
May 22, 1973

Starcraft Company
(a Div. of Bangor Punta Oprs. Inc.)
Box 577 College Avenue
Goshen, Indiana 46526
April 1, 1973

Steffen, Inc.
623 West 7th Street
Sioux City, Iowa 51103
November 4, 1972

Superior Coach Corporation
Sheller-Globe Corporation
1200 East Kibby Street
Lima, Ohio 45802
March 20, 1973

Swab Wagon Company, Inc.
21 S. Callowhill Street
Elizabethville, Pennsylvania 17023
May 7, 1972

Syracuse Auto Parts, Inc.
120 N. Geddes Street
Syracuse, New York 13204
January 18, 1973

Thiokol Chemical Corporation
2503 North Main Street
P.O. Box 407
Logan, Utah 84321
January 15, 1973

Thomas Built Buses, Inc.
1408 Courtesy Road
High Point, North Carolina 27261
August 1, 1972

Transport Equipment Co.
3400 6th Avenue, South
Seattle, Washington 98134
January 18, 1973

Truck Equipment Company
1911 S.W. Washington Street
Peoria, Illinois 61602
January 18, 1973

Truck Equipment, Inc.
680 Potts Avenue
P.O. Box 3280
Green Bay, Wisconsin 54304
January 18, 1973

Truck Equipment Sales
301 South 4th Street
P.O. Box 389
Murray, Kentucky 42071
December 1, 1973

Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67209
November 11, 1972

Truck and Trailer Sales Corporation
3828 Augusta Road
P.O. Box 7015
Savannah, Georgia 31408
January 1, 1973

Truck & Transportation Equipment Co. Inc.
260 Industrial Avenue
P.O. Box 10455
New Orleans, Louisiana 70121
January 1, 1973

Tuff Boy, Inc.
5151 E. Almondwood Drive
Manteca, California 95336
January 1, 1973

Union City Body Co. Inc.
1015 West Pearl Street
Union City, Indiana 47390
August 15, 1972

Unit Rig & Equipment Co.
P.O. Box 3107
Tulsa, Oklahoma 74101
January 1, 1973

Utility Trailer & Equipment Co. Inc.
4771 S.E. 17th Avenue
Portland, Oregon 97202
January 1, 1973

Viking Snowmobiles, Inc.
P. O. Box 37
Twin Valley, Minnesota 56584
August 1, 1972

Vucan Trailer Mfg. Co., Inc.
1321-3rd St. & Ensley
Birmingham, Alabama 35214
December 1, 1972

Walter Motor Truck Company
School Road
Voorheesville, New York 12186
April 29, 1973

The Warner & Swasey Company Duplex Division
830 East Hazel Street
Lansing, Michigan 48909
April 1, 1973

Wayne Corporation, an Indian Head Company
P. O. Box 908
Industries Road
Richmond, Indiana 47374
October 31, 1972

Westinghouse Air Brake Company
Construction and Mining Equipment Group
2301 N.E. Adams Street
Peoria, Illinois 61601
February 1, 1973

Weston Equipment Company, Inc.
130 Railroad Hill Street
Waterbury, Connecticut 06708
January 3, 1973

White Motor Corporation
110 Erieview Plaza
Cleveland, Ohio 44114
January 18, 1973

White Trucks & Equipment Sales, Inc.
2401 Dinneen Avenue
P.O. Box 7185
Orlando, Florida 32804
December 1, 1972

Winnebago Industries, Inc.
P.O. Box 152
Forest City, Iowa 50436
March 19, 1973

Wollard Aircraft Equipment, Inc.
6950 N.W. 77th Court
Miami, Florida 33166
December 1, 1972

Worcester Tank & Equipment Co., Inc.
Rear 462 Grafton Street
Worcester, Massachusetts 01606
May 1, 1973

Wyman's Inc.
Northfield Road
Box 541
Montpelier, Vermont 05602
June 1, 1962

From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

Dated: June 21, 1973.

GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

[FR Doc.73-14787 Filed 7-18-73;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet July 25, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., 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 peripherals, components, and related test equipment, 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. Presentation of papers or comments by the public.
3. Discussion of foreign availability.
4. Discussion of East European procurement efforts.
5. Discussion of work program.
6. Executive session:
   a. Discussion of foreign availability.
   b. Discussion of East European procurement efforts.
   c. Discussion of work program.
7. Adjournment.

This will be the second meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the 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 two-year term.

The public will be permitted to attend the discussion of agenda items 1-5, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (6), "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to Section 10(d) of P.L. 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 USC 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. (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: July 17, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc. 73-14975 Filed 00-00-73;0:00 am]

Maritime Administration

[Docket No. S-366]

AMERICAN TRADING TRANSPORTATION CO., INC.

Notice of Application

Notice is hereby given that American Trading Transportation Company, Inc. has filed an application dated June 26, 1973, under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy on four O/B/O vessels (to be constructed) which are to be employed in U.S. foreign trade. Since American Trading Transportation Company, Inc. owns and operates U.S. flag tankers which from time to time may operate in domestic intercoastal or coastwise trade, written permission of the Maritime Administration under section 805(a) of the Act will be required by American Trading Transportation Company, Inc. if its application for operating-differential subsidy is approved.

American Trading Transportation Company, Inc. has applied for permission to continue to own, operate, and/or charter the following vessels, some of which are presently under charter to the Military Sealift Command, in domestic coastwise or intercoastal service:

American Trader
Baltimore Trader
Maryland Trader
Virginia Trader
Texas Trader

Interested parties may inspect the application under consideration in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, Fourteenth & E Streets NW., Washington, DC 20230.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to Section 805(a) or desiring to submit comments or views concerning the application must, by close of business on July 26, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant Section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on July 27, 1973, Room 4896 Department of Commerce Building, Fourteenth & E Streets NW., Washington, DC 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: July 16, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14832 Filed 7-18-73;8:45 am]

[Docket No. S-367]

AMERICAN TRADING TRANSPORTATION CO., INC.

Notice of Application

Notice is hereby given that American Trading Transportation Company, Inc., has filed an application for operating-differential subsidy on four (4) ore/bulk/oil carriers (to be constructed) of approximately 80,500 deadweight tons each. Said vessels will be used primarily in the carriage of crude oil from ports in the Persian Gulf to United States ports, and bulk coal from U.S. Atlantic ports to Japan, but may at times be operated in other worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before July 26, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 16, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14833 Filed 7-18-73;8:45 am]

National Oceanic and Atmospheric Administration

STEPHEN W. FENNO AND RALPH I. GUNTHER

Receipt of Exemption Applications

Notice is hereby given that the following named individuals have filed applications for exemptions from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by section 101(c) of the Act and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the taking of marine mammals as hereinafter described for the purposes stated.

1. Stephen W. Fenno, Vice President, Aqualand, Inc., Bar Harbor, Maine 04609, to take seven harbor seals (*Phoca vitulina concolor*) for public display.

In support of his application, the Applicant states that:

(1) The seals would be taken along the coast of Maine between June and October 21, 1973, by experienced seal capturers and transported by the Applicant from point of capture to the Applicant's facility;

(2) The seals would be displayed for profit at the Applicant's menagerie in a tank especially designed for the care, maintenance and display of seals;

(3) If the exemption is not granted the Applicant will suffer undue economic hardship in that without seals, the annual admissions to the menagerie would be reduced by half because seals are a major attraction at the Applicant's menagerie.

2. Ralph I. Gunther, doing business as Bob's Seafood Restaurant, P.O. Box 819, Morro Bay, California, to take one or two California sea lions (*Zalophus californianus*) for public display.

In support of his application, the Applicant states that:

(1) The animals would be taken by professional sea lion capturers along the coast of central or southern California between June and October 21, 1973, and transported to the Applicant's facility in appropriate containers;

(2) The animals would be displayed in a specially constructed facility at the Applicant's restaurant;

(3) The Applicant previously maintain sea lions at his facility for 14 years, the last such sea lion dying on March 31, 1973;

(4) If the exemption is not granted the Applicant will suffer undue economic hardship in that a specially designed sea lion pool costing several thousand dollars would be unutilized.

Documents submitted in connection with these applications, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and in the following offices of the Regional Directors, National Marine Fisheries Service: For Mr. Gunther, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-813-9575. For Mr. Fenno, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640. Any person wishing to comment on these applications may write to the appropriate National Marine Fisheries Service office.

All statements and opinions contained in this notice in support of the applications are those of the Applicants.

Dated: July 13, 1973.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-14782 Filed 7-18-73;8:45 am]

Office of the Secretary

[Dept. Organization Order 25-5B, Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

JUNE 26, 1973.

This order effective June 26, 1973, amends the material appearing at 38 FR 15980 of June 19, 1973.

Department Organization Order 25-5B dated May 7, 1973 is hereby amended as follows:

1. Sec. 6. *Associate Administrator for Environmental Monitoring and Prediction* is revised to read as follows:

The Associate Administrator for Environmental Monitoring and Prediction shall maintain cognizance over and establish policy for environmental satellite, meteorological, hydrologic, marine environmental services, climatological, upper atmospheric and space, geomagnetic and seismological programs which entail monitoring and prediction of the environment; for activities in intentional and inadvertent environmental modification; and for aircraft resources. The marine environmental services program includes marine environmental observations necessary for the prediction of coastal zone and oceanic conditions and those required on a routine basis for the measurement of pollution and other ocean constituents. He shall also be the NOAA focal point for planning emergency readiness and preparedness against natural disasters. As the primary program policy officer for all activities indicated above, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Assure the development of plans and programs for adequate research, technology and operational services for meeting user requirements. Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness to user needs; and recommend as necessary, program curtailments, redirections, expansions and new program initiatives.

Carry out Department of Commerce responsibilities under the Weather Modification Reporting Act, P.L. 92–205.

Conduct or monitor studies of the economic, social, and legal ramifications of environmental modification and conduct or monitor studies of unwanted side effects.

Establish policy on the scheduling and utilization of Research Flight Facility aircraft in conjunction with the Director of the Environmental Research Laboratories; monitor the development of a plan for the modernization of the Research Flight Facility; and monitor the management and allocation of NOAA aircraft resources, including reviews of the adequacy of flying safety programs.

Provide management and coordination for the Global Atmospheric Research Program (GARP) of the World Weather Program, International Hydrologic Decade, the special foreign currency program and other special programs assigned by the Administrator.

Act as NOAA's focal point for coordination with the National Science Foundation; develop and coordinate NOAA's posture for deliberations by the Committees of the Federal Council for Science and Technology; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

Act as NOAA's focal point for coordination with Committees of the National Academy of Sciences and the National Academy of Engineering.

Discharge Federal coordinating functions assigned to Commerce under OMB Circular A–62 (Federal meteorological services), those assigned to NOAA for the World Weather Watch and the Global Atmospheric Research Program, and the Integrated Global Ocean Station System, and others as may be assigned by the Administrator."

2. Section 7 is deleted in its entirety and Sections 8 through 19 are renumbered 7 through 18, respectively.

3. In Sec. 14. *National ocean survey:* a. Paragraph .01 is revised to read as follows:

.01 *Office of the Director.* The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy Director."

b. The present paragraph .07 is renumbered .08 and a new paragraph .07 is added as follows:

.07 The Office of Program Development and Management shall serve as the focal point for NOS planning, budgeting, and allocation and reprogramming of resources; provide executive and technical services in support of programs throughout the NOS; and provide executive management services to the Director.

c. The renumbered subparagraph .08 a. (3) is revised to read as follows:

(3) The NOAA Data Buoy Office and the National Oceanographic Instrumentation Center shall report to the Office of Marine Technology at the Headquarters of NOS.

d. The renumbered subparagraph .08 b. is revised to read as follows:

b. The Atlantic Marine Center and the Lake Survey Center shall provide their own administrative support, including that required by vessels under their respective jurisdictions, and, where feasible and practical, extend this support to other NOAA field units. The Pacific Marine Center shall obtain administrative support, including that required by vessels under its jurisdiction, from the Northwest Administrative Service Office at Seattle. The NOAA Data Buoy Center and the National Oceanographic Instrumentation Center shall receive administrative support from NOAA Headquarters.

4. In Sec. 16. *Environmental Data Service,* subparagraph .01 b. is deleted, and paragraph .01 is restructured to read as follows:

.01 *Office of the Director.* The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by Associates for Climatology, Marine Sciences, and Geophysics. The Director shall be further assisted by a Senior Research Fellow; an Executive Office; and offices for Special Projects, System Design, Publication and Media, and Resources Management.

5. In Sec. 18. *Environmental Research Laboratories:* a. Subparagraph .03 b. is revised to read as follows:

b. The Pacific Marine Environmental Laboratory shall conduct basic and applied research directed at achieving a comprehensive understanding of the environmental processes at work in the coastal areas of the Pacific Northwest, as well as in selected areas of the open ocean. Emphasis shall be placed on investigations of the natural physical processes, and on monitoring and predicting the effects of man's activities in these regions on physical and associated biological processes.

b. Paragraph .04 is deleted, and paragraphs .05 and .06 are renumbered .04 and .05, respectively.

6. The organization chart attached to this amendment supersedes the organization chart of May 7, 1973 which is attached as Exhibit 1 to DOO 25–5B. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73–14849 Filed 7–18–73;8:45 am]

[Dept. Organization Order 25–1]

UNITED STATES TRAVEL SERVICE

Organization and Functions

JUNE 8, 1973.

This order effective June 8, 1973, supersedes the material appearing at 37 FR 26747 of December 15, 1972.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the United States Travel Service (USTS). The scope of authority and functions of USTS is set forth in Department Organization Order 10–7.

.02 This revision transfers operational functions to the Travel Trade, Business and Convention Travel Office to more effectively align internal work distribution.

SEC. 2. *Organization structure.* The principal organization structure and line of authority shall be as depicted in the attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3 *Office of the Assistant Secretary.* .01 The Assistant Secretary for Tourism determines policy, directs the programs and is responsible for all activities of the USTS. He establishes and maintains relations with Government and industry officials at all levels to facilitate tourism plans and programs.

.02 The Deputy Assistant Secretary shall serve as principal adviser and assistant to the Assistant Secretary and shall perform the duties of the Assistant Secretary in the latter's absence. The Deputy Assistant Secretary shall have primary responsibility for review and approval of basic marketing and operating plans, and shall measure and evaluate program results in relation to plans.

SEC. 4. *Office of the Executive Director.* .01 The Executive Director shall direct the operations and coordinate programs and activities; develop the basic marketing plan and supervise development of the operating programs; accomplish performance evaluations of all Divisions and Offices; and assure implementation of the decisions, directions and requests of the Assistant Secretary relative to policies, plans and operations of the Service.

.02 The Management Operations Committee is an internal USTS body composed of the Executive Director and the Office and Division Directors. The Committee shall meet at the call of the Executive Director, who acts as chairman, to assist in formulation of operating policies; participate in basic program planning; and act as a medium for coordination and communication among the Offices and Divisions.

SEC. 5. *Staff Offices.* .01 The Office of Administration shall arrange for and facilitate the provision of administrative services from the Office of the Secretary as needed by headquarters USTS; develop and maintain the internal administrative management system of the

Service; manage the performance measurement system; perform budget formulation and management functions; perform evaluative, analytic, and developmental work to assist the Assistant Secretary in assuring that the best management practices are utilized in the headquarters and in the field; perform specific administrative tasks as directed by the Assistant Secretary; and exercise administrative management functions for the matching grant program under the Visitor Services Office.

.02 The Office of Research and Analysis shall assist in planning tourism marketing and development programs and servicing private business with travel data useful in marketing international travel; study the patterns of international travel and the economic effects of tourism; develop statistical data to measure and project foreign tourism in the States and political subdivisions of the United States; conduct and interpret market research to measure results of the marketing program; evaluate the effect of legislation and regulatory decisions on international travel; prepare and coordinate position papers for intergovernmental and international travel meetings; develop measures for evaluating programs of the Service; and administer special research projects performed by contractors throughout the world.

.03 The Office of Information Services shall plan and conduct a worldwide USTS information program; coordinate information activities within the organization and maintain close contact with communications media; advise the Assistant Secretary and other USTS officials on all news media, motion pictures, public communications techniques, and information policies; operate the USTS speakers bureau and coordinate speaking assignments; prepare and coordinate all speeches for the Assistant Secretary's office; develop a full range of news media material and publications about travel in the United States for response to inquiries from the general public, visitors, editors and radio, television and film producers, to support the information programs of the USTS offices abroad; develop journalist familiarization tour plans; and provide escort services for journalist familiarization tours.

.04 The Office of Market Development shall develop a continual flow of creative marketing programs to cultivate markets with the greatest potential for travel; develop specific marketing operating plans for implementation by the Divisions and Offices; analyze the U.S. "product" and match it to the needs of each market; assess the competitive environment to develop useful techniques; develop merchandising programs; carry out action programs to stimulate development of specific travel packages by the travel trade; and develop agent familiarization tour plans.

.05 The office of Advertising and Promotion shall develop and implement consumer and trade advertising and promotional projects; implement specific advertisement and promotion efforts for each element of the overall USTS program; develop advertising and promotion plans from input information from the Field Offices; act as liaison on all advertising agency, sales promotion, literature, and audiovisual contracts let by USTS; develop and operate special exhibits; provide pictorial reproduction material to the travel trade and communications media; and arrange for distribution of publications, State and city materials, guides for visitors, and audiovisual presentations.

SEC. 6. *International Division.* The International Division, headed by a Managing Director, shall direct the Field Offices toward achievement of USTS goals; continuously monitor field office operations; and supervise development of marketing plans for national markets. The Division shall review specific operating plans of each Field Office to test the adequacy of sales programs, promotional activities, travel trade relations, staffing plans, and effectiveness of operations; serve as a channel through which market development, advertising and promotion and publicity planning actions flow to the Field Offices; serve as the contact for international field operations for the USTS staff offices; and assist the Executive Director in the development and implementation of overall marketing plans.

SEC. 7. *Field organization.* The Field Offices, each headed by a Director who reports to the Managing Director of the International Division, shall develop and implement operating and marketing plans for promotion of travel to the United States within their assigned countries; install a travel merchandising program; distribute published information and promotional material to the travel trade; develop contacts with communications media for promotional purposes; coordinate choice of representatives for familiarization tours; coordinate local advertising displays; and serve as a reception agency for representatives of the United States visiting the country to promote travel. The Field Offices are located abroad in prime markets for travel to the United States.

SEC. 8. *Domestic Division.* The Domestic Division shall direct the Travel Trade, Business and Convention Travel Office and the Visitor Services Office (paragraphs .01 and .02 of this section). The Division shall develop and maintain relationships with U.S. industry and Government representatives who can help achieve the success of tourism programs; participate in the development of marketing program plans; review and approve the budgets and activities of its subordinate offices; apply creative approaches to find, evaluate and develop a more appealing U.S. travel product; and coordinate implementation of marketing plans, advertising, promotion and publicity plans in the subordinate offices.

.01 The Visitor Services Office shall develop programs to assure a friendly welcome in the United States for international visitors and to improve the Nation's host services; develop published informational materials to aid travelers; promote development of improved visitor services by the domestic travel industry; conduct programs for familiarization tours of the U.S. by journalists, tour operators and travel agents; develop programs to enlist maximum cooperation of city and State organizations in promoting tourism and travel; stimulate awareness of and interest in foreign visitors among the general public of the U.S.; and manage a matching grants program to promote and facilitate travel to selected areas of the U.S.

.02 The Travel Trade, Business and Convention Travel Office shall develop and implement programs for (a) encouraging international Congresses, organizations and associations to hold their meetings and conventions in the United States; (b) increasing attendance from abroad at U.S. conventions, trade fairs, and exhibitions; and (c) promoting other business travel to the United States. The Office shall develop programs to gain support of objectives by the U.S. travel trade; provide for escort services for agent familiarization tours; and manage special trade and travel conferences such as world tourism seminars and travel marts.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-14848 Filed 7-18-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

TOBACCO WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Tobacco Working Group, National Cancer Institute, July 24-25, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 4, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on July 24 and 25 to discuss: (1) Proposed program in smoking and health as approved by the National Cancer Advisory Board; (2) USDA-ARS research program in tobacco; (3) Current research and development in inhalation technology for small mammals; (4) Activities of the Pharmacologic Approaches in Smoking Working Group; (5) Status of research in filter models; (6) Current research priorities and novel experimental cigarette models; and (7) Opportunities for international cooperation. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Chairman, Building 31, Room 11A03, National Institutes of

Health, Bethesda, Maryland 20014 (301/496-6616) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director, NIH.

JULY 11, 1973.

[FR Doc.73-14786 Filed 7-18-73;8:45 am]

Office of Assistant Secretary for Health

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Designation of Appropriate Area

The Professional Standards Review Organization (PSRO) provisions of Public Law 92-603 (249F; sections 1151 et seq., Social Security Act) require the Secretary of Health, Education, and Welfare to establish appropriate areas throughout the Nation not later than January 1, 1974, with respect to which Professional Standards Review Organizations (PSROs) may be designated. In order to carry out that responsibility, the Department, on the basis of available information and statistical data, has developed several possible area designations for each State.

Every effort has been made to develop designations that appear to be consistent, in general, with local patterns of medical practice, the location of physicians, the distribution of health care institutions, the topography of the State and considerations of administrative feasibility.

Since the ultimate success of the PSRO program will depend in large measure upon the cooperation and participation of local physicians, health care institutions and other individuals and organizations which will be most affected by the implementation of the legislation, the advice of all such individuals is being sought as to their recommendations on the appropriate boundaries for the PSRO area that would encompass their community.

Several organizations in each State have been sent a packet of information containing alternative PSRO area designations for that State, reference data, guidelines to be used in designating areas, a description of the procedures to be employed by the DHEW Regional Offices in consulting with the interested individuals and organizations within the States and the name and telephone number of the PSRO representative within each Regional Office. Organizations that have received these packets include State medical societies, State hospital associations, State osteopathic associations, State osteopathic hospital associations, State health departments, State and local foundations for medical care, State nursing homes associations and organizations that have written to DHEW expressing an interest in becoming PSRO's.

The Regional Offices will hold meetings in each State with all interested individuals and organizations concerning PSRO area designation. Any individual or organization interested in obtaining the packet of materials and/or in participating in the State meetings should contact the PSRO representative in the Office of the Regional Health Director for the DHEW Regional Office covering the State. All requests for the packet of materials and expressions of interest in participating in the State meetings should be conveyed to the appropriate Regional Office by July 23, 1973.

The 10 DHEW Regional Offices, the States they cover and the PSRO representative in each office are as follows:

Region	*States*
I	Boston, Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island Andrew Johnston John F. Kennedy Federal Building Government Center—Room 1400 Boston, Massachusetts 02203 (617)-223-6898
II	New York, New Jersey, Puerto Rico and Virgin Islands C. Robert Dean, M.D. Federal Building 26 Federal Plaza New York, New York 10007 (212)-264-2500
III	Philadelphia, Maryland, Delaware, Virginia, West Virginia, and District of Columbia Clyde Couchman Post Office Box 13716 Philadelphia, Pennsylvania 19101 (215)-597-6674
IV	Atlanta, Alabama, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Kentucky and Florida Herbert Hudgins, M.D. Peachtree-Seventh Building 50 7th Street, N.E., Room 404 Atlanta, Georgia 30323 and George Reich, M.D. (404)-526-3342
V	Chicago, Illinois, Indiana, Ohio, Michigan, Wisconsin, and Minnesota Hope H. Snider, M.D. 300 South Wacker Drive Chicago, Illinois 60607 (312)-353-1385
VI	Dallas, Fort Worth, Louisiana, Arkansas, Oklahoma, Texas and New Mexico Kenneth Schneider, M.D. 1114 Commerce Street Dallas, Texas 75202
VII	Kansas City, Missouri, Iowa, Kansas and Nebraska Kenneth Mayfield and Carl Siegel, M.D. Federal Office Building 601 East 12th Street Kansas City, Missouri 64106 (816)-374-5103
VIII	Denver, Colorado, Utah, Wyoming, South Dakota, North Dakota, and Montana Leonard Hellman, M.D. Federal Office Building Room 9017 19th and Stout Street Denver, Colorado 80202 (303)-837-3172
IX	San Francisco, California, Nevada, Arizona, Guam, Hawaii and Samoa Robert Harper Federal Office Building 50 Fulton Street San Francisco, California 94102 (415)-556-3100
X	Seattle, Washington, Oregon, Idaho and Alaska Richard Marquardt Arcade Building 1321 Second Avenue Seattle, Washington 98101 (206)-442-0432

Dated: July 13, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-14793 Filed 7-18-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-184; Administrative Division Docket No. 73-50(b)(3)]

HICKORY RUN FOREST, PA., ET AL.

Notice of Hearing

Notice is hereby given that:

1. Pocono International Corporation, developer of Hickory Run Forest, located in Carbon County, Pennsylvania, and Charles Goldberg, President, Norman Failla, Registered Agent, its other officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of suspension dated June 13, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(c) and 24 CFR 1710.45(b)(3) informing the developer that an amendment to its Statement of Record submitted May 31, 1973, was not effective pursuant to the Act, and the regulations contained in 24 Part 1710.

2. The Respondent filed a request for hearing on June 25, 1973, but failed to answer the allegations of the notice of suspension as required by 24 CFR 1720.165, and 1720.145.

3. Therefore, pursuant to the provisions of 15 U.S.C. 1706(c), 24 CFR 1720.130, and 1720.165: *It is ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of suspension will be held before John J. McCarthy, Administrative Law Judge, in Room 7155, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on August 13, 1973, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before August 6, 1973.

4. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 13, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-14775 Filed 7-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AREA COORDINATOR'S OFFICE AT SALT LAKE CITY, UTAH

Notice of Closing

Notice is hereby given that on July 15, 1973, the Area Coordinator's Office at Salt Lake City, Utah, was closed. Services provided by this office will be provided by the other offices and facilities located in the Salt Lake City area.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Denver, Colorado, on July 16, 1973.

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

[FR Doc.73-14788 Filed 7-18-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-334, 50-412]

DUQUESNE LIGHT COMPANY ET AL.

Avialability of Final Environmental Statements

Pursuant to the National Environmenttal Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statements prepared by the Commission's Directorate of Licensing, related to the proposed Beaver Valley Power Station, Units 1 and 2, currently under construction by Duquesne Light Company et al. in Beaver County, Pennsylvania are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009. The Final Environmental Statements are also being made available at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17105.

The notices of availability of the Draft Environmental Statements for the Beaver Valley Power Station, Units 1 and 2, and requests for comments from interested persons were published in the FEDERAL REGISTER on March 16, 1973 (38 FR 7136) for Units 1 and April 2, 1973 (38 FR 8468) for Unit 2. The comments received from Federal, State, and local and interested members of the public have been included as appendices to the Final Environmental Statements.

Single copies of the Final Environmental Statements may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attenion: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 16th day of July 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-14796 Filed 7-18-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24488; Order 73-7-55]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the South Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at meetings in New York and London in the winter of 1973. Insofar as they directly relate to air transportation as defined by the Act, the agreements, which have been assigned the above-designated C.A.B. agreement numbers, encompass the overall North/Central and South Pacific fare structures. This order deals solely with South Pacific fares.

First-class, normal economy, excursion and individual inclusive tour fares between United States west coast points and Australia would be increased by ten percent, 5 percent of which is intended to offset the impact of the devaluation of the U.S. dollar.[1] Individual inclusive tour travel would be subject to a maximum of five free stopovers, compared to the unrestricted stopover privileges now permitted. The group inclusive tour fares would be reduced by seven percent. However, the two stopovers in each direction presently available without charge would be subject to a charge of $25 per stopover. Affinity-group fares would also be reduced by seven percent,[2] the minimum group size reduced from 25 to 15 passengers, and present stopover privileges eliminated. Finally, an individual advance purchase excursion fare (APEX) is to be introduced for 14/21-day travel at levels significantly below the proposed excursion fares. Reservations and full payment are to be required 60 days prior to departure, and would be subject to a forfeiture of 25 percent in the event of cancellation. No stopovers are permitted. A comparison of various present and proposed fares appears in the attached Appendix A.[3]

American Airlines, Inc. (American) and Pan American World Airways, Inc. (Pan American) have submitted justification in support of the agreed South Pacific fare structure. American estimates that the proposed package would improve its revenues by $680,000. However, it anticipates a continuing negative position ($722,000) as a result of projected increases in expense in 1973 of $448,000 and an additional cost increase of $205,000 associated with devaluation of the dollar. Without the proposed fare adjustments, American projects net income at a negative $1,234,000 for 1973. Although some generation of new traffic attributable to the reduced group fares and introduction of an APEX fare is expected, American does not project a change in overall traffic volume as a result of the proposed fare changes.

Pan American has not provided a separate forecast of financial results for its South Pacific services, but rather deals with its total transpacific operation. This overall forecast contemplates increased revenues of $5.2 million, an increase in average yield of 6.3 percent, and a rate of return of 9.5 percent. Pan American does state that it anticipates an increase in revenues of $3 million and a 5.8-percent increase in yield on its South Pacific route, with revenue passenger miles remaining unchanged.

In a complaint filed with the Board on April 23, 1973, the Aviation Consumer Action Project (ACAP) et al,[3] requests that the Board disapprove the agreements insofar as they provide for "minimum fares" and for increased fares; disapprove the dollar increases proposed in connection with devaluation of the dollar; direct the respondents to charge the fares in effect on March 31, 1973; direct that all IATA carriers submit data showing expenses incurred and revenues generated in local currencies of each country affected by the devaluation and order a full and comprehensive investigation of the reasonableness of existing and proposed fares including establishment of standards of reasonableness for the future guidance of the carriers.

ACAP contends that, since the IATA resolutions provide for minimum fares, the carriers would be free to file tariffs providing higher fares and that such tariff filings would be unlawful under Section 403 of the Act. It is further alleged that the proposed South Pacific package has the effect of increasing fares by an average of 30 percent since January 1971, and that such an increase has not been justified by corresponding increases in the cost of operation; that the proposed fare increases would have a negative impact on the U.S. carriers' financial condition[4] by inhibiting the de-

[1] The increases proposed for travel between the U.S. west coast points and Papeete average six percent.

[2] A two-percent increase would apply to Papeete.

[3] K. G. J. Pillai, Neil G. McBride, Brant S. Goldwyn and Aviation Consumer Action Project.

[4] ACAP notes that American's net income changed from a $1.2 million profit to a $1.7 million loss in 1972.

velopment of travel; and that since the fares are unjust and unreasonable and bear no relation to the airlines' costs, the entire fare structure should be subjected to investigation. Lastly, ACAP contends that the increase in fares attributable to devaluation of the dollar is not supported by the carriers and more detailed data is required to determine its appropriateness.[5]

Pan American requests dismissal of ACAP's complaint on the ground that it is unreasonable; the traveling public must pay for its transportation at a charge which will permit the carriers a reasonable profit; that ACAP has not demonstrated that its membership is in any way representative of users of air transportation, and that the carriers must adhere to their tariffs whether or not IATA agreements specify minimum fares. The proposed fares are alleged to be justified in terms of cost escalations. It is contended that ACAP's reliance on B–747 operating costs is misplaced in that it ignores improved load factors and the fact that costs per aircraft mile and per seat mile are increasing dramatically, and that one third of Pan American's direct operating costs are incurred in B–707 operations, a fact ignored by ACAP. Pan American alleges that it cannot increase its load factor to offset cost increases or, conversely, adjust its capacity downward in response to a decline in traffic. Finally, Pan American denies it will experience a decrease in net income and alleges that the magnitude of the currency adjustment is necessitated by the impact of devaluation on foreign carrier revenues

ACAP attributes American's swing in earnings from a positive 4.9-percent rate of return in 1971 to a negative 5.3 percent in 1972 to the fare increases approved by the Board for effect April 1, 1972, and a consequent adverse impact upon traffic. However, available data suggest the more probable conclusion that this adverse trend stems primarily from a significantly increased level of expense. A comparison between the two years reveals that American's revenue passenger miles increased by 28 percent while its available seat miles increased by only 15 percent. The result was an improvement of 3.3 percentage points in load factor. In other words, its increased overall expenses cannot be ascribed to operation of capacity beyond that warranted by traffic growth. On the other hand, while operating revenues per ton mile increased 6 percent, operating expenses increased by 17 percent. Admittedly, the general level of fares over the South Pacific has increased significantly since January 1971, although not in the overall magnitude suggested by ACAP. However, we are unable to conclude that this fact has been a major factor contributing to American's presently unsatisfactory financial results. To the contrary, it would appear that the primary influence has been a general escalation in the cost of providing the service. While definitive data with respect to Pan American's operating experience on this route is not available, we have no reason to believe that its results from comparable service would be significantly different.

We recognize that the load factors over the South Pacific route have been substandard and are likely to remain so, at least for the immediate future. On the other hand, there is no indication of over-scheduling at the present time; indeed, the overall pattern would appear to reflect the minimum necessary for adequate development of the potential market. American currently provides a total of seven weekly flights with B–707 aircraft; three terminating in Sydney, three in Auckland, and the seventh in Melbourne. Pan American provides two flights daily with B–707 equipment to Papeete, one each from San Francisco and Seattle; daily service to Australia (three of which are with B–747 equipment) and five B–707 weekly flights to Auckland. It is generally acknowledged that the tourist potential in this area of the world has yet to be tapped, and there is no basis for concluding that a material curtailment of service would be feasible if this objective is to materialize.

Against this background and in light of a demonstrated insufficiency in earnings, at least on American's part, which appears to be caused by a general increase in cost levels, we are unable to conclude that disapproval of the agreements would serve the public interest. By the same token, it seems reasonable to expect that the proposed reduction in GIT and affinity-group fares and introduction of a new low APEX fare will stimulate traffic growth and improve load factors. For this reason, we believe the structure should be permitted to stand the test of actual experience in the marketplace, and that an investigation as requested by the complainants would be premature at best and of little value at this time. Accordingly, the request therefor will be denied.

We will approve the increase in fares to reflect devaluation of the U.S. dollar consistent with our previous approval of similar adjustments in other world areas. The thrust of ACAP's complaint is apparently directed at the impact of this adjustment on the U.S. carriers and the possibility that it would more than compensate for their increased costs. We note, however, that the Australian dollar has appreciated in value in relation to the U.S. dollar by nearly 20 percent and the New Zealand dollar has appreciated by over 12 percent.[6] Air service between the United States and these countries constitutes the major part of the South Pacific air services covered by the instant agreement. In reviewing the agreement, we must bear in mind that the devaluation of the dollar was a matter of national policy not simply a matter of air transportation policy. It was intended, among other things, to make U.S. goods and services sold abroad, including travel to the U.S., cheaper in terms of foreign currencies. It was also intended to make imports of foreign goods, including our travel to foreign points, more expensive in terms of U.S. dollars. For us to insist on status quo with respect to dollar fares would require all of the currency exchange adjustment to be accomplished by a reduction in fares sold in other countries in foreign currencies. This would be manifestly unfair to all the carriers concerned, U.S. and foreign alike, as well as inconsistent with our national policy. Some accommodation on both sides is necessary and we are satisfied the carriers have reached a reasonable result in the circumstances.

American and Pan American assert that numerous elements of their costs of doing business abroad in terms of U.S. dollars have increased. These include landing fees, commissary supplies, foreign payrolls, rents, fuel and oil, and other items. It appears that foreign-flag carriers doing business in the United States and operating these routes would be faced with a similar result. Revenues earned in the United States by such carriers serving the South Pacific were estimated at approximately $50 million in 1971, the latest period for which data are available to the Board.[7] Related expenses are estimated at $20 million indicating a margin of revenues over expenses of $30 million. The recent devaluation of the U.S. dollar in relation to the currencies of Australia and New Zealand, estimated to average 15 percent, would reduce that $30 million margin, when converted to the foreign currencies, by about $4.5 million. However, the proposed 5-percent increase in U.S. dollar fares would recoup only about $2.5 million for these foreign-flag carriers.

Without an increase in air fares, the U.S. air carriers would have to absorb the increased costs noted earlier and the foreign carriers would suffer an unwarranted reduction of earnings generated in this country. While it appears that the proposed 5-percent fare increase attributed to currency adjustments would over-compensate the U.S. carriers to a small degree,[8] we have earlier noted that this result ordinarily obtains since it is not feasible to devise one single fare adjustment factor which will precisely adjust each carrier's individual situation.[9] It is clear, however, fares and fare adjustments must be uniform for all carriers on the same routes. The IATA conference was called to evaluate all these factors and to attempt to strike a reasonable balance among the varying needs of the several carriers. In our opinion, the agreed 5-percent adjustment in U.S. dollar fares is reasonable in view of the

[5] In a separate document filed by ACAP in reply to the carriers' justifications, ACAP states that the information supplied is inadequate.

[6] Exchange rates quoted by Chase Manhattan Bank, May 22, 1973: Australian dollar =$1.42 U.S.; New Zealand dollar=$1.34 U.S. The pre-devaluation parity for both these currencies was $1.19 U.S.

[7] Based on data provided by the Balance of Payments Division of the Department of Commerce.

[8] We estimate the U.S. carriers' revenue increase at $1.0 million.

[9] Order 72–3–104, March 30, 1972.

12 to 20 percent devaluations of the U.S. dollar in relation to the currencies of the principal countries in this area.

Finally, we reach the contention of ACAP that agreements which establish minimum fares are in violation of the Board's regulations. We do not agree. It is true that tariffs filed pursuant to such agreements could provide for fares in excess of the specified minimums. However, as a practical matter competitive considerations are such that the minimum in virtually all cases becomes the effective fare. In any event, any tariff filed with the Board must comply with the Board's regulations, and any departure from the filed tariffs would be in violation of these regulations. The Board is not without power to take effective action to preclude effectiveness of a proposed tariff if and at such time as it considers it appropriate to do so.

The IATA fares incorporated in this agreement apparently result from constructing the fares to and from the mainland of the United States, without regard for the level of domestic air fares which exist for travel between Hawaii and the mainland. Fares from South Pacific points to Hawaii plus domestic fares to mainland points are lower than the IATA specified mainland—South Pacific fares. Although one of the resolutions incorporated in the instant agreement does provide for a review of the construction rules, the situation as it presently exists over the South Pacific, and which will continue to exist upon Board approval of the instant agreement, provides for through fares between the mainland and South Pacific points which are in excess of the sum of the local sector fares for what is essentially the same service.

In the face of fare construction problems of this type, the Board has in the past conditioned that IATA machinery resolutions to ameliorate the situation. For example, Board Order 72–10–1, October 2, 1972, provides that "no IATA Resolution shall be construed as preventing any agent or carrier from selling a ticket or any number of tickets for air transportation to any person who meets the travel requirements affixed to the air fare subject to the stipulations contained in the lawful tariffs of the various carriers involved in said transportation, as filed with the Civil Aeronautics Board (where such filing is required by law)." We further stated on that occasion that, "a through fare which is higher than the aggregate of intermediate fares is ordinarily considered to be unreasonable per se, and would not ordinarily be permitted to go into effect."

Despite the above condition and the Board's general position in this regard, the instant agreement contains South Pacific fares to the mainland which are in excess of available combinations of domestic and international fares for routings over Hawaii. Our prior Order 72–10–1 conditions continue in force and thus the lower fares over Hawaii will in fact be available to passengers traveling over that routing despite the higher specified through fares from origin to destination. While we have decided to approve the subject agreement now, pursuant to conditions previously applied, we expect the affected carriers to furnish a complete and factual analysis why this anomaly continues to exist. Our action of approval herein is subject to modification after receipt and evaluation of carrier justification and comments from interested third parties.

Pursuant to Executive Order 11723 dated June 13, 1973, a price freeze was imposed for a maximum period of 60 days. The freeze is applicable until further notice to international passenger fares and cargo rates charged by U.S.-flag carriers for transactions undertaken in the United States and paid for in U.S. dollars. Since the agreements we are herein approving propose both increases and decreases in air fares, we will permit tariffs to be filed at this time to implement the newly proposed APEX fares and those fares involving reductions. We will, however, prohibit the filing of tariffs by U.S. carriers which would effect increased fares until further order of the Board. Specifically, U.S. carriers may file to implement the proposed new individual advance-purchase excursion fare and the affinity-group fare.[10] They are also permitted to file tariffs reflecting the reduced group inclusive tour fare. However they will not be permitted to implement the $25.00 stopover charge applicable to the four stopovers permitted, since the addition of this charge for two or more stopovers would result in a total price which exceeds that applicable during the base period.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following findings:

1. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

[10] Excluding the fare to Papeete which would be increased.

Agreement C.A.B.	IATA No.	Title	Application
23506:			
R-1	001b	South Pacific Special Effectiveness Resolution (Tie-In)	3-1 So. Pacific.
R-2	001f	Special Emergency Escape for JT31 (South Pacific) Agreement (NEW).	3-1 So. Pacific.
R-3	001g	Special Escape for JT31 Agreement (South Pacific) (NEW)	3-1 So. Pacific.
R-4	002 II	Standard Revalidation Resolution-South Pacific	3-1 So. Pacific.
R-5	014uu	Review of Construction Rule for Passenger Fares (NEW)	3-1 So. Pacific.
R-6	015a	South Pacific Proportional Fares North America (Revalidating and Amending).	3-1 So. Pacific.
R-7	056a II	South Pacific First-Class Fares	3-1 So. Pacific.
R-8	060	Economy-Class Conditions of Service (Revalidating and Amending).	3-1 So. Pacific.
R-9	066a II	South Pacific Economy-Class Fares	3-1 So. Pacific.
R-10	070b	South Pacific 28-Day Excursion Fares (Revalidating and Amending).	3-1 So. Pacific.
R-11	070p	South Pacific 23- and 30-Day Excursion Fares (Revalidating and Amending).	3-1 So. Pacific.
R-15	080d	South Pacific 23-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3-1 So. Pacific.
R-16	080m	South Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3-1 So. Pacific.
R-19	250	Sleeper Surcharge (Amending)	3-1 So. Pacific.
R-11	022g II	JT31 Special Rules Relating to Sales of Passenger Air Transportation (NEW).	3-1 So. Pacific.

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
23506:			
R-13	076s II	JT31 South Pacific Group Fares (Revalidating and Amending)	3-1 So. Pacific.
R-17	084d II	JT31 South Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3-1 So. Pacific.

3. It is not found that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
23506:			
R-12	071j	JT31 Advance-Purchase Excursion Fares, South Pacific (NEW)	3-1 So. Pacific.
R-14	076u	JT31 South Pacific Affinity/Own Use Incentive Group Fare (NEW).	3-1 So. Pacific.
R-18	084dd	JT31 South Pacific Group Inclusive Tour Fares (NEW)	3-1 So. Pacific.

Provided, That with respect to Resolution 071j:

(a) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit towards the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit towards the purchase of transportation at applicable

fares may be made for other members of the fare group who belong to the immediate family of such passenger;

(b) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

Provided that with respect to resolution 076u:

(a) The provisions imposing numerical limitation and/or population standards on affinity groups from which the passengers may be drawn shall not be applicable;

(b) The provision which at departure time would permit a lesser number of passengers than that prescribed by the Resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(c) In the event a passenger discontinues his journey enroute for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit toward the purchase of transportation at applicable fares may be made for other members of the travel group who belong to the immediate family of such passenger;

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from the point of origin to the point of cancellation;

(e) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(f) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the grounds that the group or any member of the group is ineligible for the group fares; and

Provided, That with respect to resolution 084dd:

(a) The provisions which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit towards the purchase of transportation at applicable fares may be made for other members of the fare group who belong to the immediate family of such passenger;

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

4. It is not found that the following resolutions, which are incorporated in the agreement as indicated and which are indirectly applicable in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23642: R-2	015a	South Pacific Proportional Fares North America (Amending)	3-1 So. Pacific.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 23596 and 23608 set forth in paragraph 1 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 23596 set forth in paragraph 2 above be and hereby are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreement C.A.B. 23596 set forth in paragraph 3 above be and hereby are approved subject to the conditions set forth therein;

4. Those portions of Agreement C.A.B. 23642 set forth in paragraph 4 above be and hereby are approved;

5. Tariffs implementing Agreement C.A.B. 23596 shall be marked to expire March 31, 1974;

6. Tariffs implementing Agreement C.A.B. 23608 shall be marked to expire October 31, 1973;

7. The U.S. carriers may file tariffs implementing the agreements only insofar as the tariffs would reflect the new APEX fares and reduced fares for affinity group and group inclusive tour travel (excluding the stopover charge);

8. Tariffs shall not be filed by U.S. carriers implementing the fare increases herein approved until further Board order;

9. The carrier parties to the agreements file with the Board, within thirty days from the date of service of this order, justification and comment pertaining to the relationship between IATA-agreed South Pacific fares and fares constructed over Hawaii in conjunction with domestic fares; comments by other interested persons will also be accepted within this thirty-day period; and

10. The complaint by Aviation Consumer Action Project (ACAP) in Docket 25453 as it relates to South Pacific fares is dismissed.

This order will be printed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14699 Filed 7-18-73;8:45 am]

[11] Appendices A and B, and statements of Timm, Chairman, and Minetti, Member filed as part of the original document.

[Docket No. 24488; Order 73-7-54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the North Central Pacific and Within the Pacific

Adopted at the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at meetings in New York and London in the winter of 1973.[1] Insofar as they directly relate to air transportation as defined by the Act, the agreements, which have been assigned the above-designated C.A.B. agreement numbers, encompass the overall North/Central and South Pacific fare structures and fares to be applied within the Pacific area. This order deals solely with the North/Central Pacific fares and fares to/from Guam and American Samoa.[2]

First-class, normal economy, excursion, individual inclusive tour, and affinity-group-of-25 fares between United States west coast points and Tokyo would be increased by nine percent, five percent of which is intended to offset the impact of devaluation of the U.S. dollar. Peak season group inclusive tour fares and fares for affinity groups of 70 or more passengers would be increased by five percent to reflect the currency adjustment, while basic season group inclusive tour fares would be reduced by five percent.[3] Finally, a new affinity-group fare would be introduced for groups of 100 or more for round-trip travel between the U.S. and Tokyo. This new fare represents a discount of 62 percent from the proposed normal economy fare. A comparison of selected present and proposed fares is shown in Appendix A.

[1] Agreement C.A.B. 23642 was adopted by mail vote.

[2] Those portions of the agreements relating to South Pacific fares are disposed of by separate order issued simultaneously herewith.

[3] For travel to points beyond Japan, the affinity-group-of-70 fare would be reduced by 7 percent.

Fares between Guam and American Samoa, on the one hand, and foreign points in the Pacific area, on the other hand, would be increased on the average of four to five percent, with an additional increase of five percent to reflect the recent devaluation of the dollar. A new 7/21-day group inclusive tour fare would be made available for travel from Pago Pago to points on the Indian subcontinent and in Asia, which would be available to groups of 10 or more passengers and would be established at a 45-percent discount from the applicable economy-class round-trip fare. Finally, a 30-day excursion fare would be specified for use by U.S. military personnel between Guam and Okinawa, and from Okinawa to Hong Kong. This excursion fare would also be available to civilian employees of the U.S. Government and their dependents from Okinawa to Hong Kong.

Pan American World Airways, Inc. (Pan American), Northwest Airlines, Inc. (Northwest) and Trans World Airlines, Inc. (TWA) have submitted justification in support of the agreed fare structure. Pan American's forecast for the year ending April 30, 1974 deals with its total transpacific operation, and projects increased revenues of $5.2 million, an increase in average yield of 6.3 percent, and a rate of return of 9.5 percent. Pan American does state, however, that it anticipates an increase in revenues of $1.4 million and a 5.6-percent increase in yield on its North/Central Pacific route, as compared with expected results at status quo fares. A decline of 4.5 percent in revenue passenger miles from the volume which would have been carried at status quo fares is forecast.

Northwest projects for the same future year an increase in net income after taxes of $598,000 (excluding currency adjustments) which would not cover the total cost increases it anticipates during this period.[4] Northwest projects a rate of return of 5.19 percent under the proposed fare structure, well below the 12-percent standard of reasonableness established by the Board for the domestic trunkline industry.

TWA states that the full impact of the fare increases, including increases due to currency revaluation, is expected to be a revenue gain of $2.8[5] million over maintenance of status quo fares, $1.3 million of which would be due to basic increases in the fares and $1.5 million flowing from the currency adjustment. This result is not expected to offset TWA's Pacific Division loss, which amounted to $7.6 million in 1972. However, the carrier contends that the proposed fare structure provides an improved base for future attainment of a profitable posture.

In a complaint filed April 23, 1973, the Aviation Consumer Action Project et al., (ACAP)[6] request that the Board disapprove the agreements insofar as they provide for "minimum fares" and for fare increases; disapprove the increases proposed in connection with devaluation of the dollar; direct the respondents to charge the fares in effect on March 31, 1973; direct that all IATA carriers submit data showing expenses incurred and revenues generated in the local currencies of each country affected by the devaluation; and order a full and comprehensive investigation of the reasonableness of existing and proposed fares, including establishment of standards of reasonableness for the future guidance of the carriers.

ACAP contends that, since the IATA resolutions provide for minimum fares, the carriers would be free to file tariffs providing higher fares and that such tariff filings would be unlawful under section 403 of the Act. It is further alleged that the proposed North/Central Pacific package has the effect of increasing fares significantly since January 1971, and that such an increase has not been justified by corresponding increases in the cost of operation; that the proposed fare increases would have a negative impact on the U.S. carriers' financial condition by inhibiting development of travel; and that since the fares are unjust and unreasonable and bear no relation to the airlines' costs the entire fare structure should be subjected to investigation. Lastly, ACAP contends that the increase in fares attributable to devaluation of the dollar is not supported by the carriers and more detailed data is required to determine its appropriateness.[7]

Pan American requests dismissal of ACAP's complaint on the grounds that the traveling public must pay for its transportation at a charge which will permit the carriers a reasonable profit; that ACAP has not demonstrated that its membership is in any way representative of users of air transportation; and that the carriers must adhere to their tariffs whether or not IATA agreements specify minimum fares. The proposed fares are alleged to be justified in terms of cost escalations. It is contended that ACAP's reliance on B–747 operating costs is misplaced in that it ignores improved load factors, the fact that costs per aircraft mile and per seat mile are increasing dramatically, and that one third of Pan American's direct operating costs are incurred in B–707 operations. Pan American alleges that it cannot increase its load factor to offset cost increases or, conversely, adjust its capacity downward in response to a decline in traffic. Finally, Pan American denies it will experience a decrease in net income and alleges that the magnitude of the currency adjustment is necessitated by the impact of devaluation on foreign carrier revenues.

As indicated, Pan American and Northwest anticipate that transpacific operations under the proposed fare structure will result in returns on investment of 9.5 percent and 5.2 percent, respectively, for the year ending April 30, 1974. However, we believe certain adjustments in the forecasts of both carriers are appropriate in evaluating the agreement before us. Pan American's forecast is based on a significant decline in revenue passenger miles, not only compared to its actual 1972 results which were inflated due to a strike against Northwest, but also in relation to the results forecast in support of the 1972 IATA fare package.[8] We believe it only realistic to expect that Pan American can achieve, in the immediate year coming up, at least the volume of traffic which it projected for 1973 before the disruption in competitive services was known. Accordingly, we have adjusted Pan American's forecast to reflect the level of revenue passenger traffic projected last year and have made appropriate adjustments in revenues and expenses. This adjustment produces a load factor of 50.7 percent, and results in an increase in projected rate of return from 9.5 percent to 10.9 percent.

This return is that forecast for Pan American's total operations in the Pacific sector, rather than reflecting the results which can be expected from its North/Central Pacific services alone. In approving the fares proposed for South Pacific services,[9] the Board concluded that those services were not producing an adequate return on investment, as indicated by American's substandard earnings, notwithstanding its minimal flight frequency. Although Pan American did not provide data relating solely to its South Pacific operations, we have no reason to believe that its experience in that area would significantly differ. Accordingly, the 10.9-percent rate of return which we arrive at for its total transpacific operation must be considered as significantly under-stated insofar as North/Central Pacific services are concerned.

In evaluating the IATA agreement filed a year ago for application through March 1973,[10] the Board concluded that there appeared no requirement that Northwest operate three of its four daily transpacific flights with B–747 aircraft, as opposed to the pattern of two B–707 flights and two B–747 flights operated the previous year. In the Board's opinion, this constituted an excess of capacity for

[4] Northwest forecasts cost increases of $8.3 million based on actual increases already incurred and contracted future increases.

[5] TWA projects revenue and yield increases of 7.8 percent and 9.3 percent, respectively, and a decline of 1.4 percent in passengers carried under the proposed fares.

[6] K.G.J. Pillai, Neil G. McBride, Brant S. Goldwyn and Aviation Consumer Action Project.

[7] In a separate document filed by ACAP in reply to the carriers' justifications, ACAP states that the information supplied therein is inadequate.

[8] At that time, Pan American indicated that it expected to carry slightly more than 4,018 million revenue passenger miles during the year ending March 31, 1973, at a load factor of 51.2 percent. Its actual results in 1972 show 4,217 million revenue passenger miles, at a 54.4 percent load factor. On the other hand, for the year ending April 30, 1974, Pan American projects approximately 3,852 million revenue passenger miles, and a 48.6-percent load factor.

[9] Order 73–7–55.

[10] Order 72–3–105.

which the traveling public should not be required to pay. Accordingly, Northwest's projected available seat miles were reduced to reflect disallowance of the capacity attributed to the substitution of one B–747 for one B–707 aircraft. Here, Northwest's forecast is predicated upon a level of available seat miles produced by the operation of three B–747 and one DC–10 aircraft. The resulting load factor is projected at 40.8 percent. In the absence of a much more convincing justification for this escalation in capacity, we believe it appropriate to adjust Northwest's forecast to reflect the seat miles which would result from operation of B–707 aircraft at its California gateways. This adjustment would result in a load factor of 53.2 percent, and a return on investment of 14.3 percent. Pan American, on the other hand, projects a capacity increase of only one percent over that which it previously projected for the year ended March 31, 1973 (two percent over actual 1972 operations).

Before leaving the question of capacity offered, we believe there is another matter which warrants comment. The data furnished by TWA indicate that almost 40 percent of its traffic is carried either at special military fares or very low fares applicable to so-called "perimeter" travel. The yields from this traffic are alleged to be 2.39 cents and 0.70 cents per mile, respectively, with the result that TWA anticipates that its overall yield at present fares in the immediate year ahead would be 4.10 cents, substantially below the yield of 6.51 cents from normal economy fares at which approximately 29 percent of the traffic travels. Comparable information has not been furnished by Pan American. However, special reports available in the Board indicate that 10 percent of this carrier's traffic on North/Central Pacific services moves on reduced military furlough fares, and another 25 percent is classified as "all other," which we assume to be largely low-yield carriage. At the very least, the magnitude of such noncommercial and very-low-yield traffic calls into question the reasonableness of the volume of capacity now being operated, and at relatively low load factors, across the Pacific.

Serious concerns are, therefore, raised as to the volume of capacity being offered over the Pacific and the attendant low levels of load factors considering the mix of traffic which apparently exists. To charge the fare payers for this excess capacity is adverse to the public interest. Both Pan American and TWA project yield improvement over that which could be anticipated under status quo fares (5.6 percent and 9.3 percent, respectively). On the other hand, both anticipate reductions in traffic attributable to implementation of the new fare package of 4.5 percent and 1.4 percent, respectively. Quite apart from the question of whether or not the carriers' projected returns on investment indicate a need for improved yield and additional revenue, we have considerable difficulty with a fare structure which it is conceded will have an adverse impact upon traffic growth. The Board has consistently urged in recent years that the carriers move toward a fare structure which will be effective in promoting the as yet under-developed tourist potential of the Pacific market. A truly promotional pattern of fares would not only serve the needs of the traveling public, it would also be equally beneficial to the industry. In our opinion, the fare structure here before us for approval will not adequately satisfy this objective. Leaving currency adjustments aside for the moment, certain fares would be maintained at present levels or reduced in moderate amounts. On the other hand, those fares at which the majority of passengers now travel would be increased by four percent. Economy and excursion fares between the west coast and Tokyo, in the event of approval of the instant agreements, would have been increased by 30 percent and 23 percent, respectively, since January 1971.

Nor are we persuaded that introduction of such a greatly reduced fare for affinity groups of 100 or more persons is either necessary or the answer to effective and vigorous promotion of tourist travel in the Pacific area. The modest volume of traffic anticipated by the carriers to move at this fare would seem to bear out the Board's opinion.

In summary, the Board is unable to conclude that the fare increases proposed are required to sustain profitable services across the Pacific. We do not believe the traveling public should be asked to support the apparent operation of capacity in excess of that needed to adequately accommodate the market. By the same token, there is every indication that a large tourist potential exists for travel in this area which should be provided that opportunity, and which, if tapped, should greatly enhance the economics of the carriers' services. In our opinion, the pattern of fares proposed is not sufficiently developmental to do so.

We shall likewise disapprove the special excursion fares proposed to be introduced for U.S. Government civilian employees and their dependents for travel from Okinawa to Hong Kong. Such fares, which would be available to a narrow segment of the traveling public based on their employment status, would constitute an unjust discrimination and, absent compelling reasons to the contrary, cannot be permitted to be implemented. We are, however, approving those fares in the new package which are proposed to remain unchanged or reduced, including the new fares for affinity groups of 100 or more passengers for travel between the United States and Tokyo. In our opinion, approval of these fares is warranted in that they should in some measure serve to stimulate travel to and from the Far East.

In view of our action herein, which disapproves the proposed increases in fares, the structure which evolves should serve to stimulate new traffic while at the same time probably retain the majority of fares at last year's levels. For this reason, and with the capacity adjustments referred to previously, we believe the structure should be permitted to stand and that an investigation as requested by ACAP would be premature and of little value at this time. Accordingly, the request will be denied.

We turn now to that part of the agreement which would increase fares for U.S.-originating passengers by five percent to reflect increased expenses associated with devaluation of the dollar. Generally, when a currency is devalued it is reasonable to conclude that some upward adjustment in fares quoted in that currency is necessary to compensate for the increased expenses incurred by both U.S. and foreign carriers. However, we are unable to discern from the data submitted by the U.S. carriers and from other data available to the Board that the devaluation of the dollar, as it affects both U.S.- and foreign-flag carrier services on North/Central Pacific routes, would have an adverse impact sufficiently significant to warrant increased dollar fares for U.S.-originating passengers.

Two sets of conditions may warrant an increase in fares resulting from dollar devaluation. The first is U.S. carrier operations abroad which earn less revenues in the foreign local currency than local expenses incurred in local currency. In that event dollars must be exported to defray the overage of expenses and more of the lower valued dollars are required to maintain status quo.

None of the three U.S. carriers serving the North/Central Pacific have made such a showing. Pan American relies on prior Board actions pertaining to devaluation and cites its need for additional revenues. TWA indicates that it will remain in a negative earnings position. Northwest suggests their expenses incurred abroad will increase in proportion to the decline in the value of the dollar relative to the various foreign currencies. However, this contention does not take into account revenues earned abroad in foreign currencies.

The second set of conditions relating to the need to adjust fares because of devaluation pertains to the revenue/expense relationship of the foreign-flag carriers in their business conducted in the United States. If the revenue earned in devalued dollars in the United States exceeds dollar expenses, the value of the excess is reduced when the funds are remitted. Although we have determined that this is the situation over both the North Atlantic and the South Pacific [11] (the foreign-flag carriers earn more than they spend in the United States) we are unable to conclude from the data available to the Board that a similar situation exists with respect to foreign-flag operations over the North/Central Pacific. From data available it appears that the reverse is true, that the expenses of foreign-flag carriers incurred in the United States are greater than the revenues earned. For example, data obtained from

[11] Board Orders 73–5–119 and 73–7–55.

the U.S. Department of Commerce, Balance of Payments Division, indicate that the ratio of expenses to revenue incurred by the Japanese national carrier from operations primarily over the transpacific, in the United States is 1.6 to 1. As a consequence foreign funds must flow to the United States to offset this deficit and as the foreign currency has appreciated in value, less units of currency are required to compensate for the deficit than was the case prior to dollar devaluation. Under these circumstances an increase in dollar fares premised on increased expenses is unwarranted.

No carrier has provided meaningful evidence that the devaluation of the dollar brings about circumstances over the North/Central Pacific which warrant an increase in dollar fares. Therefore, the agreement will be disapproved.

Finally, ACAP contends that agreements which establish minimum fares are in violation of the Act and the Board's regulations. We do not agree. It is true that IATA agreements do not *per se* foreclose the filing of tariffs which hold out fares in excess of the minimum fares specified therein. However, as a practical matter, competitive considerations are such that the minimum in virtually all cases becomes the effective fare. In any event, any tariff filed with the Board must comply with the Board's regulations, and, conversely, any departure from filed tariffs would be in violation of these regulations. The Board is not without power to take effective action to preclude effectiveness of a proposed tariff if and at such time it considers it appropriate to do so. In any event, the point is moot in this instance in view of our action herein.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following findings:

1. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23600:			
R-1	001b	North and Central Pacific Special Effectiveness Resolution (Tie-In).	3-1 N/Central Pacific.
R-2	002 II	Standard Revalidation Resolution North and Central Pacific	3-1 N/Central Pacific.
R-3	014a	Review of Construction Rule for Passenger Fares (NEW)	3-1 N/Central Pacific.
R-4	015b	North and Central Pacific Perportional Fares—North America (Revalidating and Amending).	3-1 N/Central Pacific.
R-6	060	Economy-Class Conditions of Service (Revalidating and Amending).	3-1 N/Central Pacific.
R-10	079d	North and Central Pacific Contract Bulk Inclusive Tour Rules (Revalidating and Amending).	3-1 N/Central Pacific.
R-13	115j	Meeting Non-IATA Competition (JT3I—North and Central Pacific) (NEW).	3-1 N/Central Pacific.
R-14	250	Sleeper Surcharge (Amending)	3-1 N/Central Pacific.
R-1	001b	TC3 Special Effectiveness Resolution (Tie-In)	3.
R-2	002 II	Standard Revalidation Resolution (Tie-In)	3.
R-3	003	Standard Rescission Resolution	3.
R-5	014r	Review of Construction Rule for Passenger Fares (NEW)	3.
R-8	060	Economy-Class Conditions of Service (Revalidating and Amending).	3.
R-1	084b	North and Central Pacific Group Inclusive Tour Fares (Amending).	3-1 N/Central Pacific.

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
23600:			
R-12	084b	North and Central Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3-1 N/Central Pacific.
R-14	075a	TC3 Common Interest Group Fares (Amending)	3.
R-15	076c	TC3 Affinity-Group Travel (Revalidating and Amending)	3.
R-25	084L	TC3 28- and 35-Day Groups Inclusive Tour Fares (Revalidating and Amending).	3.

3. It is not found that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act; provided that approval is subject to the conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
23600:			
R-9	076j	North and Central Own Use and Affinity-Group Fares (Revalidating and Amending) *Insofar as it applies to the establishment of fares for groups of 70 and 100 passengers.*	3-1 N/Central Pacific.

Provided, That with respect to Resolution 076j as it applies to fares for groups of 70 and 100 passengers:

(a) When two or more group fares per passenger subject to different minimum group sizes are provided between the same points over the same route, the lower of the two total charges for each group specified under Paragraphs (1) and (2) below shall be applied:

1. The total charge computed on the actual group size at the fares applicable to such group size;

2. The total charge computed on the next greater group size for which a lower fare per passenger is provided at the fare per passenger applicable to such greater group size.

(b) The provisions imposing numerical limitation and/or population standards on affinity groups from which passengers may be drawn shall not be applicable;

(c) The provisions which at departure time would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(d) In the event a passenger discontinues his journey en route for any reason the amount of the fare paid may be applied as a credit towards the purchase of transportation at the applicable fare calculated from the original point of origin;

(e) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from the point of origin to the point of cancellation;

(f) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(g) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the group fares.

Agreement C.A.B.	IATA No.	Title	Application
23619: R-24	084kk	TC3 Group Inclusive Tour Fares—Asia/South West Pacific (NEW)	3

Provided, That with respect to Resolution 084kk:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

4. It is not found that the following resolution which is incorporated in the agreement as indicated and which is indirectly applicable in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23642: R-3	015b	North and Central Pacific Proportional Fares North America (Amending).	3-1 N/Central Pacific.

5. It is found that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23600:			
R-5	056	North and Central Pacific First-Class Fares	3-1 N/Central Pacific.
R-7	066	North and Central Pacific Economy-Class Fares	3-1 N/Central Pacific.
R-8	070u	North and Central Pacific Excursion Fares (Revalidating and Amending).	3-1 N/Central Pacific.
R-9	076j	North and Central Pacific Own Use and Affinity-Group Fares (Revalidating and Amending) *Insofar as it applies to the establishment of fares for groups of 25 passengers.*	3-1 N/Central Pacific.
R-11	083c	North and Central Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3-1 N/Central Pacific.
R-9	022e II	TC3 Special Rules Relating to Sales of Passenger Air Transportation (NEW).	3.
R-11	002g II	JT31 Special Rules Relating to Sales of Passenger Air Transportation (NEW).	3-1 N/Central Pacific.
R-7	053 II	TC3 First-Class Fares	3.
R-9	063 II	TC3 Economy-Class Fares	3.
R-10	070a	TC3 Excursion Fares (Revalidating and Amending)	3.
R-19	080 II	TC3 Inclusive Tour Fares (Revalidating and Amending)	3.
R-28	005h	TC3 30-Day Excursion Fares for U.S. Military Personnel (Revalidating and Amending).	3.
R-29	095i	TC3 "Stand-By" Fares for U.S. Military Personnel from Guam to Bangkok, Hong Kong and Taipei (Revalidating and Amending).	3.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 23600, 23642, and 23619 set forth in paragraph 1 above be and hereby are approved;

2. Those portions of Agreements C.A.B. 23600 and 23619 set forth in paragraph 2 above be and hereby are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreements C.A.B. 23600 and 23619 set forth in paragraph 3 above be and hereby are approved subject to the conditions set forth therein;

4. That portion of Agreement C.A.B. 23642 set forth in paragraph 4 above be and hereby is approved;

5. Those portions of Agreements C.A.B. 23600 and 23608 set forth in paragraph 5 above be and hereby are disapproved;

6. Those portions of Agreement C.A.B. 23619 set forth in paragraph 5 above, insofar as they are directly applicable in air transportation and/or relate to the carriage of civil employees of the United States Government, be and hereby are disapproved;

7. Tariffs implementing Agreements C.A.B. 23600 and 23619 shall be marked to expire March 31, 1974;

8. Tariff revisions necessary to reflect disapproval of the currency adjustment contained in Agreement C.A.B. 23608, R-9 and R-11, shall be implemented on not less than one day's notice within five days from the date of this order; and

9. Except to the extent granted herein, the complaint by Aviation Consumer Action Project (ACAP) in Docket 25453 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14698 Filed 7-18-73;8:45 am]

[Docket No. 25659; Order 73-7-60]

LOCAL SERVICE CLASS SUBSIDY RATE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of July 1973.

By Order 73-6-119, dated June 29, 1973, the Board instituted an investigation directed to the establishment of a revised class subsidy rate for the local service carriers to be effective on and after July 1, 1973. The order also reopened, as of July 1, 1973, Class Rate VI,[1] the final subsidy rate presently in effect for the local service carriers. By a Statement of Provisional Findings and Conclusions and Order to Show Cause (Order 73-7-59) issued concurrently herewith, the Board is proposing a revised subsidy level based on the current fair and reasonable subsidy need as tentatively determined therein for the local service carriers effective July 1, 1973. The rate formula and its application to the subsidy need of each carrier has not been included in the Statement because, as stated therein, the design and testing of a new formula will require additional time. However, it is the Board's desire that the subsidy need level tentatively found for the new class rate, Class Rate VII, be effectuated July 1, 1973. We are therefore proposing herein a temporary rate which will serve as a basis for interim subsidy payments to each carrier, pending the establishment of final rates in this proceeding.

We believe that it is reasonable to establish a temporary rate which will be equal to the subsidy need level tentatively found to be fair and reasonable for each carrier for prospective annual periods on and after July 1, 1973, as set forth in the Statement and appendices thereto. The current level of subsidy payments for several carriers will materially change under the proposed rate and the temporary rate is needed to alleviate any large over or under payments that would occur if the present rate is allowed to remain in effect pending the fixing of a final rate. For administrative convenience, we propose to provide for the computation of temporary subsidy payments

[12] Appendices A and B, and concurring statements of Timm, Chairman, and Minetti, Member, filed as part of the original document.

[1] Orders 72-6-72, June 16, 1972, and 72-7-82, July 25, 1972.

on the basis of daily need. The annual level of subsidy need and the daily need of each carrier are set forth below.

Based on the foregoing, we are directing each of the local service carriers to show cause why we should not fix the subsidy need level tentatively found to be fair and reasonable for final subsidy rate purposes for prospective periods on and after July 1, 1973, as the basis for temporary subsidy payments to each local service carrier effective July 1, 1973.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406 and 1002 (b) thereof, *It is ordered*, That:

1. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. d/b/a Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., are directed to show cause why the fair and reasonable temporary rate of compensation to be paid each carrier on and after July 1, 1973, for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, between the points between which the carriers have been, are presently, or hereafter may be, authorized to transport mail by their certificates of public convenience and necessity, should not be fixed and determined as equal to the fair and reasonable level of subsidy need specified in Order 73–7–59 for each carrier for prospective periods on and after July 1, 1973, pending the fixing of final subsidy rates for the carriers in the instant proceeding.[2]

2. Further procedures with respect to the temporary rate proposed herein shall be in accordance with the Board's rules of practice, particularly Rule 302, et seq., and if there is any objection to the rate specified herein, notice thereof must be filed within eight days, and, if notice is filed, written answer and supporting documents must be filed within 15 days after the date of service of this order.

3. If notice of objection is not filed within eight days, or if notice is filed and answer is not filed within 15 days after service of this order, or if an answer timely filed raises no material issue of fact, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the temporary subsidy rate specified herein: *Provided*, That if notice of objection and answer are filed by any carrier or carriers, the Board may enter an order fixing the rate specified herein for such carriers as have not filed notice of objection, or, having filed such notice, have not filed timely answer raising a material issue of fact.

4. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[2] This order is not intended to disturb the service mail rates established under other orders of the Board.

LOCAL SERVICE CLASS SUBSIDY RATE

Daily Subsidy Need, by Carrier Based on Proposed Annual Subsidy Level for the Year Beginning July 1, 1973

	($000) annual level[1]	($) Daily level[1]
Allegheny	4,179	11,449.32
Frontier	8,479	23,230.14
Hughes Airwest	10,063	27,569.86
North Central	8,849	24,243.84
Ozark	7,579	20,764.38
Piedmont	7,006	19,194.52
Southern	6,265	17,163.38
Texas International	7,280	19,945.21
Total	59,700	

[1] During the annual periods on and after July 1, 1973, the monthly claim for temporary subsidy shall be the product of each carrier's daily need times the number of days in the calendar month exclusive of days on which operations are completely suspended due to a strike or other work stoppage. Any days of partial reduction of operations due to strikes or other work stoppages, when departures flown by the carrier are less than 90 percent of the departures scheduled to be flown on such days, shall be counted as a reduced number of days to be arrived at by multiplying the number of such days by the ratio of (a) the departures flown on such days divided by (b) the product of the departures scheduled to be flown on such days (based on the carrier's official schedules on file with the Board on or as of the last day prior to the work stoppage) times the system average performance factor of the carrier during the corresponding month of the prior year.

[FR Doc.73-14820 Filed 7-18-73;8:45 am]

[Order 73-7-56]

TRANSPORTATION OF HOUSEHOLD GOODS FOR DEFENSE DEPARTMENT

Extension of Temporary Relief to Certain Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1973.

From time to time, at the request of the Department of Defense (DOD) the Board has granted relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 40 unauthorized indirect air carries to transport used household goods[1] of Department of Defense personnel. A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarder authority. The relief was to expire 180 days after the Board's decision in the *Household Goods Air Freight Forwarder Investigation*, Docket 20812, became final[2] or, as to each individual company, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first.[3]

Since the processing of a number of the applications could not be concluded prior to the expiration of the temporary relief and the Department of the Army, acting in behalf of DOD, requested extension of such relief, the Board extended the temporary relief for 90 days.[4] Such relief is to terminate July 16, 1973.

Due to the recently instituted 60-day price-freeze, many prepared tariffs had to be completely revised before acceptance for filing.[5] This has caused delay and the processing of applications of the fourteen applicants named in the appendix hereto will not be completed prior to expiration of the extended deadline.[6] Furthermore, by letter dated July 6, 1973, the Department of the Army requested further extension of the temporary relief for a reasonable period in those cases where the processing could not be completed by the time limit previously set.

In view of these circumstances and DOD's request, the Board finds that further extension of the temporary relief to those carriers named in the appendix hereto is in the public interest, and has decided to extend such relief for a period of 60 days to September 16, 1973.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the carriers listed in the appendix hereto are hereby relieved from the provisions of Title IV of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall become effective July 17, 1973 and terminate on September 16, 1973, or as to each individual company named in the appendix hereto, upon board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and the companies listed below.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Aero Mayflower Transit Company, Inc.
P.O. Box 107 B
Indianapolis, Indiana 46206

Allied Van Lines, Inc.
25th Avenue at Roosevelt Road
P.O. Box 4403
Chicago, Illinois 60680

Astro Van-Pak, Inc.
621 South Picket Street
Alexandria, Virginia 22304

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] Order on reconsideration issued October 16, 1972. Temporary relief was to expire April 16, 1973.

[3] Order 71-10-56, dated October 13, 1971.

[4] Order 73-4-57, dated April 12, 1973.

[5] A valid tariff must be accepted for filing prior to issuance of operating authorization.

[6] The processing of some of these applications is not delayed because of tariff revisions. However, we will extend the temporary relief of all those who hold such relief, and have applications pending.

Atlas Van Lines International Corp.
1212 St. George Road
P.O. Box 509
Evansville, Indiana 47711

Towne International Forwarding, Inc. (formerly CTI-Container Transport International, Inc.)
17 Battery Place
New York, New York 10004

Garrett Forwarding Company
2055 Garrett Way
P.O. Box 4048
Pocatello, Idaho 83201

National Van Lines, Inc.
2800 Roosevelt Road
Broadview, Illinois 60153

North American Van Lines, Inc.
P.O. Box 988
Fort Wayne, Indiana 46801

Perfect Pak Company
12169 Ventura Boulevard
Studio City, California 91604

Pyramid Van Lines, Inc.
479 South Airport Boulevard
South San Francisco, Calif. 94080

Republic Van & Storage Co., Inc.
P.O. Box 8615
9219 Harford Road
Baltimore, Maryland 21234

Smyth Worldwide Movers, Inc.
11616 Aurora Avenue, North
Seattle, Washington 98133

Tucor Services, Inc. (formerly Getz Bros. and Company, U.S.)
640 Sacramento Street
San Francisco, California 94111

United Van Lines, Inc.
No. 1 United Drive
Fenton Street
St. Louis, Missouri 63026

[FR Doc.73-14821 Filed 7-18-73;8:45 am]

[Docket No. 24875, etc.; Order 73-7-66]

FRONTIER AIRLINES, INC.

Order Regarding Applications for Changes in Service Points

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of July 1973. Application of Frontier Airlines, Inc., for suspension and deletion of Paris, Texas, Docket 24875; application of Frontier Airlines, Inc.; for permission to use the Tulsa International Airport at Tulsa, Oklahoma, for serving Muskogee, Oklahoma, Docket 24659; application of Frontier Airlines, Inc.; for deletion of McAlester by show cause order, Docket 24991.

Frontier Airlines, Inc. (Frontier) has filed applications seeking permission to serve Muskogee, Oklahoma, through Tulsa International Airport at Tulsa, Oklahoma (Docket 24659) and to suspend service at Paris, Texas, pendente lite a Board decision on its application seeking permanent deletion of the point from its certificate (Docket 24875). Frontier has also applied for amendment of its certificate of public convenience and necessity so as to delete the point McAlester therefrom. The applicant has moved that the above be accomplished by the issuance of an order to show cause.

Turning to the Muskogee application first, Frontier alleges, in support of its application, that Muskogee has consistently been a poor traffic-generating point averaging only 1.82 enplanements per day for the last four years; that service to Muskogee through Tulsa Airport will produce a $95,000 reduction in Frontier's subsidy need for FY 1973; and that there is convenient commercial bus service between Muskogee and Tulsa, as well as a limited access highway connecting the two cities. Frontier also asserts that the Sedalia-Marshall-Booneville Stage Line, Inc. (SMB) presently offers one daily round trip with Beech 99 and Piper Aztec equipment in the Muskogee-Tulsa/Dallas markets.[1]

With respect to Paris, Frontier states in support of its application to delete that point from its certificate that Paris is not isolated according to a standard set forth in a Board staff study;[2] that commercial bus service operates three and one-half round trips per day between Paris, on the one hand, and Dallas and Texarkana, on the other hand; that SMB currently provides one daily round trip in the Paris-Dallas/McAlester/Muskogee markets;[3] that Paris has consistently been a low traffic-generating point with an average of only four enplanements per day during the last four years, a situation which indicates that substantial numbers of Paris passengers utilize services at Dallas in preference to those available at Paris; and finally, that suspension at Paris will produce a $94,000 reduction in Frontier's subsidy need for fiscal 1973.

Finally, with respect to McAlester, Frontier states in support of its application that although Frontier has been suspended at McAlester for four years,[4] such suspension is conditioned upon the provision of substitute service by SMB which has been sustained only with the financial assistance of Frontier. Frontier further states that were it required to reinstitute service itself, it would result in a subsidy need increase of $112,000, but that its present subsidy is already inadequate to cover increasing costs and cyclical risks. Frontier finally states that such situation results from the poor traffic-generating potential of McAlester, a situation caused by, and likely to be perpetuated by, increased utilization of high-speed surface transportation.

The Air Line Pilots Association, International (ALPA) opposes grant of Frontier's application to delete Frontier at McAlester without a hearing. The City of McAlester and McAlester Chamber of Commerce (McAlester) oppose grant of Frontier's application, asserting that they need air service between McAlester, on the one hand, and Tulsa and Dallas, on the other.

Muskogee and Paris object to grant of Frontier's respective requests,[5] stating, inter alia, that favorable action on these applications would deprive shippers and passengers of needed air service, and in Muskogee's case, jeopardize the provision of replacement service by SMB.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Frontier's requests for a show cause order and temporary suspension at Paris, and for permission to serve Muskogee through Tulsa without a hearing. We have also decided to deny Frontier's request to delete McAlester by issuance of an order to show cause. The communities oppose Frontier's requests and we believe that under all the circumstances it is appropriate to consider in an evidentiary record the conflicting contentions of the parties. Frontier's pleadings raise important questions which merit further consideration, and consequently, we have decided to set down for hearing Frontier's applications in Dockets 24659, 24875 and 24991 insofar as they request hyphenation of Muskogee and Tulsa or in the alternative, suspension or deletion of Muskogee; suspension or deletion of Paris; and deletion of McAlester. In addition, we will place in issue the question of whether Frontier's authority to suspend service at McAlester should be continued as an alternative to permanent deletion.[6]

In addition, we note that by specific condition in its certificate Frontier is one-stop restricted in the Tulsa-Dallas market[7] but that the only noncircuitous one-stop routings available to Frontier on segment 18 involve stops at one of the three subject points which may, as a result of this proceeding, be deleted from the carrier's certificate. Similarly, since segment 18 now bifurcates at McAlester, the deletion of that point would require the rewriting of Frontier's certificate. Because we wish to limit the scope of this proceeding primarily to a consideration of the needs of, and the viability of providing certificated service to, the three points in issue, we do not intend to consider herein a significant expansion of Frontier's authority by means of a large variety of possible realignments" of segment 18. Hence, we will limit our consideration to the question of whether,

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[1] By Order 70-11-25, dated November 5, 1970, the Board authorized Frontier to suspend service temporarily at, inter alia, Muskogee, subject to the condition that such suspension would immediately terminate if SMB failed to operate a certain number of trips in certain listed markets. Because, according to Frontier, the "traffic was never adequate to warrant more than one round trip by the commuter carrier," Frontier has not suspended its operations at Muskogee.

[2] Service to Small Communities, Part III, Appendix B, March 1972.

[3] Frontier further points out that in the Paris-Dallas market, SMB charges a one-way fare of $16.00 compared to its one-way fare of $22.00.

[4] See Order 73-7-67 issued contemporaneously with this Order.

[5] The Muskogee answer, having been filed late, was accompanied by a motion for leave to file an otherwise unauthorized document. We shall grant this motion and receive Muskogee's answer.

[6] The order issued contemporaneously herewith renewing Frontier's authority to suspend service at McAlester will expire 60 days after final decision in the proceeding herein instituted.

[7] The restriction applies to Frontier's services on both segment 18 as well as 19. The three points in issue lie on segment 18 only.

should McAlester be deleted from Frontier's certificate, segment 18 should be rewritten (a) to bifurcate at Dallas, or (b) to bifurcate at Fort Smith. We appreciate that a change in segmentation may result in new authority for Frontier in certain markets, but to limit the scope of the proceeding we shall place a pretrial restriction on Frontier's potential authority so as to require that all flights operated between Fort Smith and Kansas City or Wichita shall include at least one intermediate stop in the event segment 18 is rewritten to bifurcate at Fort Smith. Also, we wish to make clear that amendment of condition (4) of Frontier's certificate will not be in issue and, should the three points be deleted, Frontier will still be required to serve one intermediate point on all flights between Tulsa and Dallas. In accordance with our customary practice, we shall also permit parties to propose any other restrictions or conditions as they may believe necessary.

Accordingly, it is ordered, That:

1. The applications of Frontier Airlines, Inc., in Dockets 24875 and 24991, for an order to show cause, be and they hereby are denied;

2. The application of Frontier Airlines, Inc., in Docket 24875 for a temporary suspension without hearing, be and it hereby is denied;

3. The applications of Frontier Airlines, Inc., in Dockets 24659, 24875, and 24991, be and they hereby are set for hearing at a time and place to be hereafter designated;

4. The hearing shall determine:

a. Whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that the certificate of Frontier for route 73 should be altered, amended, or modified so as to

(1) Suspend or delete Muskogee, Oklahoma and/or

(2) Redesignate Tulsa, Oklahoma as Tulsa-Muskogee, Oklahoma to be served through the Tulsa Airport;

(3) Suspend or delete Paris, Texas;

(4) Suspend or delete McAlester, Oklahoma;

(5) Have segment 18 bifurcate, in the event McAlester is deleted pursuant to (4) above, at Dallas or Fort Smith, subject to the condition that, in the event segment 18 is rewritten so as to bifurcate at Fort Smith, Frontier will be required to schedule service to a minimum of one intermediate point between Fort Smith and Kansas City or Wichita;

b. whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Frontier at the points listed in (1), (3), and (4) above, with or without conditions;

5. The motion of the City of Muskogee and the Muskogee Chamber of Commerce in Docket 24659 for permission to file a late-filed answer, be and it hereby is granted; and

6. This order shall be served on the parties served with the applications in Dockets 24659, 24875 and 24991.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14818 Filed 7-18-73;8:45 am]

[Docket Nos. 22364, 25474; Order 73-7-65]

U.S. MAINLAND-HAWAII FARES INVESTIGATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1973.

By Order 73-4-117, dated April 27, 1973, the Board initiated an investigation to consider the level of regular fares, the relationship of first-class fares to second-class fares, and the level and structure of discount fares in the U.S. mainland-Hawaii market. Order 73-4-117 also provided that the portions of Order 72-5-100 [1] which prescribed the level of first-, second-, and third-class fares in the U.S. mainland market were revoked. A procedural framework for exceptions to this latter provision was established.

While the Board has received no exceptions to Order 73-4-117 as such, several parties have filed petitions for reconsideration of that order, requesting in general that the scope of the investigation be expanded to include additional issues.[2]

Upon consideration of these pleadings, we have decided that some expansion in the scope of this proceeding will be appropriate. Before reaching any new matters, however, a clarification of the intent of Order 73-4-117 is necessary.

Several carriers have raised the possibility that Order 73-4-117 is insufficiently clear on the question of whether the newly instituted investigation includes the level and structure of fares from interior gateway points. Our intention in Order 73-4-117 was to make clear that we do not expect to relitigate Ultimate Finding number 5 on page 24 of our Opinion in Order 72-5-100, dated May 26, 1972, which relates to construction of fares between Hawaii and interior points not included in the carriers' Hawaiian segments. Since we are by this order specifying by number those Ultimate Findings which we are revoking, no question should remain as to our intention.

Also in the nature of clarification, United requests that we modify our partial revocation of Order 72-5-100 to inform all persons concerned that there are no impediments to tariff filings in U.S. mainland-Hawaii markets. Under Order 72-5-100 fare changes had been effectuated by way of petition for amendment, but our partial revocation of that order was intended to end that procedure. We have made in the ordering paragraphs herein adjustments which will clearly accomplish that purpose.

As to the requests for expansion of the scope of the proceeding, three of the petitions have called into question our exclusion from the issues to be litigated of the relationships between second- and third-class fares.[3] Upon further consideration, we agree that the amounts of the differentials between these two classes of fares should be included as an issue in the forthcoming investigation, and that the provisions of Order 72-5-100 specifying these differentials should accordingly be revoked. The recent decision of several carriers to impose charges for entertainment in second-class service convinces us that the cost basis for these differentials must be reviewed in the light of current data.[4] However, we see no need to reexamine the principle that the differential between these two classes of fares should be based on the costs of amenities furnished free of additional charge to one class and not to the other.

On the other hand, the request by several carriers to include the Hawaiian common fares agreement will be denied insofar as these requests call to issue more than the revenue impact of the existing agreement. Consideration, either directly or indirectly, of the propriety or particulars of this agreement is unnecessary to the determination of the revenue needs of the mainland carriers and would only serve to lengthen and complicate the proceeding.

Accordingly, upon consideration of the foregoing, and all other relevant matters,

It is ordered, That:

1. Paragraphs 3.a, 4.a, and 4.b of the Ultimate Findings on pages 22-24 of the Opinion in Order 72-5-100 are hereby revoked, and the investigation in Docket 22364 is hereby terminated;

2. The scope of the investigation instituted by Order 73-4-117 is hereby expanded to include the lawfulness of the differentials between second- and third-class fares and the charges for inflight amenities;

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[1] Dated May 26, 1972.

[2] Petitions have been filed by Braniff Airways, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc. American Airlines, Inc., has filed an answer to these petitions, and a joint answer has been filed on behalf of Aloha Airlines, Inc., and Hawaiian Airlines, Inc. Braniff's petition was filed one day late with a request for leave to file a late petition, which is granted.

[3] Pan American also requests that the relationships between peak and off-peak fares be put in issue. While Order 73-4-117 already put this matter in issue, the more specific language of the present order should eliminate any doubt as to the point.

[4] As a corollary, the provisions of Order 72-5-100 specifying charges for inflight amenities in third-class service will also be revoked and the amount of these charges will be included as an issue in the proceeding. Whether the charges for inflight amenities generally should be specified and be required to be filed by the carriers will also be considered in the light of ER-795, adopted April 6, 1973.

3. Except to the extent granted herein, the petitions of Braniff Airways, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc., are dismissed; and

4. Copies of this order shall be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., Puget Sound Traffic Association, Aloha Airlines, Inc., and Hawaiian Airlines, Inc., and upon all parties to Docket 22364.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14819 Filed 7-18-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, July 25, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 17, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-14973 Filed 7-18-73;9:33 am]

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 Friday, July 27, 1973, in Room 1600 of the Municipal Services Bldg. in Philadelphia beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *Mount Holly Water Co.* A well water supply project to augment public water supplies in the Township of Mount Holly and adjacent municipalities in Burlington County, N.J. Designated as Well No. 6, the new facility is expected to yield about two million gallons per day.

2. *Audubon Water Co.* A well water supply project to augment public water supplies in portions of Lower Providence Township, Montgomery County, Pa. Designated as Well Nos. 5 and 6, the two new facilities are expected to have a combined yield of about 230,000 gallons per day.

3. *Borough of Topton.* A well water supply project to augment public water supplies in the Borough of Topton and portions of Longswamp Townships, Berks County, Pa. Designated as Well No. 5, the new facility is expected to yield about 288,000 gallons per day.

4. *Borough of Woodbury Heights.* A well water supply project to augment public water supplies in the Borough of Woodbury Heights, Gloucester County, N.J. The new facility is expected to yield about 560,000 gallons per day.

5. *Schuylkill Haven Municipal Authority.* Expansion and upgrading of the Authority's existing sewage treatment plant in Schuylkill County, Pa. Approximately 7,000 feet of interceptor sewer will be constructed in connection with the project. Modifications to the plant are designed to provide 90 percent removal of BOD_5 from a sewage flow of about two million gallons per day. Treated effluent will continue to discharge to the Schuylkill River.

6. *Modern Treatment Co.* A sewage treatment plant to serve a new recreational community known as Wallenpaupack Lake Estates in Salem and Paupack Townships, Wayne County, Pa. The plant is designed to provide 96 percent removal of BOD_5 and 97 percent suspended solids from a sewage flow of about 100,000 gallons per day. Treated effluent will discharge to an unnamed tributary of Lake Wallenpaupack.

7. *City of Philadelphia Water Dept.* Upgrading of the Southeast treatment plant of the City of Philadelphia located adjacent to the Walt Whitman Bridge. Modifications are designed to provide 90 percent removal of BOD_5 from an estimated 1990 sewage flow of about 140 million gallons per day. Treated effluent will continue to discharge to the Delaware River.

8. *Pureland Water Co.* A revision to a groundwater development project to provide water supplies in the 3500-acre Pureland industrial complex and adjacent municipalities in Logan Township, Gloucester County, N.J. Four new wells would be utilized to provide four million gallons per day for industrial process and cooling purposes and a fifth well will provide one million gallons per day for domestic and commercial purposes.

9. *New Jersey Turnpike Authority.* Expansion of the Authority's sewage treatment plant in New Jersey Turnpike Service Area 4N in Mount Laurel Township, Burlington County, N.J. Approximately 90 percent of BOD_5 and suspended solids would be removed from a sewage flow of about 60,000 gallons per day. Treated effluent would discharge to Parkers Creek, a tributary of Rancocas Creek.

B. A proposal to approve the following water pollution abatement schedule as submitted in accordance with Section 3-4.2(2) of the Basin Regulations—Water Quality:

1. *Gulf Oil Company of Pennsylvania (A-73-2):* A violation of the effluent requirements of the Commission's Basin Regulations was determined for the company's Schuylkill River Tank Farm, located in Philadelphia, Pa. The proposed schedule permits the company to make modifications in the in-plant processing facilities at the refinery to allow shifting the wastewater flow from the Tank Farm to the existing refinery wastewater treatment system.

Documents relating to the above projects may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

JULY 13, 1973.

[FR Doc.73-14745 Filed 7-18-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19778, etc.; FCC 73-725]

BUD'S BROADCASTING CO. ET AL.

Designation of Construction Applications for Consolidated Hearing

In re applications of Amos Joseph Mathewson, tr as Bud's Broadcasting Co., Banning, Calif., Docket No. 19778, File No. BP-19212; Requests: 1490 kHz, 250 W, U.

Dale A. Owens, Banning, Calif., Docket No. 19779, File No. BP-19224; Requests: 1490 kHz, 250 W, U.

Frederick R. Cote, Banning, Calif., Docket No. 19780, File No. BP-19376; Requests: 1490 kHz, 250 W, U.

Milton Charles Holden, Bettee H. Holden, William R. Bailer, Mary Estella Bailer, and Adam John Mugni d/b as H&B Broadcasting Co., Yucaipa, Calif., Docket No. 19781, File No. BP-19377; Requests: 1490 kHz, 250 W, U, For construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications which seek authorization to replace the deleted facilities of former station KPAS.

2. Examination of section IV of the applications of Bud's Broadcasting Co. and H & B Broadcasting Co. indicate that both parties have failed to meet the basic requirements set out in our Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 FR 4092, 27 FCC 2d 650.

In the application of Bud's Broadcasting Co. an adequate description of

the community accurately detailing its minority, racial or ethnic breakdown, its economic activities, governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive has been omitted. Additionally, pertinent information as to the specific problems, needs, and interests of the residents of the community has not been ascertained. In the H & B Broadcasting Co. application, the survey fails to indicate the specific problems, needs, and interests of the community and the names of the community leaders consulted have not been included in the data submitted. Also omitted are H & B's proposed programs to meet community problems disclosed by its consultations. Accordingly, a Suburban [1] issue will be included.

3. The financial portion of Bud's Broadcasting Co.'s application shows that $31,800 will be required to construct and operate for one year. This total consists of: down payment on equipment $2,500, first-year payments on equipment, with interest $2,750, building $500, miscellaneous $2,050, working capital (first year) $24,000. To meet this requirement, the applicant relies on a $25,000 bank loan and $7,588 in profits from his existing operations. The letter of credit from the bank supporting a loan is for only $10,000 and does not fully give the terms of repayment. The Commission cannot accept estimated earnings of enterprises other than broadcasting, since we have no access to annual reports of earnings, estimated future earnings, etc. Thus, a financial issue is required.

4. The application of Frederick R. Cote states that a total of $33,625, is required to meet his first-year expenses. The itemized costs include $2,926 down payment on equipment, $5,000 land, $5,000 building, $200 miscellaneous, and $20,499 working capital. Applicant's plans to finance construction and operation provide for $30,900, $18,900 of which is cash on hand or in banks and $12,000 of which is profits from existing operations. Since the figures given for plans to finance construction and operation total only $30,900, it appears that an additional $2,725 to meet first-year commitments is necessary. Accordingly, this applicant will also be required to establish his financial qualifications in hearing.

5. H & B Broadcasting Co. also appears to be financially unqualified. Analysis of the applicant's cost figures shows that $63,765 will be required to construct and operate for one year without revenues, itemized as follows: $4,280 lease payments on automated equipment, $4,455 down payment on remaining equipment, $4,820 first-year's payments on equipment with interest, $500 land, $1,500 building, $4,400 miscellaneous, $43,810 working capital (first year). Applicant's plans to finance construction and operation provide for $62,000, $7,000 of which is existing capital, $55,000 of which would be raised from liquidation of partners' assets. The partners, however, have not shown the availability of the $7,000 in cash, nor have they shown buyers for the assets they claim will be disposed of to raise other necessary funds. Thus, an appropriate issue will be specified.

6. Although three of the applicants are for Banning and one is yucaipa, they would serve substantial areas in common. Consequently, in addition to determining which of the proposals would best provide a fair, efficient and equitable distribution of radio service, under 307(b) of the Communications Act, a contingent comparative issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals and the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine, with respect to the application of Bud's Broadcasting Co., the terms of the $10,000 loan and, in light of the source of other earnings, whether the applicant is financially qualified.

3. To determine whether Frederick R. Cote has sufficient additional funds to construct and operate his proposed station and in light thereof whether he is financially qualified to construct and operate the proposed station.

4. To determine whether H & B Broadcasting Co. has the requisite funds to construct and operate its proposed station.

5. To determine the efforts made by Bud's Broadcasting Co. to ascertain the community problems of the area to be served and the means by which applicant proposes to meet those problems.

6. To determine the efforts made by H & B Broadcasting Co., to ascertain the community problems of the area to be served and the means by which applicant proposes to meet those problems.

7. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications, would, on a comparative basis, better serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That, in the event of a grant of either of the applications, of Frederick R. Cote or H & B Broadcasting Company, the construction permit shall contain the following:

Before program tests are authorized sufficient field intensity measurement data shall be submitted to establish that the radiation has been reduced to 150 mV/m/kW, as proposed.

10. *It is further ordered,* That, in the event of a grant of the application of H & B Broadcasting Co., the construction permit shall contain the following condition:

An approved type frequency monitor shall be installed.

11. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

12. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 3, 1973.

Released: July 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14813 Filed 7-18-73;8:45 am]

[Dockets Nos. 19782, 19783; FCC 73-726]

KALT-FM, INC. AND CASS COUNTY BROADCASTING CO.

Designation of Construction Applications for Consolidated Hearing

In re applications of KALT-FM, Inc. Atlanta, Texas, Docket No. 19782, File No. BPH-7881; Requests: 99.3MHz, 257; 3 kW (H & V); 195.75 feet.

Gloria D. Herring and A. T. Moore, d/b as Cass County Broadcasting Co., Atlanta, Texas, Docket No. 19783, File No. BPH-7948; Requests: 99.3 MHz, 257; 3 kW (H & V); 186.5 feet, for construction permits.

1. The Commission has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Based on cost figures contained in its application, it appears that Cass County Broadcasting Company will need $76,736 to construct and operate its pro-

[1] Suburban Broadcasters, 20 RR 951 (1961).

posed station for one year.[1] To finance its proposal, the applicant relies on a total of $2,500 in contributions from the two partners and a bank loan of $75,000. Balance sheets for each partner indicate adequate liquidity to meet their respective commitments. As to the bank loan, however, the loan is contingent upon the endorsement of the partners. Since they have failed to file a statement affirming their intent to endorse the note, we cannot make a finding that the funds will be available. Accordingly, a financial issue will be specified.

3. KALT–FM, Inc., estimates that $40,750 will be needed to construct and operate its proposed station for one year, itemized as follows: $29,300 equipment, $1,450 miscellaneous, and $10,000 working capital. To meet these expenses, the applicant has $1,000 in existing capital and relies on stock subscriptions from its four principals to raise $39,000. However, since the financial data submitted by three of the subscribers, David A. Wommack, Sr., David A. Wommack, Jr., and Thelma Jeane Wright are no longer current, we cannot determine whether they presently have sufficient current and liquid assets available to meet their respective commitments. Moreover, we note that KALT, Inc., has allocated only a nominal amount ($50) for legal fees. In light of the forthcoming comparative hearing, we believe that a more realistic sum should be allocated. Accordingly, an appropriate financial issue will be included.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Cass County Broadcasting Company, whether the partners are willing to endorse the $75,000 bank loan, and, in light thereof, whether the applicant is financially qualified.

2. To determine, with respect to the application of KALT–FM, Inc.:

(a) Whether the applicant's estimated legal expenses are realistic;

(b) Whether David A. Wommack, Sr., David A. Wommack, Jr., and Thelma Jeane Wright have sufficient net current assets to meet their respective stock purchase commitments.

(c) Whether, assuming all the funds which the applicant relies upon are available, sufficient additional funds are available to meet first-year construction and operating costs; and

(d) Whether, in light of the foregoing, the applicant is financially qualified.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. *It is further ordered,* That the applicant shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by section 1.221(c) of the rules.

7. *It is further ordered,* That the applicant shall give notice of the hearing within the time and in the manner specified in section 1.594 of the rules, and shall seasonably file the statement required by section 1.594(g).

Adopted: July 3, 1973.

Released: July 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14814 Filed 7-18-73;8:45 am]

[1] Cass County Broadcasting Company's first-year expenses are itemized as follows: $25,071 equipment, $1,500 building, $6,750 interest on loans, $5,200 miscellaneous, $34,740 working capital, $3,475 radio tower.

FEDERAL HOME LOAN BANK BOARD

[H. C. 159]

BERKSHIRE HATHAWAY, INC., ET AL.

Notice of Receipt of Application for Permission To Acquire Control of Mutual Savings and Loan Association

JULY 16, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Berkshire Hathaway, Inc., Diversified Retailing Company, Inc., Associated Retail Stores, Inc., and Columbia, Insurance Company, Baltimore, Maryland, for approval of acquisition of control of the Mutual Savings and Loan Association, Los Angeles, California, an insured institution controlled by Wesco Financial Corporation, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of stock of Wesco Financial Corporation by Blue Chip Stamps, a subsidiary of the applicants which previously filed an application to acquire control of Mutual Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 20, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-14792 Filed 7-18-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11 (p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01152	Neptune Maritime Co. of Monrovia:
	Nephele
	Alkyon
01466	Common Brothers (Management) Limited:
	Frank D. Moores
01830	Cardon Tankers Corporation:
	Fairfield Copa
01904	Waterman Steamship Corporation:
	Lyman Hall
01905	The Ben Line Steamers Ltd.:
	Benvorlich
01986	Aktiebolaget Transmarin:
	Wilhelmina
02040	"Odra"—Swinoujscie:
	Grinwal
02195	Welsh Ore Carriers Limited:
	Welsh Trident
02301	Naviera Vizcaina, S.A.:
	Ermua
02332	Lykes Bros. Steamship Co., Inc.:
	LY–181
	LY–182
	LY–183
	LY–184
	LY–185
	LY–186
	LY–187
	LY–188
	LY–189
	LY–190
	LY–191
	LY–905
	LY–195
02428	The Kinsman Marine Transit Company:
	William R. Roesch
02446	Cosmopolitan Shipping Company S.A.:
	Stephanie Conway
	Leslie Conway
02551	Ellerman Lines Limited:
	Salerno
02558	American Condor Steamship Corp.:
	Planet
02715	Allied Towing Corporation:
	Michael
	STC–106
	ATC–185
02859	Cosmos Marine Development Corp., Liberia:
	Cosmos Deneb
02877	Nippon Yusen Kabushiki Kaisha:
	Chokai Maru
02942	Seereederei "Frigga" Aktiengesekkschaft:
	Thor
02952	Blandford Shipping Co. Ltd.:
	Star Boxford
03068	Pacific Shipping Company, Limited:
	Mah Kim
	Loi Kim

Certificate No.	Owner/Operator and Vessels
03324	Compania De Navegacion Penelope S.A.: Andress E
03413	Baba-Daiko Shosen K.K.: Bombay Maru
03475	Nissho Kisen K.K.: Nichiharu Maru
03501	Osaka Shosen Mitsui Senpaku K.K.: Takagisan Maru Takakurasan Maru
03503	Shofuku Kisen K.K.: Nagato Maru
03609	Pacific Barge 3, Inc.: Barge 101
03640	Pan Ocean Bulk Carriers, Ltd.: Yu Kong Bum Han Bum Mi Bum Young Pan Trader
03689	Scheepvaartmaatschappij "Volharding" N.V.: Antilla Bay
04004	Koninlijke Java-China-Paketvaart Lijnen N.V.: Straat Fukvoka
04172	Eklof Marine Corporation: E 13
04184	M/G Transport Services, Inc.: Wasson 8
04404	Lars Rej Johansen: Windward Reefer
04435	Gateway Barge Lines, Inc.: OC-602
04569	Marasia, S.A.: Pacifico
04616	Alaska-Shell, a Corporation: Alaska-Shell
04625	American Commercial Lines, Inc.: V.M. Meythaler
04679	Ratnakar Shipping Company Limited: Ratna Kirti
04793	Snam S.P.A.: Agip Sardegna
04834	Tidewater Barge Lines, Inc.: Barge No. 1
04939	Panocean Shipping and Terminals Limited: Post Runner Post Rover Post Ranger Post Challenger Post Champion
05046	Magnolia Marine Transport Co.: MM-10
05048	F. Laeisz: Propontis
05098	Esso Tankers Inc.: Esso Brisbane Esso Halifax
05345	L. Figueiredo Navegacao S/A: Tocantins
05549	Polska Zegluga Morska: Cedynia
05608	Fekete & Co.: Thomona
05713	W. B. Enterprises, Inc.: The Independent
05858	Interisland Shipping Co. Ltd.: Topaz Islands Agate Islands Amber Islands Opal Islands
05892	Luedtke Engineering Company: Duluth
06042	Luzon Stevedoring Corporation: Virginia City
06248	Commercial Corporation "Sovrybflot": Belogorsk
06450	Hoover Shipping Co., Inc.: Anna Developer
06493	Lockheed Shipbuilding and Construction Company: Columbia
06779	Miyazaki Sangyo Kaiun K.K.: Miyatoyo Maru Maluku Maru Menado Maru
06821	Anglo-Eastern Bulkship Ltd.: Naess Crusader
06953	Mercury Steamship Co., Inc.: Abiqua
07019	Allied Shipping International Corporation: Astir Arras
07098	National Sea Transport Corporation: Thera
07297	Mediterranean Ventures S.A.: Chian
07399	G. & R. Salvatori: Avenir S
07564	Transport Insurance S.A.: Trade Greece
07817	Yick Fung Shipping and Enterprises Co., Ltd.: Andaman Sea Tasman Sea Adriatic Sea China Sea Timor Sea Ceram Sea Koro Sea Sulu Sea Red Sea Chukchi Sea Salton Sea Aegean Sea Coral Sea Caspian Sea Azov Sea Flores Sea
07819	Transportes Surenos Armadora S.A.: Santa Amalia
07827	Lucidora Armadora, S.A.: Trade Honor
07934	Ship Opertors of Florida Inc.: Caribe I
08000	Trading & General Investment Corporation, Monrovia: Okeanis
08002	Marcona Ocean Industries, Ltd.: Allen Judith Western Warrior Booster Barge Guthrie III
08026	Good Trader Navigation Company, Ltd.: Good Trader
08031	Rederiet Nordeggen A/S: Trolleggen
08038	Flota Petrolera Ecuatoriana: Napo Pastaza
08039	Diamond River Co., Ltd.: Panaking
08043	Far-Away Places, Inc.: Lizza K
08046	Providence Compania Naviera: Trigon
08050	Compania Naviera Peace Limitada, S.A.: Shao An
08053	Poinciana Shipping Co., Ltd.: Poinciana
08057	Carmel Transport Corp. Inc.: Stolt Castle
08073	Norse Shipping Co. (PTE) Ltd.: Cherry Vigra II
08074	Independent Shipping Co. (PTE) Ltd.: Cherry Victor
08082	Bomar Navigation Limited: Ontario
08086	"Fenice" S.P.A.: Fenice Punta Cervo
08092	Diafan Love S.A.: Concordia Love
08094	Sanwa Reito Kabushiki Kaisha: Seishumaru No. 36
08095	Newcastle Shipping Co., Ltd.: Newcastle Trader
08096	Seas Navigation Corporation: Ivy
08097	Vicalvaro Compania Naviera, S.A.: Paros
08099	El Greco Shipping Company Limited: Elinoil
08100	Irene Navigation Corporation: Irene
08101	Linda Navigation Corporation: Linda
08102	Tank Oil Corporation: Southwest Cape
08103	Spartan Shipping Inc.: Argo Trader
08105	Oshima Unyu Kabushiki Kaisha: Sakura
08106	Taisei Kaiun Kabushiki Kaisha: Hotoku Maru
08107	Santa Madre Compania Naviera S.A.: Santa Pola
08108	Sounion Shipping Inc.: Stolt Argobay
08109	Cassiopeia Shipping Company Limited: Leo
08113	K/S A/S Verven & Co.: Staland
08114	Ken Hieng Navigation Co. Ltd.: Ken Ho
08115	San Constantain Maritime Limited: Chrysovalandou Tria
08117	Montauk Maritime Limited: Montauk
08118	Evandros Compania Naviera S.A.: Teneriffe
08119	Mediteranska Plovidba: Marko Polo
08121	Mardina Shipping (International) Ltd.: Mardina Reefer Mardina Merchant
08122	Unique Development Company, Incorporated: Unique Alliance
08123	Vall Tankships Ltd.: Vall Star
08124	Transportadora Madison, S.A.: Peranza
08125	Associated Marine Services, Inc.: Heron
08126	Compania Fortuna De Vapores S.A.: Keystone
08132	Mammoth Bulk Carriers Limited: Mammoth Pine Mammoth Fir
08135	Veb Fischkombinat Rostock: Peter Nell

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14842 Filed 7-18-73;8:45 am]

[Independent Ocean Freight Forwarder License 1396]

C. A. CRILEY & ASSOCIATES, INC.

Order of Revocation

By letter dated June 4, 1973, C. A. Criley & Associates, Inc., 4044 128th Avenue, S. E., Bellevue, Washington 98006 was advised by the Federal Maritime Commission that independent ocean freight forwarder License No. 1396 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 3, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

C. A. Criley & Associates, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1396 of C. A. Criley & Associates, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1396 be and is hereby revoked effective July 3, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon C. A. Criley & Associates, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-14840 Filed 7-18-73;8:45 am]

[Independent Ocean Freight Forwarder License 361]

REYNOLDS & PUZON, INC.

Order of Revocation

By letter dated June 8, 1973, Reynolds & Puzon, Inc., P.O. Box 237, Norwood, New Jersey 07648 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 361 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 7, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Reynolds & Puzon, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 361 of Reynolds & Puzon, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 361 be and is hereby revoked effective July 7, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Reynolds & Puzon, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-14841 Filed 7-18-73;8:45 am]

[Independent Ocean Freight Forwarder License 762]

BEAUSEIGNEUR MOVING & STORAGE CORP.

Order of Revocation

By letter dated May 21, 1973, Beauseigneur Moving & Storage Corp., 242-252 E. 122nd Street, New York, New York 10035 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 762 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 20, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Beauseigneur Moving & Storage Corp. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 762 of Beauseigneur Moving & Storage Corp. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 762 be and is hereby revoked effective June 20, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Beauseigneur Moving & Storage Corp.

AARON W. REESE,
Managing Director.

[FR Doc.73-14839 Filed 7-18-73;8:45 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 3103-52 has been entered into by the member lines of the Japan-Atlantic & Gulf Freight Conference, to modify the presently approved agreement of that conference by changing the name of the conference to the Japan/Korea-Atlantic & Gulf Freight Conference, and deleting the references to Okinawa as they presently appear in the approved agreement. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

By order of the Federal Maritime Commission.

DATED: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14835 Filed 7-18-73;8:45 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to

section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana and San Francisco, California. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, N.W., Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 3103 DR–4 is an application under section 14b on behalf of the member lines of the Japan-Atlantic & Gulf Freight Conference, to modify the presently approved dual rate system and form of contract of that conference by changing the name of the conference to the Japan/Korea-Atlantic & Gulf Freight Conference, and deleting the references to Okinawa as they presently appear therein. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

Dated: July 12, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–14837 Filed 7–18–73;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Steet, N.W., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana and San Francisco, California. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, N.W., Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or deteriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 150 DR–4 is an application under section 14b on behalf of the member lines of the Trans-Pacific Freight Conference of Japan, to modify the presently approved dual rate system and form of contract of that conference by changing the name of the conference to the Trans-Pacific Freight Conference of Japan/Korea, and deleting the references to Okinawa as they presently appear therein. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

By order of the Federal Maritime Commission.

DATED: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–14836 Filed 7–18–73;8:45 am]

U.S. ATLANTIC AND PACIFIC/COLUMBIA NORTHBOUND AND SOUTHBOUND FREE ACCESS AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold T. Quinn, Esquire Barrett Smith Schapiro & Simon 26 Broadway New York, New York 10004

Agreement No. 10066, between Prudential-Grace Lines, Inc. and Flota Mercante Grancolombiana, S.A., provides for the establishment of a regular coordinated service between the parties in the trade between United States Atlantic and Pacific Coast ports and ports in Colombia. The intent is that the lines will (1) have free access to the total import/export cargoes available without any governmental restrictions; (2) become associate companies upon approval of the agreement; and (3) mutually collaborate to have cargo not carried by one party to be carried by the other party.

Agreement No. 10066 will remain in effect indefinitely unless earlier cancelled as provided therein.

By order of the Federal Maritime Commission.

DATED: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–14838 Filed 7–18–73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01008---	Botvid Ohlsson: Fritre
01125---	N.V. Ubem S.A. (Union Belge d'Entreprises Maritimes): Temse
01247---	Tonnevolds Tankrederi A/S: Fatum

Certificate No.	Owner/Operator and Vessels
01267	Agdesidens Rederi A/S, Morlands Red. A/S, M.'s Tankred. A/S Ship. Co. A/S: Ravnaas
01336	A/S Borgestad: Bandak
01337	Marfin Management Trust (reg.) Vaduz (Liechtenstein): Jurko Topic
01465	Scottish Ship Management Limited: Baron Forbes
01517	Salamis A/S: Skauborg
01574	Fearnley & Eger: Fernstar
01805	Suisse Atlantique: Corcovado
01861	BP Tanker Company Ltd.: British Industry British Star
01878	"Messana"-Societa Di Navigazione, SPA: Masano
01904	Waterman Steamship Corporation: Andrew Jackson
01905	Ben Line Steamers: Bennevis
02001	Rederiaktiebolaget Transatlantic: Waitara
02011	Shipping Partnership of M/S Kanangoora: Kanangoora
02141	Panvista Compania Naviera S.A.: Maria Hadjipatera
02218	Christian Haaland: Condordia Star
02240	Mar Ligure Societa Di Navigazione S.P.A.: Mar Ligure
02274	Albis Ardua Societa de Navigazione: Honor
02331	Cia Colonial de Navegacao: Santa Maria
02393	Prosperidad Compania Naviera S.A.: Scorpio
02416	Boland & Cornelius Inc.: J. F. Schoellkope
02493	Sheridan Transportation Co.: Winifred M. Sheridan
02737	Olympic Oil Lines Panama S.A.: Olympic Torch
02738	Foreland Navigation Company, S.A.: Olympic Star
02942	Seereederei "Frigga" Aktiengesellschaft: Frigga
02956	Ashland Oil Company: NMS 41 & NMS 42 A.O. & R. Co. 11 A.O. & R. Co. 26 A.O. & R. Co. 39
02958	Kawasaki Kisen K. K.: Texas Maru Mikishima Maru Mizukawa Maru Florida Maru Akikawa Maru
02979	The J. P. Porter Co. Ltd.: JPP #502 JPP #530 Delver Fundy Lockeport Shuniah Hamilton #56 Digby Nova Scotia JPP #535 JPP #526 Ashbridge General Currie
02979—Cont.	JPP #501 McKellar JPP #527 Loadmaster
02980	Rederi A/S Mimer and A/S Norfart: Antilla
03294	Companhia de Navegacao Lloyd Brasileiro: Henrique Lage
03394	Interessentskapet Norse Lady: Norse Variant
03395	A/S Oljefart II and Skiba A/S Motortank: Harry Borthen
03447	K. K. Kyokuyo: Chiyoda Maru No. 2 Akitsu Maru No. 3
03449	Kokudo Sangyo K. K.: Taiei Maru
03499	El-Yam Bulk Carriers (1967) Ltd.: Har Carmel I
03569	I/S Ringvard: Ringvard
03615	Indian Towing Company Inc.: Timbalier
03632	A/S Turid Grong
03736	Bethlehem Steel Corporation: Dry Dock YFD 55 Erie Marine Inc. Hull No. 101
03934	Avondale Navigation Co. Ltd.: World Hong Kong
03957	Liberian Victor Transports Inc.: World Tatsu
04004	Koninklijke Java-China-Paketvaart Lijnen N.V.: Straat Fremantle
04289	Dixie Carriers, Inc.: Erie Debbie
04311	Westmount Shipping Corporation: Rappahannock
04340	Alora Compania Naviera, S.A.: Paros
04350	Ocean Freighters Corporation: Ivy
04357	Koninklyke Nedlloyd N.V.: Sloterkerk Servaaskerk
04358	Holland Bulk Transport N.V.: Amsteldiep
04388	Franco Shipping & Managing Co. Ltd.: Anemone Gardenia
04389	Roen Steamship Company: John Roen IV Marquis Roen
04428	Franco Compania Naviera S.A.: Rodon Filotis
04510	Nikko Suisan Kabushiki Kaisha: Nikko Maru No. 17
04544	Mr. Yosuke Kawaguchi: Seishumaru No. 35
04623	Seaspan International Ltd.: Seaspan 911
04640	McAllister Lighterage Line Inc.: Blue Crest
04859	I/S Saga Stream (Ole) Schroder & Co.: Anco Stream
05204	Steuart Transportation Company: STC 106
05218	Prodromos Lines S.A.: Despina A
05281	Slade Inc.: H. T. Co. No. 27
05290	Ocean Transport Lines, Inc.: John Wilson
05297	Caribbean Navigation Co., Ltd.: Bredal
05300	Marine Transocean Ltd.: Splendid Sun
05380	Tridentco Shipping Limited: Sovereign Ruby
05511	S.T.T. Soc. Trasporti Transatlantici Societa Perazioni: Punta Cervo
05518	Glory Navigation Co., Ltd.: Thai Yung
05864	Efnaval Compania S.A.: Anna P
05876	Rail & Water Terminal of Montreal Ltd.: Guard Mavoline Voyageur D
05879	Les Chargeurs Unis Inc.: Blanc Sablon Aigle D'Ocean Aigle Marin
06666	Frisia Shipping Corporation, Monrovia: Rhenania
06435	Dampskibsaktieselskabet Ben Norske Afrika-Og Australielinie, Wilhelmsens Damp A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Teheran
06818	Globus-Reederei G.m.b.H. Hamburg: Tugelaland
06946	Bath Iron Works Corporation: Yard Hull No. 359
06999	Panax Shipping Ltd.: John P. McGoff
07237	Southern Barge, Inc.: Reb 2502
07332	Cybreval Overseas Transport Inc.: Windsor
07383	Grand Olympia (Panama) S.A.: Olmpia Faith
07561	Gulf Atlantic Transport Corporation: H. G. Williams
07734	Hersent Offshore, Inc.: Barge No. 2

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14829 Filed 7-18-73;8:45 am]

BOARD OF TRUSTEES OF GALVESTON WHARVES AND COOK INDUSTRIES, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the maters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set

forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Board of Trustees of the Galveston Wharves Cook Terminal Company, Inc. and Cook Industries, Inc.

Notice of agreement filed by:

Mr. Carl S. Parker, Jr.
Traffic Manager
Galveston Wharves
802 Rosenberg
P.O. Box 328
Galveston, Texas 77550

Agreement No. T-2814 between the Board of Trustees of the Galveston Wharves (Galveston) and Cook Terminal Company, Inc. (Cook), is an agreement providing that Galeston will construct a materials handling facility according to Cook's specifications, for the warehousing, storage, conditioning and shipping of bulk commodities such as grain, soybeans, etc. The facility is to be financed through the sale of bonds.

Agreement No. T-2814-A, also between Galveston and Cook, provides for Cook's lease of the facility constructed under Agreement No. T-2814 above. Cook is to operate the facility as a public elevator terminal and material handling facility serving the general public for the warehousing, storage, marketing, conditioning and shipping of bulk commodities. As compensation during the initial term of the agreement, Galveston is to receive: (1) Basic rental equalling the total principal, interest, and premium of the bonds issued to finance the facility; (2) berth rental of $200,000 annually; (3) ground rental of $80,105 annually; and (4) 50 percent of the dockage assessed by Cook against vessels handled at the facility. Cook is granted the right to fix and levy dockage rates, provided that they are reasonable and competitive. No wharfage will be assessed by Galveston on bulk commodities. On cargo other than bulk commodities, Galveston will bill, collect and retain all tariff charges.

Agreement No. T-2814-B, between Galveston and Cook's parent company, Cook Industries, Inc., is a guarantee agreement providing that Cook Industries, Inc. will guarantee Cook's obligations to Galveston under Agreement No. T-2814-A.

Dated: July 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14828 Filed 7-18-73;8:45 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC., AND MARRIOTT SUN LINE, LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public, financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Co., Inc.
2 Karageorgia Servias Street
Athens 125, Greece
and
Marriott Sun Line, Ltd.
5161 River Road
Washington, D.C. 20016

Dated: July 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14826 Filed 7-18-73;8:45 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC., AND MARRIOTT SUN LINE, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Co., Inc.
2 Karageorgia Servias Street
Athens 125, Greece
and
Marriott Sun Line, Ltd.
5161 River Road
Washington, D.C. 20016

Dated: July 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14827 Filed 7-18-73;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduct evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 150-57 has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan, to modify the presently approved agreement of that conference by changing the name of the conference to the "Trans-Pacific Freight Conference of Japan/Korea" and deleting the references to "Okinawa", as they presently appear in the aproved agreement. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

Dated: July 12, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14834 Filed 7-18-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST TENNESSEE NATIONAL CORP.

Proposed Acquisition of Pence Mortgage Co.

First Tennessee National Corporation, Memphis, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Pence Mortgage Company, Louisville, Kentucky. Notice of the application was published on May 25, 1973 in The Indianapolis Star-News, a newspaper circulated in Indianapolis, Indiana; on May 26, 1973 in the St. Petersburg Times, a newspaper circulated in St. Petersburg, Pinellas County, Florida; on May 27, 1973 in The Courier-Journal, a newspaper circulated in Louisville, Kentucky; and on May 29, 1973 in The Evening News, a newspaper circulated in Jeffersonville, Clark County, Indiana. Applicant states that the proposed subsidiary would engage in the activities of originating selling and servicing real estate mortgages, construction lending, and the offering on an agency basis of credit life and credit accident and health insurance in connection with such extensions of credit. Such

activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Banks of St. Louis, Atlanta, or Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14740 Filed 7-18-73;8:45 am]

GENERAL FINANCIAL SYSTEMS, INC.

Acquisition of Bank

General Financial Systems, Inc., Riviera, Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank & Trust Company of Lake Worth, Lake Worth, Florida. 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)).

General Financial Systems has also been engaged in the following nonbanking activities: development and management of rental apartments; home building; leasing of capital goods under full pay-out leases; operation of a general insurance agency; and data processing. Pending determination of whether Applicant's efforts to divest there activities are effective, the Board, in addition to the factors considered under section 3 of the Act (banking factors) will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions of § 4 of the Act (12 U.S.C. 1843).

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 August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14741 Filed 7-18-73;8:45 am]

GENERAL FINANCIAL SYSTEMS, INC.

Acquisition of Bank

General Financial Systems, Inc., Riviera Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank & Trust Company of Jupiter/Tequesta, Tequesta, Florida. 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)).

General Financial Systems has also been engaged in the following non-banking activities: development and management of rental apartments; home building; leasing of capital goods under full pay-out leases; operation of a general insurance agency; and data processing. Pending determination of whether Applicant's efforts to divest their activities are effective, the Board, in addition to the factors considered under section 3 of the Act (banking factors) will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions of section 4 of the Act (12 U.S.C. 1843).

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 August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14742 Filed 7-18-73;8:45 am]

MICHIGAN NATIONAL CORP.

Proposed Acquisition of Michigan Mortgage Insurance Co.

Michigan National Corporation, Bloomfield Hills, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Michigan Mortgage Insurance Company, Lansing, Michigan, a proposed new company. Notice of the application was published on May 21, 1973 in The State Journal, a newspaper circulated in Lansing, Michigan.

Applicant states that the proposed subsidiary would engage in the activity of underwriting real estate mortgage guarantee insurance. This activity is currently being considered by the Board under proposed rulemaking procedures as to whether it should be added to the list of activities the Board has previously determined to be closely related to banking (See Board notice of May 14, 1973).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14743 Filed 7-18-73;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, 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 not less than 80 per cent (plus directors' qualifying shares) of the voting shares of Hickman Mills Bank & Trust Company, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14744 Filed 7-18-73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF HEALTH, EDUCATION AND WELFARE

Delegation of Authorities

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereinafter "the Secretary") the powers and authorities vested in me by the following sections of the Act:

Section 222(a)(1)—"Project Head Start";
Section 222(a)(2)—"Follow Through" program;
Section 222(a)(4)—"Comprehensive Health Services" program;
Section 222(a)(6)—"Family Planning" program; and
Section 222(a)(9)—"Drug Rehabilitation" program.

2. I further delegate to the Secretary such powers and authorities under sections 222 and 232 of the Act as may be necessary or appropriate to (a) develop and carry out a special program known as the Native American Program to deal with the special problems of poverty of Indians and Alaska Natives, (b) to make the determinations required or permitted to be made by such sections for or in the exercise of the powers herein delegated, and (c) to provide financial assistance for planning, conducting, administering and evaluating local projects initiated under such special program. The program shall include provisions to enable Indians and Alaska Natives acting through their own instruments of self government, to establish their own programmatic and funding priorities and to gain control and direction of institutions and programs affecting their daily lives.

3. I further delegate to the Secretary such powers and authorities under section 232 of the Act as may be necessary or appropriate to pursue those research, development and demonstration programs heretofore supported or authorized to be supported by the Office of Economic Opportunity ("OEO") as he may deem appropriate to the mission of the Department of Health, Education, and Welfare ("DHEW") including the following: (1) policy studies and research into the factors affecting and the conditions of poverty; (2) experiments, pilot projects and demonstration activities incident to such studies and research; (3) efforts to develop ways to overcome environmental health problems which confront disadvantaged persons; (4) health insurance experiments to measure the cost to the Government and consumers of alternative plans and the resultant change in the health status of families; (5) educational voucher demonstrations and other projects designed to study or test ways to improve educational opportunities for the disadvantaged; and (6) experiments and studies of alternative approaches to day care and child development.

4. To the extent the Secretary may deem necessary or appropriate for carrying out powers and authorities delegated under paragraphs 1, 2, and 3, and to administer, pursuant to agreement between OEO and DHEW, certain programs and related grants, contracts, or agreements (projects) initiated, made, entered into or under consideration by OEO prior to the effective date of this delegation, I further delegate to him the powers vested in me by Title II (except sections 221 and 222(a)(3)) and by Title VI of the Act.

5. The powers and authorities delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by DHEW and OEO. All interagency projects in which OEO has been designated as lead agency where the OEO authority is being delegated to the Secretary are hereby modified to designate DHEW as the lead agency.

6. All operating information, evaluation reports and other data concerning the programs administered under the delegated powers shall be freely exchanged between OEO and DHEW at all operating levels in order to assure the maximum possible liaison between such agencies as required by section 602(d) of the Act.

7. The powers and authorities herein may be redelegated by the Secretary with or without authority for further delegation.

8. The delegation in paragraph 1 of authorities under section 222(a)(1) of the Act (Project Head Start) and section 222(a)(2) of the Act (Follow Through program) supersedes the delegation published in the FEDERAL REGISTER on July 1, 1967 at 32 FR 9592 and on July 9, 1969 at 34 FR 11398.

Effective date. This delegation of authorities shall take effect on approval by the President.

Dated: June 29, 1973.

A. J. ARNETT,
Director-Designate,
Office of Economic Opportunity.

Approved: July 6, 1973.

RICHARD NIXON,
President of the United States.

[FR Doc.73-14817 Filed 7-18-73;8:45 am]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authorities

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Housing and Urban Development (hereinafter "the Secretary") the powers, authorities and functions vested in me by section 232 of the Act to the extent deemed necessary or appropriate to contract or provide financial assistance for pilot or demonstration projects and for research to test ways to provide adequate housing for disadvantaged persons.

To the extent deemed necessary or appropriate for the exercise of the powers and authorities delegated to him under paragraph 1 and to administer grants, contracts, or agreements made or entered into by the Office of Economic Opportunity prior to the effective date of this delegation for activities referred to in paragraph 1, I further delegate to the Secretary the powers vested in me by title II (except section 221 and 222(a)(3)) and title VI of the Act.

3. Pursuant to agreement between the Director and the Secretary, the personnel, property, funds and records of and in support of the section 232 activities as set forth in paragraphs 1 and 2 above shall be transferred to the Secretary, except that officers or employees appointed by the President shall not be transferred. Except as may be agreed to by the Director and the Secretary, all grants, contracts, or agreements made or entered into in connection with such programs before the effective date of this delegation and which, as of that date, have not been terminated or expired shall also be transferred to the Secretary for administration pursuant to such arrangements as shall be made by the Director and the Secretary with respect to such transfer. In addition, the Director shall transfer to the Secretary all proposed grants, contracts, and agreements in connection with such programs for which funds have not been obligated.

4. All operating information, evaluation reports and other data concerning the programs administered under the delegated powers shall be freely exchanged between the Office of Economic Opportunity and the Department of Housing and Urban Development, at all operating levels, in order to assure maximum possible liaison between such agencies as required by section 602(d) of the Act.

5. The powers and authorities delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by the Office of Economic Opportunity and the Department of Housing and Urban Development.

6. The powers and authorities delegated herein may be redelegated by the Secretary with or without authority for further delegation.

7. This delegation shall take effect on approval of the President.

Dated: June 29, 1973.

A. J. ARNETT,
Director-Designate,
Office of Economic Opportunity.

Approved: July 6, 1973.

RICHARD NIXON,
President of the United States.

[FR Doc.73-14815 Filed 7-18-73;8:45 am]

SECRETARY OF LABOR

Delegation of Authorities

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964, as amended (hereinafter "the Act"), existing delegations under the Act by the Director of the Office of Economic Opportunity (hereinafter "the Director") to

the Secretary of Labor (hereinafter "the Secretary") are hereby revised and additional authorities under the Act are hereby delegated to the Secretary.

2. The powers and authorities of the Director under title I, part A (Job Corps), title I, part B (Work and Training for Youth and Adults), and title I, part E (Special Work and Career Development Programs) of the Act are hereby delegated to the Secretary.

3. The powers and authorities of the Director under section 232 of the Act to the extent deemed necessary or appropriate to contract or provide financial assistance for pilot or demonstration projects and for research, in the field of manpower training, labor force participation, and assistance for migrant and other seasonally employed farmworkers and their families are hereby delegated to the Secretary.

4. The powers and authorities of the Director under title III, part B, of the Act (Assistance for Migrant, and Other Seasonally Employed, Farmworkers and Their Families) are hereby delegated to the Secretary.

5. Those powers and authorities of the Director under title II (except sections 221 and 222(a)(3)) and title VI of the Act are hereby delegated to the Secretary to the extent deemed necessary or appropriate for him to exercise the powers and authorities delegated in paragraphs 2, 3, and 4 above and to administer grants or contracts made or entered into by the Office of Economic Opportunity prior to the effective date of this delegation of authority for activities referred to in paragraphs 3 and 4 above.

6. Pursuant to agreement between the Director and the Secretary, the personnel, property, funds and records of and in support of the section 232 programs as set forth in paragraph 3 above and of the title III, part B, program as set forth in paragraph 4 above shall be transferred to the Secretary, except that officers or employees appointed by the President shall not be transferred. Except as may be agreed to by the Director and the Secretary, all grants, contracts or agreements made or entered into in connection with such programs before the effective date of this delegation and which, as of that date, have not been terminated or expired shall also be transferred to the Secretary for administration pursuant to such arrangements as shall be made by the Director and the Secretary with respect to such transfer. In addition, the Director shall transfer to the Secretary all proposed grants, contracts and agreements in connection with such programs for which funds have not been obligated.

7. All operating information, evaluation reports and other data concerning the programs administered under the delegated powers shall be freely exchanged between the Office of Economic Opportunity and the Department of Labor at all operating levels in order to assure the maximum possible liaison between such agencies as required by section 602(d) of the Act.

8. The powers and authorities delegated herein may be redelegated by the Secretary with or without authority for further delegations.

9. The Delegations of Authority to the Secretary of Labor with respect to functions under the Economic Opportunity Act of 1964, as amended, dated August 2, 1968, and approved by the President October 2, 1968 (33 FR 15139); May 25, 1970, and approved by the President June 12, 1970 (35 FR 10332); and June 24, 1969, and approved by the President June 30, 1969 (34 FR 11398) and related memoranda of agreement are hereby rescinded. The powers and authorities delegated herein shall be exercised in accordance with such other memoranda of agreement as have been or may be entered into between the Office of Economic Opportunity and the Department of Labor.

10. This delegation shall take effect on approval of the President.

Dated: June 29, 1973.

A. J. ARNETT,
Director-Designate.

Approved: July 6, 1973.

RICHARD NIXON,
President of the United States.

[FR Doc.73-14816 Filed 7-18-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corporation, 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 July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14764 Filed 7-18-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

JULY 13, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 15, 1973 through July 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14765 Filed 7-18-73;8:45 am]

[Filed No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Order Suspending Trading

JULY 13, 1973.

The common stock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14766 Filed 7-18-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock $.10 par value and all other securities of First Leisure Corporation, 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 July 15, 1973 through July 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14767 Filed 7-18-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

JULY 13, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14769 Filed 7-18-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, 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 July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14768 Filed 7-18-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14770 Filed 7-18-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, 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 July 15, 1973 through July 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14771 Filed 7-18-73;8:45 am]

[File No. 500-1]

PHOTON, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value and all other securities of Photon, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspened, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14772 Filed 7-18-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14773 Filed 7-18-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORPORATION

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14774 Filed 7-18-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 991; Amdt. 2]

ALABAMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe storms and flooding beginning on or about May 8 through May 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: DeKalb, Jackson, Marshall and Etowah. (See 38 FR 15890 and 38 FR 18064.) (The purpose of this amendment is only for DeKalb county for damage on May 8, only for DeKalb, Jackson, and Marshall counties for damage on May 19-20; and for DeKalb, Jackson, Marshall and Etowah counties for damage on May 27-28.)

Applications may be filed at the:

Small Business Administration
Regional Office
1401 Peachtree Street
Atlanta, Georgia 30309

Small Business Administration
District Office
908 South 20th Street
Birmingham, Alabama 35205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than September 3, 1973.

DATE: July 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14755 Filed 7-18-73;8:45 am]

[Notice of Disaster Loan Area 1002]

COLORADO

Relief Loan Availability

As a result of the President's declaration of the State of Colorado as a major disaster area following severe flooding and landslides caused by heavy rains and snowmelt runoff beginning on or about March 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Archuleta, Conejos, Costilla, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, San Juan and San Miguel.

Applications may be filed at the:

Small Business Administration
Regional Office
721 - 19th Street, Room 426A
Denver, Colorado 80202

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 10, 1973.

DATE: July 12, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14756 Filed 7-18-73;8:45 am]

[Delegation of Authority 15-A; Amdt. 1]

DIRECTOR, OFFICE OF MANAGEMENT SERVICES

Redelegation of Administrative and Financial Activities

Delegation of Authority No. 15-A (37 FR 24716) is hereby amended to reflect the reorganization and retitling of the Office of Management Systems to Office of Management Services. As amended, Delegation of Authority No. 15-A now reads:

* * * * *

A. *Administrative Services*—1. *Director, Office of Management Services.*

* * * * *

B. *Financial Management*—1. *Director, Office of Budget and Finance.*

a. To assign, endorse, transfer, deliver or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or services by SBA when paid in full or when transferred to the Department of Justice for liquidation.

2. *Chief, Accounting Operations Division.* a. Same as B.1.a., above.

3. *Chief, Accounting Branch.* a. Same as B.1.a., above.

4. *Chief, Fiscal Branch.* a. Same as B.1.a., above.

* * * * *

Effective Date: July 1, 1973.

Dated: July 13, 1973.

RONALD G. COLEMAN,
Assistant Administrator for Administration.

[FR Doc.73-14761 Filed 7-18-73;8:45 am]

[Notice of Disaster Loan Area 974]

ILLINOIS

Disaster Relief Loan Availability

[Amendment 5]

As a result of the President's declaration of the State of Illinois as a major disaster area following flooding, high winds and lake storms beginning on or about March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Johnson County. (See FR 12179, 38 FR 14897, 38 FR 13586, 38 FR 16812, and 38 FR 18064)

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

Small Business Administration
Branch Office
Ridgely Building, Room 816
902 East Monroe Street
Springfield, Illinois 62701

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 3, 1973.

Dated: July 9, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14757 Filed 7-18-73;8:45 am]

MAXIMUM INTEREST RATES

Notice of Establishment

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans (except revolving line of credit) approved on an after July 10, 1973, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: eleven (11%) per centum per annum. On immediate participation loans approved on or after July 10, 1973, the maximum interest rate shall be ten (10%) percent per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

This notice implements the notification of maximum interest rates as provided in 13 CFR 120.3(b)(2)(vi).

(Catalog of Federal Domestic Assistance Programs:
No. 59.012 Small Business Loans
No. 59.013 State and Local Development Company Loans
No. 59.014 Coal Mine Health and Safety Loans
No. 59.017 Meat and Poultry Inspection Loans
No. 59.018 Occupational Safety and Health Loans
No. 59.001 Displaced Business Loans
No. 59.003 Economic Opportunity Loans for Small Businesses)

Effective date: July 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14762 Filed 7-18-73;8:45 am]

SOUTH CAROLINA

[Declaration of Disaster Loan Area 1000]

Declarations of Disaster Loan Area

Whereas, it has been reported that during the month of May 1973, because of the effects of a certain disaster, damage resulted to residence and business

property located in the State of South Carolina;

Whereas, the Small Business Administration has investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Spartanburg, Cherokee, Oconee, and Greenville Counties in the State of South Carolina, suffered damage or destruction resulting from tornadoes which struck on or about May 27–29, 1973. Applications will be processed under the provisions of Public Law 93–24.

Office: Small Business Administration
District Office
1801 Assembly Street
Columbia, South Carolina 29201

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 6, 1973.

Date: July 9, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14758 Filed 7-18-73;8:45 am]

[Notice of Disaster Loan Area 995]

OKLAHOMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Jefferson. (See 38 FR 16813 and 38 FR 18415)

Applications may be filed at the:

Small Business Administration
District Office
30 North Hudson
Oklahoma City, Oklahoma 73102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92–385.

Applications for disaster loans under this announcement must be filed not later than August 27, 1973.

Dated: July 2, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14759 Filed 7-18-73;8:45 am]

VERMONT

[Notice of Disaster Loan Area 1001]

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Vermont as a major disaster area following severe storms, flooding, and landslides, beginning about June 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the 14 counties of Vermont.

Applications may be filed at the:

Small Business Administration
District Office
87 State Street
Montpelier, Vermont 05602

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 6, 1973.

Dated: July 11, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14760 Filed 7-18-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MAINE DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of Plan.* Pursuant to section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 USC 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 Maine has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan designates the Department of Manpower Affairs and the Departments of Health and Welfare as the agencies responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1), except for 29 CFR 1915, 1916, 1917, and 1918 (ship repairing, ship building, ship breaking, and longshoring). The plan includes proposed legislation which will be submitted to a special session of the Maine Legislature in January, 1974. Such legislation is intended to bring the plan into conformity with the requirements of 29 CFR Part 1902. Included in the plan is a statement of the Governor's support for the plan, and a statement of legal opinion that will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of the State of Maine.

There are provisions within the proposed legislation granting the State agencies authority to inspect workplaces and to issue citations for violations and their abatement, and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; to provide for notification of employees or their representatives when no compliance action is taken as a result of alleged violations, to protect employees who exercise rights under the program from discharge or discrimination in terms and conditions of employment, and to safeguard trade secrets. There is provision made for the prompt restraint of imminent danger situations, and a system of penalties. The plan will establish a safety and health program for public employees.

The plan contains comprehensive information on the personnel to be employed directly, on agreements with other State agencies, and on the proposed budget and resources. There are set forth in the plan index timetable projections for all developmental aspects of the plan.

2. *Location of 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, 400 First Street NW, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, United States Department of Labor, 18 Oliver Street, Fourth Floor, Boston, Massachusetts 02110; Maine Department of Manpower Affairs, Employment Security Commission 20 Union Street, Augusta, Maine 04330; and State of Maine Department of Health and Welfare, Division of Health and Engineering State House, Augusta, Maine 04330.

3. *Public participation.* Interested persons are hereby given until August 18, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305 400 First Street, NW, Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, by filing particularized written objections thereto within

the time allowed for comments specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue a decision as to approval or disapproval of the plan.

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

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14822 Filed 7-18-73;8:45 am]

[S-72-7]

UNITED STATES STEEL CORP.

Grant of Variance

I. *Background.* United States Steel Corporation, Pittsburg Works, Leveridge Road, Pittsburg, California 94565, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR Part 1905.11 for a permanent variance from the requirement of 29 CFR 1910.27(c)(2) that a clear width of at least 15 inches be provided each way from the centerline of a fixed ladder, except when cages or wells are necessary. Notice of the application for a variance, and of the granting of an interim order pending decision on the application, was published in the FEDERAL REGISTER on October 27, 1972 (37 FR 23024). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were permitted to request a hearing on the application for a variance. No comments were received regarding the application for the variance, and there was no request for a hearing.

II. *Facts.* The applicant uses in its operations 278 fixed ladders of the type subject to the 15 inch clearance requirement of 29 CFR 1910.27(c)(2). These ladders are used by hookers to gain access to pipe stored in racks, and are immediately bounded by protruding pipes on either side so as not to comply with the 15 inch clearance requirement. The applicant argues that compliance with the regulation would result in a work situation less safe to employees than that of the present system. Meeting the requirement would mean that, rather than stepping directly onto the pipes, a hooker would step across a gap (caused by meeting the 15 inch clearance requirement), thus substantially increasing any risk of a fall. Applicant argues that the closer a ladder is to the pipes, the greater is the safety of the hooker's activity.

III. *Decision.* Although the applicant's fixed-ladder arrangement does not comply with 29 CFR 1910.27(c)(2), its ladders are used for special, limited purposes; only authorized personnel are allowed to use these ladders; and employees will required to have their hands free while ascending and descending these ladders. Under these conditions, it is decided that applicant's fixed-ladder arrangement creates as safe a place of employment as would prevail if applicant were to make the changes necessary in order to comply with 29 CFR 1910.27(c)(2).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and Secretary of Labor's Order No. 12-71 (36 FR 8754), *It is ordered*, That United States Steel Corporation be, and it is hereby, authorized to use the fixed-ladder arrangement described above, at their Pittsburg works, in lieu of complying with 29 CFR 1910.27(c)(2), provided that:

(1) Only personnel necessary to perform hook-up operations are allowed to use the ladders;

(2) Employees using the ladders are required to have their hands free while ascending and descending the ladders; and

(3) As soon as possible, the applicant gives notice to affected employees of the terms of this order by the same means required to inform them of the application for a variance.

Effective date. This order shall become effective on August 18, 1973, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 12th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14829 Filed 7-18-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 13, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54108 filed June 19, 1973 Applicant: STANLEY FENTON, doing business as DURKEE DRAYAGE COMPANY, 2225 Ingalls Street San Francisco, Calif. 94124 Applicant's representative: Marquam C. George 401 South Hartz Avenue Danville, Calif. 94526 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* as follows: (a) Between and including San Francisco and San Jose and all points intermediate thereto, and between said intermediate points via U.S. Highway 101, State Highway 82 and Interstate Highway 280. (b) Between and including San Jose and Los Gatos and all points intermediate thereto, and between said intermediate points via State Highway 17. (c) Between and including Los Gatos and Mountain View and all points intermediate thereto, and between said intermediate points via State Highways 9 and 85. (d) Between and including San Jose and Oakland and all points intermediate thereto and between said intermediate points via State Highway 17 and Interstate Highway 680. (e) Between and including San Francisco and Vallejo and all points intermediate thereto, and between said intermediate points via Interstate Highway 80. (f) Between and including Vallejo and Fremont and all points intermediate thereto, and between said intermediate points via Interstate Highway 680. (g) Between and including San Leandro and Livermore and all points intermediate thereto, and between said intermediate points via Interstate Highway 580 and U.S. Highway 50. (h) Between and including San Francisco and San Rafael and all points intermediate thereto, and between said intermediate points via U.S. Highway 101. (i) Between all points and places within the County of Contra Costa. (j) Between any and all routes and points set forth in paragraphs (a) through (i), inclusive. (k) Between all points and places within 10 miles of the routes and points set forth in paragraphs (a) through (i).

(1) For operating convenience only, all roads, streets and highways connecting the above points and routes. Subject to the restriction that carrier shall not transport any shipments of: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. (b) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (c) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis. (d) Commodities requiring the use of special refrigeration or temperature control in

specially designed and constructed refrigerated equipment. (e) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (f) Commodities when transported in bulk in dump trucks or in hopper type trucks. (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (h) Explosives. (i) Furniture, uncrated, new. (j) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54119 filed June 21, 1973. Applicant: DONALD H. FRITZGES doing business as GOLDEN CHARIOT TRUCK LINE, 1950 Newton Avenue, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities* as follows: (1) Between all points and places within the San Diego Territory, described in Note A, and Borrego Springs, serving all intermediate points on Interstate Highway 15, County Road S–4, State Highways 67, 78, and 79, and County Roads S–3 and S–22, and all points within 10 miles of said highways; (2) between the San Diego Territory, as described in Note A, and Campo, serving all intermediate points on State Highway 94, and all points within 10 miles of said highways; (3) Carrier may operate over all accessible public highways between all of said termini, intermediate and off-route points, in combination, one with the other; (4) Through routes and rates may be established between any and all points described above and through routes and joint rates may be established with other carriers at convenient points of interchange, except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) Commodities when transported in bulk, in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

Note A: San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54144 filed July 2, 1973 Applicant: BEST WAY SYSTEM, INC. Pier No. 54 San Francisco, Calif. 94107 Applicant's representative: E. H. Griffiths 1182 Market Street, Suite 207 San Francisco, Calif. 94102 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Between all points and places in the San Francisco Territory, which is described as follows: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks

or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. (10) Fresh Fruits and Vegetables. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

Michigan Docket No. C-102 (Case #4) filed April 23, 1973 Applicant: HOOKER MOTOR FREIGHT, INC. 1545 Buchanan Avenue, S.W. Grand Rapids, Mich. 49502 Applicant's representative: Walter N. Bieneman Suite 1700—One Woodward Avenue Detroit, Mich. 48226 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) Between Lansing, Mich., and Manistee, Mich., via U.S. Highway 27 to junction with U.S. 10, thence via U.S. 10 to junction with M-115, thence via M-115 to junction with M-55, thence via M-55 to junction with U.S. 31, thence via U.S. 31. (2) Between the junction of U.S. 10 and M-115 and the junction of U.S. 10 and M-37 via U.S. 10. (3) Between the junction of U.S. 10 and M-37 and the junction of M-37 and M-55 via M-37. (4) The routes above described are restricted to alternate routes for operating convenience only and serving only those points otherwise authorized. Intrastate, interstate and foreign commerce authority sought. Requests for procedural information should be addressed to the Michigan Public Service Commission, Law Building, 525 West Ottawa Street, Lansing, Mich., 48913, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.73-14808 Filed 7-18-73;8:45 am]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

[Notice No. 25]

JULY 13, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 20, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

NO. MC-109265 (Deviation No. 15), W. L. MEAD, INC., P.O. Box 31, Norwalk, Ohio 44857, filed June 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Norwalk, Ohio, over U.S. Highway 20 to junction By-Pass U.S. Highway 20, U.S. Highway 6, and Ohio Highway 53 (near Fremont, Ohio), thence over combined By-Pass U.S. Highway 20, U.S. Highway 6, and Ohio Highway 53 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 24 (near Napoleon, Ohio), thence over U.S. Highway 24 to New Haven, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Norwalk, Ohio, over U.S. Highway 20 to junction Ohio Highway 4, thence over Ohio Highway 4 to Attica, Ohio, (2) from Attica, Ohio, over U.S. Highway 224 to Findlay, Ohio, (3) from Findlay, Ohio over Interstate Highway 75 to Lima, Ohio, and (4) from Lima, Ohio, over U.S. Highway 30-S to Delphos, Ohio, thence over U.S. Highway 30 via Van Wert, Ohio, to junction City U.S. Highway 30 (formerly portion U.S. Highway 30), thence over City U.S. Highway 30 via Fort Wayne, Ind., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence over unnumbered highway via Columbia City, Ind., to junction U.S. Highway 30, thence over U.S. Highawy 30 via Valparaiso, Ind., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same route.

By the Commission.

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

[FR Doc.73-14809 Filed 7-18-73;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice 55]

JULY 13, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the Federal Register, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 60580 (Sub-No. 29) (ANNOTATION) filed April 17, 1973, published in the FR issue of May 31, 1973, republished in correction in the FR issue of June 28, 1973, and annotated this issue. Applicant: MAISLIN TRANSPORT Corp. 1314 Irving Street Allentown, Pa. 18103 Applicant's representative: Charles Ephraim 1250 Connecticut Ave., N.W. Suite 600 Washington, D.C. 20036 Note: The above-referenced application was correctly published in the Federal Register issue of June 28, 1973. This republication serves notice that the previous publication should have appeared in the Interstate Commerce Commission publications section for Applications for Certificates or Permits which are to be processed concurrently with applications under Section 5 governed by special rule 240 to the extent applicable.

No. MC 1233 (NOTICE OF FILING OF PETITION FOR MODIFICATION AND AMENDMENT OF CERTIFICATE) filed June 21, 1973. Petitioner: METROPOLITAN FREIGHT CARRIERS CORP., 57 St. Charles Street, Newark, N.J. 07105. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate No. MC-1233 issued November 16, 1970, authorizing transportation, in interstate or foreign commerce, over irregular routes, of *general commodities* (with usual exceptions), between New York, N.Y., and points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, N.J., and extending in a southeasterly direction through Lakehurst and Toms River, N.J., to the Atlantic Ocean, including the points named. By the instant petition, petitioner seeks either: (a) to amend its territorial description to read: "Between points in the New York Commercial Zone as defined by the Commission, on the one hand, and, on the other, those destination points named above"; or (b) an appropriate order of the Commission that

the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y. Commercial Zone as defined by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 113460 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO REMOVE A RESTRICTION) filed June 8, 1973. Petitioner: CARL P. BLACKFORD 3909 East 29th Street Des Moines, Iowa 50317 Petitioner's representative: William L. Fairbank 900 Hubbell Building Des Moines, Iowa 50309 Petitioner presently holds a motor *common carrier* certificate in No. MC–113460 (Sub-No. 1) issued March 17, 1969, authorizing, as pertinent, transportation, in interstate or foreign commerce, over irregular routes, of *packing house products*, during the season extending from the first day of November to the thirty-first day of March, inclusive, from Des Moines, Iowa, to Chicago, Ill., with no transportation on return except as otherwise authorized. By the instant petition, petitioner seeks removal of the above-described seasonal restriction in order to perform operations throughout the entire year. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 111442 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed May 31, 1973. Petitioner: CENTRAL STATES-EASTERN FOOD TRANSPORT, INC. Box 367 Wheatland, Pa. 16161 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner presently holds a motor *contract carrier* permit in No. MC–111442 (Sub-No. 1) issued July 30, 1971, authorizing, as pertinent transportation, in interstate or foreign commerce, over irregular routes, of *meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *bakery products, confectionery, prepared foods*, and *frozen foods*, from Milwaukee, Wis., and Chicago, Ill., to Rochelle Park and Newark, N.J., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Lambrecht Foods Co., of Milwaukee, Wis. By the instant petition, petitioner seeks to add the additional contracting shipper of On-Cor Frozen Foods, Inc., of Chicago, Ill. to the authority described above. Petitioner has pending a request to add Kitchens of Sara Lee and is petitioning for reconsideration to add Patrick Cudahy, Inc., as additional shippers to this same authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 115122 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF COMMODITY DESCRIPTION) filed June 26, 1973. Petitioner: MARIANO BROTHERS, INCORPORATED Shelter Rock Road Danbury, Conn. 06810 Petitioner's representative: Paul F. Sullivan 711 Washington Building Washington, D.C. 20005 Petitioner presently holds a motor *common carrier* certificate in No. MC–115122 issued October 22, 1958, authorizing, as pertinent, transportation, in interstate or foreign commerce, over irregular routes, of *heavy machinery*, between Danbury, Conn., and points in that part of New York and Connecticut within 15 miles of Danbury, on the one hand, and, on the other, points in New Jersey and New York. By the instant petition, petitioner seeks to modify its commodity description as follows: "*Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts* and *supplies* moving in connection therewith (restricted to commodities which are transported on trailers)", between those points described above. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 123778 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed June 29, 1973. Petitioner: JALT CORP. doing business as UNITED NEWSPAPER DELIVERY SERVICE 75 Cutters Lane Woodbridge, N.J. 07095 Petitioner's representative: Morton E. Kiel Suite 6193 5 World Trade Center New York, N.Y. 10048 Petitioner presently holds a motor *contract carrier* permit in No. MC–123778 (Sub-No. 1) issued April 9, 1973, authorizing, as pertinent, transportation, in interstate or foreign commerce, over irregular routes, of (a) *magazines, magazine racks*, and *advertising matter* shipped with magazines, from Woodbridge, N.J., to points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11 between Syracuse, and the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized, restricted to shipments having an immediately prior motor carrier movement from points beyond New Jersey to Woodbridge, N.J., under a continuing contract, or contracts, with Time, Incorporated, of New York, N.Y.; and (b) *magazines, magazine racks*, and *advertising matter*, from Woodbridge, N.J., and Washington, D.C., to Wilmington, Del., and to points in that part of New York on and east of New York 14 (except those points on and south of New York Highway 5, between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and those points on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State line), with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts with Time, Incorporated, of New York, N.Y. By the instant petition, petitioner seeks to add the additional contracting shipper of Globe Communications Corp., of Montreal, Quebec, Canada, to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 124796 (Sub-No. 55) (CORRECTION OF A NOTICE OF FILING OF PETTTION FOR MODIFICATION OF PERMIT) filed May 21, 1973, published in the FR issue of June 20, 1973, and annotated in republication this issue. Petitioner: CONTINENTAL CONTRACT CARRIER CORP. 15045 East Salt Lake Avenue P.O. Box 1257 City of Industry, Calif. 91749 Petitioner's representative: William J. Monheim (same address as petitioner) Note: The initial publication of this Petition in the FR issue of June 20, 1973 remains correct as published. The purpose of this annotation is to properly identify the permit to be modified as MC–124796 (Sub-No. 55), in lieu of MC–124796 as previously published.

No. MC 125627 (Sub-No. 2) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE) filed June 19, 1973. Petitioner: I & L TRUCKING, INC. 69 William St. Belleville, N.J. 07109 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner presently holds a motor *common carrier* certificate in No. MC–125627 (Sub-No. 2) issued June 6, 1973, authorizing transportation, in interstate or foreign commerce, over irregular routes, of *wearing apparel*, from points in the New York Harboro area as described in 49 CFR 1070.1(a) to the facilities of Sussman and Spiegel, Distribution Center, Inc., at Belleville, N.J., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the above authority to permit transportation to the destination facilities of Sussman and Speigel, Distribution Center, Inc., at its new location at South Plainfield, N.J. in lieu of Belleville, N.J. Any interested person or persons desiring to participate may file an

original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 134806 (Sub-No. 5) (NOTICE OF FILING OF PETITION TO EXPAND DESTINATION TERRITORY) filed June 8, 1973. Petitioner: B-D-R TRANSPORT, INC. P.O. Box 813 Brattleboro, Vt. 05301 Petitioner's representative: Francis J. Ortman 1100 17th Street, N.W. Washington, D.C. 20036 Petitioner presently holds a motor *contract carrier* permit in No. MC–134806 (Sub-No. 5) issued June 1, 1972, authorizing transportation, in interstate or foreign commerce, over irregular routes, of *tanned leather*, from points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., to points in Maine, New Hampshire, Massachusetts, and New York, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with West Coast Tanners Production Club of Santa Cruz, Calif. By the instant petition, petitioner seeks to modify its destination territory as described above to include service to points in Wisconsin, and Chicago and Rockford, Ill. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petititon on or before August 20, 1973.

No. MC 135665 (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed June 11, 1973. Petitioner: LEESYL TRANSPORT, INC. 3319 Waltham Avenue Kettering, Ohio 45429. Petitioner's representative: Bert Collins Suite 6193 5 World Trade Center New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* permit in No. MC–135665 issued December 29, 1971, authorizing transportation, in interstate or foreign commerce, over irregular routes, of (1) *Hard rubber scrap*, pulverized, and *scrap rubber*, in containers, between the plant and warehouse of A. Schulman, Inc., at Dorset, Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; (2) *Plastic materials*, (including flakes, granules, lumps, pellets, powder, solid mass, and scrap), and *scrap rubber, reclaimed rubber*, and *crude and synthetic rubber*, in containers, between Akron, Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; (3) *Plastic materials* (including flakes, granules, lumps, pellets, powder, solid mass, and scrap), and *synthetic rubber*, in containers, between the plant and warehouse site of A. Schulman, Inc., at Bellevue and Stryker, Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; and (4) *Reclaimed rubber and hard scrap pulverized, plastic pellets or granules and powder, plastic scrap*, loose, in containers, and in bulk, and *rubber* (crude, natural or synthetic), except in bulk, in tank vehicles, (a) Between points in Essex, Union, Hudson, Bergen, Passaic, and Middlesex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along unnumbered highway (formerly portion U.S. Highway 111) through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Pennsylvania Highway 295, thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through Lemoyne, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction U.S. Highway 15, near Harrisburg, Pa,, and thence along U.S. Highway 15 to the Pennsylvania-New York State line and the District of Columbia; and (b) Between points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Monmouth, Morris, Somerset, Mercer, Hunterdon, Warren, and Sussex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York, under a continuing contract, or contracts, in all of the above with A. Schulman, Inc., of Akron, Ohio. By the instant petition, petitioner seeks to add the additional contracting shipper of Bergen Norfolk Distribution Terminals Corp., of Secaucus, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

Disclosure of Tacking in Motor Carrier Applications

DATED JUNE 27, 1973 AND SERVED JULY 9, 1973

The Interstate Commerce Commission desires to call to the attention of all applicants for motor carrier operating authority and their representatives the change made by the July 1972 revisions of the application form, Form OP–OR–9. Prior to this revision carriers were called upon in Item V(b) to indicate whether the authority sought could be joined with any other operating authority now held or being sought. In the event the applicant intended to tack authorities, he was required to indicate the points to be served and attach pertinent portions of the present or pending authority. In complying with the requirements of the prior form, carriers frequently merely indicated that tacking was not intended and therefore did not indicate the points or territories or attach the pertinent portions of the authority.

As amended in July 1972, the application requires the applicant to indicate the points or areas where operations could be tacked and the territory that could be served thereby whether or not tacking is intended. In addition, the new form requires the applicant to attach pertinent portions of the authority now held or pending which would be involved in the tacking.

It has come to the attention of the Commission that numerous applications are being filed which continue to follow the former practice and fail to disclose clearly the tacking possibilities resulting from the authority applied for. All persons filing such applications are cautioned that failure to fully disclose the information as now required by section VII of the application as amended may result in a rejection of the application, a delay in processing thereof until the defect is cured, or other appropriate action.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

Motor Carriers of Property

No. MC–F–11912. Authority sought for purchase by GREEN MOUNTAIN CARRIERS, INC., P.O. Box 1319, Albany, NY 12201, of a portion of VIGEANT MOTOR FREIGHT, INC., P.O. Box 157, Castleton-on-Hudson, NY 12033, and for acquisition by NANCY J. SANDS, AND GORDAN L. SANDS, JR., both of Albany, NY 12201, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, NJ 07102, and Louis D. Bruno, 5 Elk St., Albany, NY 12202. Operating rights sought to be transferred: *Pharmaceutical products* (except commodities in bulk), as a *common carrier* over irregular routes, from Rouses Point, N.Y., to Cleveland, Ohio, Chicago, Ill., Lenexa, Kans., Mesquite, Tex., Los Angeles, Calif., Seattle, Wash., and Chamblee, Ga.; from the plant site or warehouses facilities of Ayerst Laboratories, Inc., and Wyeth Laboratories, Inc., at Chicago, Ill., to Lenexa, Kans., and to the warehouse distribution facilities of Ayerst Laboratories, Inc., at Mesquite, Tex., Los Angeles, Calif., and Seattle, Wash.; *printing paper*, from Newton Falls, N.Y., to Brattleboro, Vt.; *bananas*, from Albany, N.Y., to points in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Vendee holds authority under section 210a(a) and pending permanent authority. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11918 (LYNDEN TRANSPORT, INC.—PURCHASE—ALASKA TRANSFER, INC.), published in the July 5, 1973, issue of the FEDERAL REGISTER on pages 17889 and 17890. Application filed July 10, 1973, for temporary authority under section 210a(b).

No. MC-F-11925. Authority sought for merger by CENTRAL MOTOR LINES, INCORPORATED, 324 North College St., (P.O. Box 1067), Charlotte, NC 28201, of the operating rights and property of WINSTON-ELKIN MOTOR EXPRESS, INCORPORATED, also of Charlotte, NC 28201, and for acquisition by ROBERT G. HAYES AND M. C. HAYES, both of 52 Spring St., N.W., Concord, NC 28025, of control of such rights and property through the transaction. Applicants' representative: Steward E. Fulk, P.O. Box 1067, Charlotte, NC 28201. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Winston-Salem, N.C., and Roaring Gap, N.C., between junction U.S. Highways 421 and 601 at or near Yadkinville, N.C., and Boonville, N.C., serving all intermediate points. CENTRAL MOTOR LINES, INCORPORATED, is authorized to operate as a *common carrier* in Illinois, Indiana, North Carolina, Ohio, West Virginia, New York, South Carolina, New Jersey, Pennsylvania, Maryland, Delaware, Georgia, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11926. Authority sought for control by HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055, of WERNER CONTINENTAL, INC., 2500 W. County Road C, Roseville, MN 55113, and for acquisition by JOHN N. HALL, also of Mechanicsburg, PA 17055, and W. L. HALL, 300 W. Willow St., Carlisle, PA, of control of WERNER CONTINENTAL, INC., through the acquisition by HALL'S MOTOR TRANSIT COMPANY. Applicants' attorneys: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, Russell R. Sage, 301 Tavern Square, 421 King St., Alexandria, VA 22314, Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603, and Thomas D. Feinberg, 33 S. 5th St., Minneapolis, MN 55402. Werner Continental, Inc., operates as a *common carrier* of *general commodities* with the usual exceptions primarily over regular routes, extending between Minneapolis-St. Paul, Minnesota, on the west, Cincinnati, Ohio, on the south, and Baltimore, Maryland, New York, and Boston, Massachusetts, on the east serving to, from, and between specified points in the States of Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, Virginia, Maryland, New Jersey, Connecticut, Rhode Island, Massachusetts and the District of Columbia.

HALL'S MOTOR TRANSIT COMPANY, is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio, Maryland, Delaware, Connecticut, Virginia, North Carolina, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11927. Authority sought for purchase by PARCEL DISPATCH, INC., 305 N. Senate Ave., Indianapolis, IN 46204, of the operating rights and property of CHARLES CLARK, doing business as Special Dispatch, 328 East South St., Indianapolis, IN 46225, and for acquisition by JAMES N. CALHOUN, also of Indianapolis, IN 46204, of control of such rights and property through the purchase. Applicants' attorney: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. Operating rights sought to be transferred: *Merchandise, equipment,* and *supplies*, sold, used or distributed by a manufacturer of cosmetics, except (a) glass containers, (b) enclosures for glass containers, (c) fiberboard boxes, and (d) commodities in bulk, as a *contract carrier* over irregular routes, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, with restriction. Vendee is authorized to operate as a *common carrier* in Indiana. Application has been filed for temporary authority under section 210a(b).

NOTE: MC-121555 (Sub-No. 4), and (Sub-No. 5) are matters directly related.

No. MC-F-11928. Authority sought for purchase by DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Road, Exeter, NH 03833, of the operating rights of MITCHELL & SMITH EXPRESS, INC., 9 Amherst St., Biddeford, ME 04005, and for acquisition by WILLIAM M. WALSH, also of Exeter, NH 03833, of control of such rights through the purchase. Applicants' attorney: Mary E. Kelley, 11 Riverside Ave., Medford, MA 02155. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99283 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Maine. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts and New Hampshire. Application has been filed for temporary authority under section 210a(b).

NOTE: MC-30508 (Sub-No. 3) is a matter directly related.

No. MC-F-11929. Authority sought for purchase by TRANS-SERVICE, INC., 1943 South Lawn Extension, Coshocton, OH 43812, of a portion of the operating rights of GEORGE W. KUGLER, INC., 2800 East Waterloo Rd., Akron, OH 44312, and for acquisition by WILLIAM H. WATERS, also of Coshocton, OH 43812, of control of such rights through the purchase. Applicants' attorney: Taylor C. Bruneson, 88 E. Broad St., Suite 1680, Columbus, OH 43215. Operating rights sought to be transferred: *Cast iron pipe, cast iron pipe fittings, iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts,* and *plastic or rubber gaskets*, as a *contract carrier* over irregular routes, from Coshocton, Ohio, to points in Kentucky and Tennessee; *iron fire hydrants, iron body valves, iron valve boxes, lubricants nuts, bolts,* and *plastic or rubber gaskets*, from Coshocton, Ohio, to points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, and New York; *returned shipments of cast iron and cast iron pipe fittings*, from points in Ohio, Michigan, Indiana, and Pennsylvania, to Coshocton, Ohio; *cast iron pipe* and *cast iron pipe fittings*, from Coshocton, Ohio, to points in New York, with restriction; *metal castings*, between Coshocton, Ohio, and points within 10 miles of Coshocton, and Newcomerstown, Ohio, and points within 10 miles of Newcomerstown, on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission; *cast iron pipe and fittings, cast iron manhole covers, radiators, pig lead, jute caulking,* and *materials* used in the production thereof, from Newcomerstown and Coshocton, Ohio, to points in Ohio, Michigan, and Pennsylvania; *cast iron pipe, cast iron pipe fittings, cast iron manhole covers, pig lead,* and *jute caulking*, from Newcomerstown and Coshocton, Ohio, to points in West Virginia and Illinois; *radiators*, from Newcomerstown and Coshocton, Ohio, to Chicago, Ill., with restriction. Vendee is authorized to operate as a *contract carrier* in Ohio, Louisiana, Alabama, California and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11930. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No. St. Cloud, MN 56301, of a portion of the operating rights of MAJOR TRANSPORT, INC., Box 204, Palmyra, WI 56315, and for acquisition by HAROLD E. ANDERSON, also of St. Cloud, MN 56301, of control of such rights through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Operating rights sought to be transferred: *Building materials*, as a *common carrier* over irregular routes, between points in Jefferson, Waukesha and Walworth Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 30. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11931. Authority sought for purchase by SCHUSTER EXPRESS, INC., 48 Norwick Ave., Colchester, CT 06415, of a portion of the operating rights of SABEN DELIVERY CORP., 1063 Cottage Ave., Scranton, PA 18508, and for acquisition by PAUL SCHUSTER, BERNARD B. SCHUSTER, AND ISRAEL SCHUSTER, all of 48 Norwick Ave., Colchester, CT 06415, of control of such rights through the purchase. Applicants' attorneys: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC

20005, and Kenneth R. Davis, 999 Union St., Taylor, PA. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., Newark, N.J. and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, points in Lackawanna and Luzerne Counties, Pa.; *fresh meat and meat products*, from Scranton, Pa., to Fort Dix, N.J., and Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New York, New Jersey, Rhode Island, Delaware, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11932. Authority sought for purchase by REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050, of a portion of the operating rights and property of HURLIMAN TRUCKING COMPANY, 1624 N. 4th St., San Jose, CA 95112, and for acquisition by RICHARD BEAUCHAMP, AND D. F. MAULDEN, also of Forest Park, GA 30050, and LAMAR BEAUCHAMP, P.O. Box 1499, Winter Haven, FL 33880, of control of such rights and property through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Operating rights sought to be transferred: *Baked goods*, and *coffee whiteners, dessert base, dessert toppings, dry coffee rich*, and *dry whipped topping*, in mechanically refrigerated vehicles, as a *contract carrier* over irregular routes, from Buffalo, N.Y., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, from Buffalo, N.Y., to points in Texas, Missouri, Minnesota, and Nevada, with restriction. Vendee is authorized to operate as a *common carrier* in Mississippi, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Arkansas, Nebraska, Illinois, Indiana, Iowa, Minnesota, Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, West Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: MC-107515 (Sub-No. 859) is a directly related matter.

No. MC-F-11933. Authority sought for purchase by REFRIGERATED TRANSPORT, INC. (KY), P.O. Box 308, Forest Park, GA 30050, of a portion of the operating rights of HURLIMAN TRUCKING COMPANY, 1624 N. 4th St., San Jose, CA 95112, and for acquisition by RICHARD BEAUCHAMP, D. F. MAULDEN, AND REFRIGERATED TRANSPORT CO., INC., all of Forest Park, GA 30050, and LAMAR BEAUCHAMP, P.O. Box 1499, Winter Haven, FL 33880, of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Operating rights sought to be transferred: *Automobile and truck parts and accessories*, as a *contract carrier* over irregular routes, from Romulus, Mich., Elkhart and Madison, Ind., Quincy and Flora, Ill., Akron and Whitehouse, Ohio, and Dallas, Tex., to Grants Pass and Portland, Oreg.; *iron and steel shot*, except ammunition, from Elkhart and Mishawaka, Ind., and points in Cuyahoga County, Ohio, to points in Idaho, Montana, Oregon, Washington, and Wyoming; *shot, iron or steel*, not ammunition, from Mishawaka, Ind., to points in California; *shot blast machine* repair parts, from Mishawaka, Ind., to Gardena, Calif., with restrictions. Vendee is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11934. Authority sought for purchase by CRAW CARTING, INC., P.O. Box 267, East Rochester, NY 14445, of the operating rights of GATES TRANSPORT, INC., Standpipe Rd., Perry, NY 14530, and for acquisition by ANTHONY GULLACE, 188 Church St., Victor, NY 14564, of controls of such rights through the purchase. Applicants' attorney: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson St., Syracuse, NY 13202. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-96721 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York; and *general commodities*, excepting among others, livestock, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, Alden, Alexander, Attica, Bennington, Cowlesville, Castile, Darien, Gainsville, Pavilion, Pearl Creek, Perry, Perry Center, Rock Glen, Silver Lake, Varysburg, and Warsaw, N.Y. Vendee is authorized to operate as a *common carrier* in New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11935. Authority sought for purchase by BILL MEEKER, P.O. Box 11184, Wichita, KS 67202, of the operating rights of J. C. PITTS, doing business as REFRIGERATION DELIVERY SERVICE, 1630 N. Sabin, Wichita, KS 67212. Applicants' attorney: Gailyn L. Larsen, 521 So. 14th St., P.O. Box 80806, Lincoln, NE 68501. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, between Cottonwood Falls, Kans., and Kansas City, Mo., serving the intermediate points of Strong City and Kansas City, Kans.; *meats, meat products, and meat-by-products*, and *etc.*, over irregular routes, from Guymon, Okla., to points in Oklahoma and Kansas, with restriction, between points in Kansas; *hardware* and *farm machinery parts*, from Kansas City, Mo., and Kansas City, Kans., to points in Chase County, Kans.; *feed, agricultural implements and parts, agricultural machinery*, and *building materials*, from Kansas City, Mo.; and Kansas City, Kans., to points in Chase County, Kans., from Cottonwood Falls, Kans., and points within 20 miles of Cottonwood Falls to Kansas City, Kans., and Kansas City, Mo.; *seed, twine, fencing materials*, and *bale ties*, between Cottonwood Falls, Kans., and points within 20 miles of Cottonwood Falls, in Chase, Greenwood, Lyon and Marion Counties, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; *livestock* between Cottonwood Falls, Kans., and points within 20 miles of Cottonwood Falls, in Greenwood, Lyon, and Marion Counties, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo., between points in Chase County, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo., from Kansas City, Mo., and Kansas City, Kans., to certain specified points in Kansas. Venedee is authorized to operate as a *common carrier* in California, Kansas, Arizona, New Mexico, Texas, Indiana, Ohio, Florida, Virginia and West Virginia, and as a *contract carrier* in Missouri, Kansas, Colorado, Texas, Oklahoma, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11936. Authority sought for purchase by PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, PA 19079, of a portion of the operating rights of S. S. BERTZ & SONS, INC., 212-226 W. Lemon St., Lancaster, PA 17603, and for acquisition by JUST ENOUGH CORPORATION, also of Sharon Hill, PA 19079, of control of such rights through the purchase. Applicants' attorneys: V. Baker Smith, 2107 The Fidelity Bldg., Philadelphia, PA 19109, and James D. Campbell, Jr., Six North Third St., Harrisburg, PA 17108. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-98950 (Sub-No. 2), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Pennsylvania. Vendee is authorized to operate as a *common carrier* in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC-128383 (Sub-No. 33), is a matter directly related.

By the Commission.

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

[FR Doc.73-14811 Filed 7-18-73;8:45 am]

[Notice No. 299]

ASSIGNMENT OF HEARINGS

JULY 16, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-6980 Sub 1, Joe Jones, Jr., DBA Joe Jones Trucking Co.—Revocation of Permit—, now assigned September 10, 1973, MC 115841 Sub 441, Colonial Refrigeration Transportation, Inc., now assigned September 12, 1973, MC 107012 Sub 170, North American Van Lines, Inc., now assigned September 17, 1973, will be held in Room 556 Federal Office Building, 275 Peachtree Street, N.E., Atlanta, Georgia.

MC 135772, Barrett Transfer & Storage Co., now assigned August 6, 1973, will be held in Room 1057, Federal Office Bldg., 909 First Avenue, Seattle, Washington.

MC 72442 Sub 38, Akers Motor Lines, Inc., now assigned September 10, 1973, will be held in Room 305, 1252 W. Peachtree Street, N.W., Atlanta, Georgia.

I&S No. 8587, Soybeans & Wheat, Arkansas & Louisiana to Louisiana Ports, now assigned July 17, 1973, at Washington, D.C., is postponed to August 8, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35828, Aluminum Company of Canada, Ltd., V. The Alma & Jonquiere Railway Co., et al now being assigned Pre-Hearing Conference, September 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644 Sub 145, Superior Trucking Company, Inc., continued to July 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14800 Filed 7-18-73;8:45 am]

CHANGE IN PUBLICATION SCHEDULE

The Interstate Commerce Commission publication entitled "Motor Carrier, Broker, Water Carrier and Freight Forwarder Applications" will not appear in this FEDERAL REGISTER issue as usual. Instead, this publication will appear in the FEDERAL REGISTER issue of July 20, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14803 Filed 7-18-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 107]

CHICAGO, ROCK ISLAND, AND PACIFIC RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River.

It is ordered, That:

(a) The Chicago, Rock Island and Pacific Railroad Company, being unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing povided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time shipment on the shipments or originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contacts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., July 9, 1973.

(g) Expiration date: This order shall expire at 11:59 p.m., July 23, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-14806 Filed 7-18-73;8:45 am]

[No. MC-C-8102]

HAGERSTOWN MOTOR EXPRESS CO., INC.

Petition for Declaratory Order

JULY 13, 1973.

Petitioner. Hagerstown Motor Express, Co., Inc. (Hagerstown, Md.)

Petitioner's representative. Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910.

By petition filed June 11, 1973, petitioner seeks a ruling essentially as to whether it may lawfully transport, in interstate or foreign commerce, shipments having both their origins and destinations in Maryland, under and by virtue of, its motor common carrier authority held in its initial certificate No. MC-62499, issued December 13, 1954, to transport, over regular routes, general commodities, except those of unusual value, between Hagerstown, Md., and Baltimore, Md., *serving no intermediate points;* from Hagerstown, over Maryland Highway 60 to Leitersburg, Md., *thence over unnumbered highways and Pennsylvania Highway 316 to Rouzerville, Pa., thence over Pennsylvania Highway 16 to the Pennsylvania-Maryland State line,* thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Baltimore, Md., and return over the same routes. Petitioner requests a determination that such operations utilizing an interstate routing may be conducted in bona fide interstate commerce, and do not represent a subterfuge to evade the regulatory jurisdiction of the State of Maryland. Petitioner asserts that it has been argued, (a) that such transportation should properly be designated as intrastate commerce which falls within the regulatory jurisdiction of the State of Maryland; and (b) that in this context there exists no real justification for utilizing the interstate routing through Pennsylvania for the transportation of shipments originating at and destined to points in Maryland, which routing would subject such movements to the jurisdiction of the Interstate Commerce Commission rather than the State of Maryland, which would be the case under an intrastate routing. Petitioner states that it does not hold intrastate authority in Maryland from the appropriate Maryland regulatory authorities.

Petitioner also is permitted under its Deviation Notice No. 1, filed April 13, 1962, to operate between Hagerstown and Baltimore, Md., over U.S. Highway 40 (which route lies solely within Maryland) based on its above-described underlying routes in its lead Certificate.

Moreover, petitioner also holds authority in its Sub-No. 6 Certificate, issued August 19, 1964, to transport, over irregular routes, general commodities (except household goods as defined by the Commission, explosives and blasting supplies, commodities requiring special equipment, and commodities requiring refrigeration), from Hagerstown, Md., to points in Maryland, Pennsylvania, Virginia, and West Virginia within 40 miles of Hagerstown, and in its Sub-No. 11

Certificate, which was preceded by corresponding temporary authority (permitting interchange and tacking at Hagerstown) held since 1971, to transport over irregular routes, general commodities (with the usual exceptions), from points in Maryland, Pennsylvania, Virginia and West Virginia, within 40 miles of Hagerstown, Md., to Hagerstown, Md., subject to restrictions not here pertinent.

Petitioner tacks these authorities at Hagerstown with the authority granted in its lead Certificate to provide a through service between Baltimore, Md., on the one hand, and, on the other, points within 40 miles of, and including, Hagerstown.

Additionally, and as here pertinent, petitioner also holds authority in its Sub-No. 7 Certificate, issued January 22, 1968, to transport general commodities, with the usual exceptions, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in Frederick County, Md., which it could tack with its Sub-No. 6 Certificate and prior Sub-No. 10TA and corresponding Sub-No. 11 Certificate at points in Frederick County, Md., within 40 miles of Hagerstown; and, by operating over Interstate Highway 70 and U.S. Highway 40, could thereby provide a through service on shipments in interstate commerce, moving between Baltimore and Hagerstown, which shipments otherwise originate at or are destined to Hagerstown.

Petitioner states that during its initial operations between December 13, 1954, and August 19, 1964, when it conducted operations under its lead certificate between Hagerstown and Baltimore, Md., over an interstate routing through Pennsylvania, it maintained a terminal at Hagerstown and utilized a local cartage agent at Baltimore; that its traffic consisted of (1) interline traffic, (2) freight forwarder traffic, (3) import and export traffic, (4) traffic from and to warehouses, (5) traffic moved as a contract carrier in Maryland, and (6) some local "intrastate" traffic moving between Hagerstown and Baltimore; that it had to transport such "intrastate" traffic as well as interstate traffic in order to provide a complete service to its shippers; that otherwise it would have lost its interstate traffic; and that its principal competitors Harris Motor Express, Novick Transfer Co., Inc., and Hall's Motor Transit conducted a similar operation in the movement of "intrastate" shipments over interstate routes.

Petitioner further contends that since August 19, 1964, it has tacked its lead certificated authority with its Sub-No. 6 authority at Hagerstown to provide an extended service to Frederick and Westminster, Md.; that the freight handled under this arrangement consisted of traffic of the type described in (1)–(6) above; and that it has continued to provide a service on interstate as well as "intrastate" shipments over the interstate routing through Pennsylvania authorized in its lead Certificate; that since 1971 under its Sub-No. 10TA it has provided an additional service *from* Frederick and Westminster through Hagerstown and thence over the interstate routing through Pennsylvania to Baltimore, as described in its lead Certificate; and that its dominant traffic was (1) interstate in Maryland moving to and from connecting carriers and freight forwarders, (2) traffic moving between Baltimore or Hagerstown and points in Virginia and West Virginia, and (3) traffic moving from Baltimore or Hagerstown to points in Pennsylvania.

Petitioner presently maintains terminals at Baltimore and Hagerstown, and serves the territory within 40 miles of Hagerstown by the use of local drivers allegedly operating in compliance with Commission regulations under a so-called "50-mile exemption". Approximately 70 percent of its revenues are derived from interline movements with other motor carriers and freight forwarders; and the remainder of its revenues are derived from its own single-line operations. It states that all operations (in its lead Certificate) in connection with its line-haul of miscellaneous traffic requiring rehandling at Hagerstown or Baltimore are conducted over an interstate routing through Pennsylvania; and that its volume operations involve truckload shipments (a) moving to or from points in Virginia, West Virginia, or Pennsylvania are conducted over Interstate Highway 70 under its deviation route authority, and (b) under contract carrier arrangements in Maryland move over wholly intrastate routes.

During August 1972 it transported throughout its system of operations 7,212 shipments (weighing nearly 8 million pounds). Based on computations over a 12-day period, petitioner determined that 17 percent of its total shipments (embracing 6.72 percent of the total weight of its total shipments) involved movements from and to points in Maryland, under common carrier operations. Additionally, petitioner estimates that 5 percent of these shipments from and to points in Maryland are warehouse and pier shipments which allegedly are interstate in character (presumably having ultimate known out of state origins or destinations); and that, therefore, 12 percent of its total shipments (embracing 5.72 percent of the weight of its total shipments) involve ultimate origins and destinations solely within Maryland. Petitioner estimates that these operations from and to points in Maryland account for 15 percent of its total revenues.

Petitioner argues that its transportation of shipments which originate and are destined to points in Maryland, through Pennsylvania is reasonable; and that, accordingly, such transportation should be declared subject solely to economic regulation by the Interstate Commerce Commission. It states that the shortest "local" route between Hagerstown and Baltimore, over U.S. Highway 40 and Interstate Highway 70 utilized by intrastate carriers involves a distance of 69 miles, whereas its interstate routing between those points involves a distance of 73 miles; that its operation utilizing interstate routing is, therefore, not highly circuitous; that if it cannot serve all Maryland, Virginia, Pennsylvania, and West Virginia points within 40 miles of Hagerstown in conjunction with all traffic moving from, to, and through Baltimore, Md., its shippers will be forced to use the service of its competitors to obtain a complete service and, in addition, to obtain the benefit of a lower rate charge on multiple minimum shipments; that petitioner does not now maintain a higher rate charge on single shipments vis-a-vis a lower rate charge on multiple minimum shipments which would otherwise encourage a greater use of its service by intrastate shippers; that the transportation of shipments solely from and to points in Maryland over an interstate routing through Pennsylvania constitutes 12 percent of its total shipments and 5.72 percent of the weight of its total shipments, and provides 15 percent of its total revenues, and that therefore, its "local" transportation, over an interstate routing, constitutes an incidental part of its total operation.

Any person (including petitioner) desiring to participate in this proceeding shall file an original and fifteen (15) copies of written representations, views, and arguments in the matter on or before September 10, 1973. A copy of each representation shall be filed on petitioner's representative.

Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during the regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14810 Filed 7-18-73;8:45 am]

[Notice 315]

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 Part 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 August 8, 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 proceedings pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74266. By order of July 10, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to John Darrell Neyens, doing business as Point Roberts Auto Freight, Lynden, Wash., of the operating rights in Certificate No. MC-110429 issued December 24, 1958, to Edward M. Hentz, doing business as Point Roberts Auto Freight, Bellingham, Wash., authorizing the transportation of general commodities, between Bellingham, Wash., and the boundary of the United States and Canada, and between Point Roberts, Wash., and the boundary of the United States and Canada; serving no intermediate points. Joseph O. Earp, Registered Practitioner, 607 Third Avenue, Seattle, Wash. 98104. Representative for applicants.

No. MC-FC-74407. By order of July 11, 1973, the Motor Carrier Board approved the transfer to O. G. Trucking Co., a corporation, Columbus, Ohio, of a portion of the operating rights in Certificate No. MC-123375 (Sub-No. 1) issued December 18, 1961 to Kirk Trucking Service, Inc., Monroeville, Pa., authorizing the transportation of various commodities between specified points and areas in New Jersey, New York, Pennsylvania, Ohio, and West Virginia. A. Charles Tell, 100 East Broad St., Columbus, Ohio, 43215 Attorney for applicants.

No. MC-FC-74553. By order of July 9, 1973, the Motor Carrier Board approved the transfer to Staple Trucking Service, Inc., Old Bethpage, N.Y., of Certificate No. MC-30097 issued April 14, 1960, to William F. Supel, Secaucus, N.J., authorizing the transportation of: Incandescent lamps, and raw materials used in the manufacture of incandescent lamps, between points in Hudson and Passaic Counties, N.J., on the one hand, and, on the other, points in New York and New Jersey within 100 miles of Jersey City, N.J., including Jersey City, and points in 16 named counties in Pennsylvania. *Dual operations were approved.* John L. Alfano, Attorney at Law, 2 West 45th Street, New York, N.Y. 10036

No. MC-FC-74544. By order entered July 9, 1973, the Motor Carrier Board approved the transfer to Edwin K. Haldeman, Doylestown, Pa., of the operating rights set forth in Certificate No. MC-128399, issued December 5, 1966, to Paul S. Hendricks, Inc., Hilltown, Pa., authorizing the transportation of fertilizer, seed, feed, plant spraying materials, and empty containers used for the carrying of agricultural commodities, from points in New Jersey, Delaware, and Maryland, to points in Bucks County, Pa.; and fertilizer, from Baltimore, Md., to points in Bucks County, Pa.

No. MC-FC-74547. By order entered July 11, 1973, the Motor Carrier Board approved the transfer to Clarence M. Buch, Martindale, Pennsylvania, of Certificate No. MC-111019, issued December 14, 1949, to Willis R. Newswanger, New Holland, Pennsylvania, authorizing the transportation of pulverized agricultural limestone, from points in Lancaster County, Pa., to points other than incorporated municipalities in Delaware and Maryland. John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, Pa. 17108, Attorney for applicants.

No. MC-FC-74570. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Blanchfield Trucking Company, Inc., Winchester, Va., of a portion of the operating rights in Certificate No. MC-67193 issued June 6, 1941, to Earl Swanson Blanchfield, Winchester, Va., authorizing the transportation of: Oils and greases from Baltimore, Md., to Winchester, Va. Frank B. Hand, Jr., Attorney at Law, P.O. Box 163, Berryville, Va. 22611

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14807 Filed 7-18-73;8:45 am]

[Ex Parte 241, Rule 19, Corrected Exemption 45]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Norfolk and Western Railway Company (N&W) and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 387, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GE", "GH", "GRA", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the N&W and the PC without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS

N&W		*PC*	
NKP	B&A		PCA
P&WV	BWC		PCB
VGN	CASO		P&E
WAB	NH		PRR
	NYC		TOC

Effective July 1, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., June 29, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-14804 Filed 7-18-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 103-A]

VERMONT RAILWAY INC.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 103 (Vermont Railway, Inc.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 103 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 13, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-14805 Filed 7-18-73;8:45 am]

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THURSDAY, JULY 19, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 138

PART II

DEPARTMENT OF THE TREASURY

Office of the Secretary

■

NATIONAL SECURITY INFORMATION

Classification, Downgrading, Declassification and Safeguarding

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 2—CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND MATERIAL

This document puts into the form of regulations the Department of the Treasury procedures for the classification, downgrading, declassification and safeguarding of national security information and material, required under Executive Order 11652, 37 FR 5209, and the National Security Council Directive of May 17, 1972, 37 FR 10053. These regulations incorporate and revise the procedures on this subject embodied in Treasury Department Order No. 160, Revised,, of August 3, 1972, 37 FR 20990. That Treasury Department order is superseded by these regulations as of their effective date, July 1, 1973. A new Treasury Department Order No. 160, Revised, is being issued contemporaneously with these regulations to provide appropriate delegations of authority under the Executive Order, the Directive and these regulations.

These regulations have been approved by the Interagency Classification Review Committee, as required by the Executive Order and directive. They are issued pursuant to 5 U.S.C. 553 without notice of proposed rulemaking and without a 30-day delay in their effective date, as they are rules of agency organization, procedure and practice.

In consideration of the foregoing, 31 CFR, Subtitle A, is amended by adding Part 2 to read as follows:

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2.3 Responsibility for implementation.
2.4 Material restricted under the Atomic Energy Act.
2.5 Special departmental requirements with respect to material or information or material relating to intelligence or cryptography.
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APPENDIX A—TREASURY DEPARTMENT ORDER NO. 160, REVISED, DELEGATION OF AUTHORITY CONCERNING IMPLEMENTATION OF EXECUTIVE ORDER 11652, AS AMENDED, AND THE NATIONAL SECURITY DIRECTIVE OF MAY 17, 1972

AUTHORITY: E.O. 11652, 37 FR 5209; National Security Council Directive of May 17, 1972, 37 FR 10053.

Subpart A—General Provisions

§ 2.1 Purpose.

The purpose of the regulations in this part is to insure that information or material originated within the Department of the Treasury which requires classification in the interest of national security is classified in accordance with the provisions of Executive Order 11652, 37 FR 5209, and the National Security Directive of May 17, 1972, 37 FR 10053 (hereinafter referred to as the Executive Order and Directive), as supplemented by the regulations in this part, and that official information and material originating in or coming under the control or jurisdiction of the Department of the Treasury, which is classified in the interest of national security and in accordance with the provisions of the Executive Order and Directive, is protected, but only to the extent and for such period as is necessary. In addition, these regulations establish a monitoring system to insure the effectiveness of this security program throughout the Department of the Treasury.

§ 2.2 Definitions.

As used in the regulations of this part the following terms shall have the meaning indicated:

(a) *Classification.* The determination that official information or material requires, in the interests of national security, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made.

(b) *Classified information.* Official information or material which has been determined by an appropriate authority to require, in the interests of national security, protection against unauthorized disclosure and which has been so designated.

(c) *Classifier.* An individual who determines that official information or material, not known by him to be already classified, currently requires, in the interests of national security, a specific degree of protection against unauthorized disclosure and, having authority to do so, designates that official information or material as Top Secret, Secret, or Confidential.

(d) *Compromise.* The known or suspected exposure of classified information or material to an unauthorized person.

(e) *Declassification.* The determination that particular classified information or material no longer requires, in

the interests of national security, protection against unauthorized disclosure, coupled with a removal or cancellation of the classification designation.

(f) *Department.* The Department of the Treasury, including all bureaus, offices, services and divisions.

(g) *Downgrading.* The determination that particular classified information or material merits a lower degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such lower degree.

(h) *Information.* Knowledge which can be communicated by any means.

(i) *Material.* Any document, product, or substance on or in which information may be recorded or embodied.

(j) *National security.* Any matters bearing directly on the effectiveness of the national defense and the conduct of the foreign relations of the United States.

(k) *Nonrecord material.* Extra copies and duplicates, shorthand notes, preliminary drafts, used carbon paper, one-time typewriter ribbons, and other materials of a similar temporary nature.

(l) *Record material.* All documentary material made or received by a department or agency of the Government in connection with the transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein.

(m) *Restricted data.* All data (information) concerning:

(1) Design, manufacture, or utilization of atomic weapons;

(2) The production of special nuclear material; or

(3) The use of special nuclear material in the production of energy, but not to include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act, as amended, 42 U.S.C. 2162.

§ 2.3 Responsibility for implementation.

The Assistant Secretary for Administration shall be responsible for insuring effective compliance with the implementation of the Executive Order and Directive and the regulations of this part.

§ 2.4 Material restricted under the Atomic Energy Act.

Nothing in these regulations shall supersede any requirements made by or under the Atomic Energy Act of 1954, as amended. "Restricted Data" and material designated as "Formerly Restricted Data" shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

§ 2.5 Special departmental requirements with respect to information or material relating to intelligence or cryptography.

Nothing in these regulations shall prohibit compliance with any special requirements that another department or agency may impose as to classified information or material relating to communications intelligence, intelligence sources and methods, communications security, cryptography, and related matters originated by that department or agency.

§ 2.6 Material or information furnished by a foreign government or international organization.

Classified information or material furnished to the United States by a foreign government or an international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

§ 2.7 Exemption from public disclosure.

Official information or material, which has been classified in accordance with the provisions of the Executive Order and Directive, is expressly exempted from public disclosure by section 552 (b)(1) of title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

§ 2.8 Bureau responsibility.

Each bureau head shall designate a member or members of his staff to conduct a continuing review of the implementation of the Executive Order and Directive and these regulations within his bureau. The Office of Administrative Programs, Assistant Director, (Physical Security) shall coordinate bureau reviews and is authorized to determine periodic or special reports which may be required. Copies of all regulations and procedures of general applicability issued by heads of bureaus shall be forwarded to the Office of Administrative Programs, Assistant Director (Physical Security).

§ 2.9 Individual responsibility.

Each employee, special Government employee, or consultant and each individual permitted access to classified information or material shall comply with the requirements of these regulations. The collection, obtaining, recording or removing for any personal use whatsoever, of any classified information or material is prohibited. A holder of classified information or material shall observe and respect the classification assigned by the originator. If a holder of classified information believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under the Executive Order, the holder shall so inform the originator.

Subpart B—Security Classification Categories

§ 2.10 General.

Official information or material which requires protection against unauthorized disclosure in the interests of national security shall be classified in one of three categories, namely, Top Secret, Secret, or Confidential, depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interests of national security, except as otherwise expressly provided by statute.

§ 2.11 Top Secret.

Top Secret refers to that national security information or material which requires the highest degree of protection. The test for assigning a Top Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

§ 2.12 Secret.

Secret refers to that national security information or material which requires a substantial degree of protection. The test for assigning Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification Secret shall be sparingly used.

§ 2.13 Confidential.

Confidential refers to that national security information or material which requires protection. The test for assigning Confidential classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§§ 2.14–2.19 [Reserved]

Subpart C—Classification and Markings

§ 2.20 Original classification authority.

The authority to originally classify official information or material is restricted to the officials authorized under Appendix A of these regulations. The authority inheres in the office and may be exercised by the person acting in that office. Officials authorized to classify information or material as Top Secret or Secret shall not redelegate such authority. However, as provided by Appendix A, such officials are authorized to delegate Confidential classification authority Delegations of such authority shall be

reported in writing to the Assistant Secretary for Administration. These delegations shall be limited to the minimum number absolutely required for efficient administration.

§ 2.21 Record of officials with classification authority.

The Assistant Secretary for Administration shall maintain a listing by name and position of the officials in the Office of the Secretary who are authorized under these regulations to originally classify documents as Top Secret, Secret, or Confidential. Officials within the Office of the Secretary with "Top Secret" or "Secret" classification authority shall report in writing to the Assistant Secretary for Administration the names of the officials designated in writing to have original Confidential classification authority. The head of each bureau shall maintain a listing of the officials in his bureau authorized to apply an original Confidential classification and shall furnish a copy of each listing to the Assistant Secretary for Administration. This listing shall be compiled as of July 1, 1972, and updated at least on a quarterly basis.

§ 2.22 Guidelines for classification.

Each person possessing original classification authority shall be held accountable for the propriety of classifications attributed to him. Both unnecessary classfication and over-classification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, or to prevent embarrassment to a person or the Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. If the classifier has any substantial doubt as to which security classification category is appropriate, or as to whether the material should be classified at all, he should designate the less restrictive treatment.

§ 2.23 Derivative classification.

Any person who incorporates into a new document or other material information or material previously classified by an authorized official, as a result of, in connection with, or in response to existing material dealing with the same subject which already bears a classification, shall reflect the original classification and the identity of the original classifier on the new document or other material. Performance of this duty shall not constitute original classification. If all of the classified information contained in a document is classified due to classification imposed by a single outside source and no original classification is involved, the "classified by" line of the stamp shall identify the source document, including its date and also the official title and organization of the original classifier when known. In all cases, the official responsible for executing the "classified by" line on the stamp shall establish and retain adequate records to support his action.

§ 2.24 Marking of documents.

(a) *Purpose of designation.* Designation by physical marking, notation or other means, serves to inform and to warn the holder of the classification of the information involved, the degree of protection against unauthorized disclosure which is required for that particular level of classification, and to facilitate downgrading and declassification actions.

(b) *Wholly unclassified material.* Normally, unclassified material should not be marked or stamped "Unclassified" unless it is essential to convey to its recipient that it has been examined specifically for the need of a security classification or control designation and has been determined not to require such classification or control. However, preprinted forms such as telegrams which make provision for an assigned classification shall include the term "Unclassified" if the information contained in the text is not classified. Envelopes containing unclassified information to be sent by diplomatic pouch must be marked or stamped "Unclassified" on both sides.

§ 2.25 Classification markings on documents.

At the time of origination, each document or other material containing classified information shall be marked with its assigned security classification and whether it is subject to the General Declassification Schedule, whether it can be declassified earlier, or whether it is exempt from the General Declassification Schedule.

(a) *General Declassification Schedule.* For marking documents which are subject to the General Declassification Schedule, the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL) CLASSIFIED BY _____
SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652 AUTOMATICALLY DOWN GRADED AT TWO-YEAR INTERVALS AND DECLASSIFIED ON DEC. 31 (insert year)

(b) *Accelerated Declassification Schedule.* For marking documents which are to be automatically declassified on a given event or date earlier than the General Declassification Schedule the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL) CLASSIFIED BY _____
AUTOMATICALLY DECLASSIFIED ON (effective date or event) Example: Date of Public Release

(c) *Exemptions from General Declassification Schedule.* For marking documents which are exempt from the General Declassification Schedule, pursuant to § 2.34, the following stamp shall be used:

(TOP SECRET, SECRET OR CONDFIDENTIAL) CLASSIFIED BY _____
EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652 EXEMPTION CATEGORY (§ 5B (1), (2), (3), or (4)) AUTOMATICALLY DECLASSFIED ON _____
(effective date or event, if any)

The "Restricted Data" and "Formerly Restricted Data" stamps (see § 2.26 (a), (b)) are in themselves, evidence of exemption from the General Declassification Schedule.

(d) *Failure to mark document.* Should the classifier inadvertently fail to mark a document with one of the foregoing stamps, the document shall be deemed to be subject to the General Declassification Schedule. The person who signs or finally approves a document or other material containing classified information shall be deemed to be the classifier. If the classifier is another person, the individual shall be identified on the stamp as indicated.

§ 2.26 Additional warning notices.

In addition to the foregoing marking requirements, warning notices shall be prominently displayed on classified documents or materials as prescribed below. When display of these warning notices on the documents or other materials is not feasible, the warnings shall be included in the written notification of the assigned classification.

(a) *Restricted data.* For classified information or material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended:

RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Its dissemination or disclosure to any unauthorized person is prohibited.

(b) *Formerly restricted data.* For classified information or material containing solely Formerly Restricted Data, as defined in section 142.d, Atomic Energy Act of 1954, as amended:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to Administrative and Criminal Sanctions. Handle as Restricted Data in Foreign Dissemination. Section 144.b, Atomic Energy Act, 1954.

(c) *Other classified information (other than restricted data or formerly restricted data).* For classified information or material furnished to persons outside the executive branch of Government other than as described in items (a) and (b) above:

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject to Criminal Sanctions.

(d) *Sensitive intelligence information.* For classified information or material relating to sensitive intelligence sources and methods, the following warning notice shall be used, in addition to and in conjunction with those prescribed in paragraphs (a), (b), or (c) of this section, as appropriate:

WARNING NOTICE—SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED

§ 2.27 Overall marking and page marking.

The overall classification of a document, whether or not permanently bound, or any copy or reproduction thereof, shall be conspicuously marked or stamped at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, on the back page, and on the outside of the back cover (if any). To the extent practicable, each interior page of a document which is not permanently bound shall be conspicuously marked or stamped at the top and bottom according to its own content, including the designation "Unclassified" when appropriate.

(a) *Paragraph marking.* Whenever a classified document contains either more than one security classification category or unclassified information, each section, part, or paragraph should be marked to the extent practicable to show its classification category or that it is unclassified. When appropriate, the classification of each paragraph (including "Unclassified") may be indicated by closing the paragraph with the appropriate classification symbol for that paragraph, as follows: (TS), (S), (C), (UNCLAS).

(b) *Subjects, titles, abstracts and index terms.* Subjects, titles, abstracts and index terms shall be selected, if possible, so as not to require classification. However, a classified subject, title, abstract or index term may be used when necessary to convey meaning. To show its classified or unclassified status, each such item shall be marked with the appropriate symbol, (TS), (S), (C), or (U) placed immediately following and to the right of the item. When appropriate, the symbols (RD) and (FRD) shall be added.

(c) *File, folder or group of documents.* Files, folders or groups of documents shall be conspicuously marked to assure their protection to a degree as high as that of the most highly classified document included therein. Documents separated from the file, folder or group shall be marked as prescribed herein for individual documents.

(d) *Transmittal documents.* A transmittal document shall carry on it a prominent notation as to the highest classification of the information which is carried with it, and a legend showing the classification, if any, of the transmittal document standing alone. For example, in the case of an unclassified document which transmits as an attachment a classified document, it shall bear a notation substantially as follows: "REGRADED UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ATTACHMENT."

§ 2.28 Marking of material other than documents.

If classified material cannot be marked, written notification of the information otherwise required in markings shall accompany such material.

(a) *Books or pamphlets.* Permanently bound books or pamphlets are to be conspicuously marked with the assigned classification or control designation at the top and bottom on the outside of the front cover, on the title page, on the first page, on the back page, and on the outside of the back cover. Other required markings must be placed on the outside of the front cover.

(b) *Reproducible masters.* Reproducible masters such as airgrams, mimeograph stencils, hectograph masters, photostatic negatives, or multilith plates used in the reproduction of classified or administratively controlled documents are to be marked so that each copy made from them will show the classification or control designation and other required markings. Preprinting of paper with classification control designation, or other pertinent markings, is authorized.

(c) *Photographic negatives, prints, slides and films.* Whenever possible, photographic negatives and slides are to be marked with the assigned classification or control designation at the top and bottom on the front. Photographic negatives in roll form contain the assigned classification or control designation at the beginning and end of each roll. In all cases, photographic prints are to be marked at the top and bottom of the front and on the back with the classification and control designation. If additional special markings are required, apply them conspicuously.

(d) *Charts, maps and drawings.* Charts, maps and drawings shall bear the appropriate classification marking under the legend, title block or scale, in such manner as to differentiate between the classification assigned to the document as a whole and the classification assigned to the legend or title, and so that it can be reproduced on all copies made. The markings also shall be inscribed at the top and bottom of each such document. Where the customary method of folding or rolling charts, maps or drawings would cover the classification markings, additional classification markings shall be placed so as to be clearly visible when the document is folded or rolled.

(e) *Decks of accounting machine cards.* A deck of classified accounting machine cards need not be marked individually but may be marked as one single classified document so long as they remain within the deck. A deck so marked shall be stored, transmitted, destroyed and otherwise handled in the manner prescribed for other classified documents of the same classification. An additional card shall be added, however, to identify the contents of the deck and the highest classification involved. Cards removed for separate processing or use, and not immediately returned to the deck after processing, shall be protected to prevent compromise of any classified information contained therein, and for this purpose shall be marked individually as prescribed herein for an individual ordinary document.

(f) *Electrical machine and Automatic Data Processing Tapes.* Electrical machine and Automatic Data Processing (ADP) tapes shall bear external markings and internal notations sufficient to assure that any recipient of the tapes, or of the classified information contained therein when reproduced by any medium, will know that classified information of a specific classification category is involved.

(g) *Pages of Automatic Data Processing listings.* Classification markings on pages of listings produced by ADP equipment may be applied by the equipment provided that the markings so applied are clearly distinguishable on the face of the document from the printed text. As a minimum, such listings shall be marked with the security classification on the first and last pages of the listing and on the front and back covers, if any, as previously prescribed in § 2.25.

§ 2.29 Downgrading, declassification and upgrading markings.

Whenever a change is made in the original classification or in the dates of downgrading or declassification of any classified information or material, it shall be promptly and conspicuously marked to indicate the change, the authority for the action, the date of the action, and the identity of the person taking the action. In addition, all earlier classification markings shall be canceled, if practicable, but in any event on the first page.

(a) *Markings for large quantities of material.* When the volume of information or material is such that prompt remarking of each classified item could not be accomplished without unduly interfering with operations, the custodian may attach downgrading, declassification, or upgrading notices to the storage unit in lieu of the re-marking otherwise required. Each notice shall indicate the change, the authority for the action, the date of the action, the identity of the person taking the action, and the storage units to which it applies. When individual documents or other materials are withdrawn from such storage units they shall be promptly re-marked in accordance with the change, or if the documents have been declassified, the old markings shall be canceled. However, when information or material subject to a posted downgrading, upgrading, or declassification notice are withdrawn from one storage unit solely for transfer to another, or a storage unit containing such documents or other materials is transferred from one place to another, the transfer may be made without re-marking if the notice is attached to or remains with each shipment.

(b) *Upgrading.* When material is upgraded under the provisions of these regulations, it shall be promptly and conspicuously marked, except that in all such cases the old classification marking shall be canceled and the new substituted therefor.

(c) *Marking of classified telegrams.* Information contained in Top Secret, Secret, and Confidential telegrams is subject to automatic downgrading, declassification, and decontrol procedures

to the same extent as the substantive contents of nontelegraphic documents. In order to eliminate costly transmissions, standard abbreviations for required notations have been substituted, and will appear as the final unnumbered paragraph of the message text, as follows:

(1) For classified information that has been assigned to the General Declassification Schedule, add the abbreviation: GDS.

(2) For classified information that is to be declassified without reference to the General Declassification Schedule, add: ADS (Accelerated Declassification Schedule); DECLAS (insert date or other event or condition for declassification).

(3) For classified information that has been exempted from the General Declassification Schedule, add: XGDS (insert the category number 5B (1), (2), (3), or (4); DECLAS (insert appropriate date).

(4) The following abbreviations may be submitted for the warning notices indicated in § 2.26: RD (Restricted Data); FRD (Formerly Restricted Data); NSI (National Security Information); SIS (Sensitive Intelligence Sources and Methods).

(5) While the above abbreviations of warning notices are acceptable for telegrams, the preferred method is to include the warning notice as part of the message text. This procedure will immediately alert all recipients to the sensitivity of the message and the possible special handling requirements. For example, when classified information pertaining to sensitive intelligence sources and methods is used in a telegram, the first line of the message text shall read as follows:

WARNING NOTICE—
SENSITIVE INTELLIGENCE
SOURCES AND METHODS
INVOLVED

In all instances, drafters incorporating classified information from material bearing a warning notice or exemption from the General Declassification Schedule must ensure that the warning notice and/or exemption is "carried over" to the new document.

The record copy of all electrically transmitted messages must, of course, contain all information required by the Executive Order. It therefore must contain the name and initials of the official authorizing the classification, the declassification schedule and exemption from the schedule, if appropriate.

Subpart D—Downgrading and Declassification

§ 2.30 Authority to downgrade and declassify.

The authority to downgrade and declassify national security information or material within the Department of the Treasury shall be restricted to the officials authorized under Appendix A of these regulations. Delegations of authority to downgrade or declassify shall be reported in writing to the Assistant Secretary for Administration.

§ 2.31 Guidelines for downgrading and declassification.

The individual exercising original classifying authority shall, to the maximum extent practicable, predetermine at the time of origination, dates or events on which downgrading and declassification shall occur. These dates shall be as early as the national security will permit, and shall be in accordance with the limits of the dates of the General Declassification Schedule, as set forth in § 2.33, only if earlier dates cannot be predetermined.

§ 2.32 Dates or events carried forward.

Downgrading and declassification dates or events established in accordance with § 2.31 shall be carried forward and applied whenever the classified information or material is incorporated in other documents or material.

§ 2.33 General Declassification Schedule.

Classified information and material, unless downgraded or declassified earlier under the provisions of § 2.31 or exempted from the General Declassification Schedule under § 2.34, shall be assigned a date or event on which downgrading and declassification shall occur in accordance with the prescribed limits of the General Declassification Schedule outlined below:

(a) *Top Secret.* Information or material originally classified Top Secret shall become automatically downgraded to Secret at the end of the second full calendar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(b) *Secret.* Information and material originally classified Secret shall become automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified Confidential shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

§ 2.34 Exemptions from General Declassification Schedule.

Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. An official authorized to originally classify information or material Top Secret may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(a) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(b) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(c) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(d) Classified information or material the disclosure of which would place a person in immediate jeopardy.

§ 2.35 Applicability of the General Declassification Schedule to previously classified material.

Information or material classified before June 1, 1972, and which is assigned to Group 4 under Executive Order 10501, as amended by Executive Order 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2 or 3 of Executive Order 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after June 1, 1972, as set forth in §§ 2.34 and 2.36.

§ 2.36 Mandatory review of material over ten years old.

Members of the public or other departments wishing to request review of classified material over ten years old in the custody of the Department of the Treasury shall apply in writing to the Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. A request must describe the material desired to be reviewed with sufficient particularity to enable the Department to identify it and obtain it with a reasonable amount of effort.

(a) *Action upon receipt of request for review.* The Assistant Secretary for Administration shall immediately forward the request for review of records over ten years old to the appropriate officer of the Department of the Treasury having Top Secret classification authority and shall acknowledge receipt of the request to the requester in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483a, the requester shall be so notified. The officer to which action has been assigned shall, whenever the request is deficient in its description of the record sought, ask the requester to provide additional

identifying information whenever possible.

(b) *Initial determination.* The request shall be reviewed and a determination made within thirty days after the receipt of identifying information whether continued classification is required under the criteria of § 2.34. If the request is denied, the determining officer must indicate to the Assistant Secretary for Administration in a brief statement the reason for continued classification and, unless impossible, specify the date on which such matter shall be declassified. Whenever possible, the Assistant Secretary for Administration shall furnish the requester with a copy of that statement.

(c) *Right of appeal to the Departmental Committee on National Security Information.* If the request is denied or no answer is received after sixty days, the requester may appeal to the Departmental Committee on National Security Information as provided by Appendix A. The Departmental Committee shall act upon the appeal within thirty days.

(d) *Right of appeal to the Interagency Classification Review Committee.* If the Departmental Committee determines that continued classification is required, it shall also so notify the requester and that he may appeal that denial to the Interagency Classification Review Committee.

§ 2.37 Declassification of material over thirty years old.

All classified information or material which is thirty years old or more over which the Department exercises exclusive or final original classification authority is subject to declassification as provided in §§ 2.38–2.40.

§ 2.38 Automatic declassification of thirty-year-old material originated after June 1, 1972.

All information and material classified after June 1, 1972, whether or not declassification has been requested, becomes automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the Secretary of the Treasury personally determines in writing at that time to require continued protection against unauthorized disclosure because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the Secretary of the Treasury shall also specify the period of continued classification.

§ 2.39 Systematic review of thirty-year-old material originated before June 1, 1972.

All information and material classified before June 1, 1972, and more than thirty years old is to be systematically reviewed for declassification by the Archivist of the United States by the end of the thirtieth full calendar year following the year in which it was originated. The Assistant Secretary for Administration is authorized to assign personnel to assist the Achivist of the United States in the exercise of this review responsibility with respect to classified material originating within the Department of the Treasury. Such personnel shall: (a) provide guidance and assistance to archival employees in identifying and separating those materials originated in the Department which are deemed to require continued classification; and (b) develop a list for submission to the Secretary of the Treasury, with recommendations concerning continued classification. The Secretary of the Treasury will then determine which of the materials listed require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. The Secretary of the Treasury will provide the Archivist with a list which identifies the documents deemed to require continued classification, indicates the reason for continued classification and specifies the date on which such material shall be declassified.

§ 2.40 Mandatory review of material over thirty years old.

(a) *Action upon receipt of request.* The Assistant Secretary for Administration shall immediately forward the request for review of records more than thirty years old to an appropriate office of the Department of the Treasury and shall acknowledge receipt of the request to the requester in writing.

(b) *Determination by the Secretary.* That office shall review the request and within twenty-one days forward to the Secretary of the Treasury through the Assistant Secretary for Administration a recommendation whether continued classification is required under the criteria of §§ 2.38–2.39. The Secretary shall make a determination based on that recommendation.

(c) *Right of appeal to the Interagency Classification Review Committee.* If the Secretary of the Treasury determines that continued classification is required, the Assistant Secretary for Administration shall promptly notify the requester that he may appeal that denial to the Interagency Classification Review Committee, and, whenever possible, shall furnish the requester with a brief statement why continued classification is required.

§ 2.41 Departmental Committee on National Security Information.

A Departmental Committee on National Security Information is established which shall be composed of the Assistant Secretary for Administration, as chairman, the General Counsel and the Special Assistant to the Secretary (National Security), as members. The functions of the Departmental Committee shall include the following:

(a) Review of and action upon applications and appeals regarding requests for declassification, as provided in § 2.36.

(b) Review, upon request, of all decisions denying Treasury Department information and material on the ground of exemption under 5 U.S.C. 552(b)(1) except decisions of the Secretary of the Treasury continuing the classification of material over thirty years old under Part III D of the Directive and § 2.40.

(c) Action upon complaints in the administration of the Executive Order and Directive and these regulations.

(d) Establish the policy of the Department with respect to the enforcement of the Executive Order and Directive and these regulations.

§ 2.42 Burden of proof.

For purposes of administrative determinations under §§ 2.36 and 2.40, the burden of proof is on the originating office in the Office of the Secretary or the bureau to show that continued classification is warranted within the terms of the Executive Order and Directive.

§ 2.43 Notification of change in classification or of declassification.

When classified information or material is downgraded or declassified in a manner other than originally specified, whether scheduled or exempted, or is upgraded, or is subject to a change in exemption status, the classifier or the custodian of the records shall, to the extent practicable, promptly notify all addressees to whom the information or material was originally officially transmitted. The recipients of this notification shall notify addressees to whom in turn they have transmitted the classified information or material.

§§ 2.44–2.49—[Reserved]

Subpart E—Access

§ 2.50 General.

Access to classified information shall be granted only in accordance with the regulations provided in Part VIA of the Directive as supplemented by the regulations of this part. No individual shall be entitled to receive or handle classified information or material solely because of his official position or because he has a valid security clearance. He must have in addition the need for access to the particular classified information or material sought in connection with the performance of his official duties or contractual obligations. The determination of the need shall be made by the official having the responsibility for the safeguarding of the classified information or material.

§ 2.51 Access by historical researchers.

(a) *Requirements for grant of access.* Persons outside the executive branch engaged in historical research projects desiring to request access to classified information or material under the control of the Department shall apply in writing to the Office of the Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. The request for access may be granted provided that the Secretary of the Treasury determines that:

(1) Access is clearly consistent with the interests of national security.

(2) The information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The historical researcher agrees to safeguard the information or material in a manner consistent with the Executive Order and Directive.

(4) The historical researcher agrees to authorize a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

(b) *Period of access authorization.* An authorization for access shall be valid for the period required but no longer than two years from the date of issuance unless reviewed by the Secretary of the Treasury upon written application to the Office of the Assistant Secretary for Administration, Department of the Treasury, Washington, D.C.

§ 2.52 Access by certain officials and employees of Federal Reserve Banks.

(a) *Requirements for grant of access.* Officials and employees of Federal reserve banks, which are authorized to serve as fiscal agents of the United States and perform functions related to the issuance and redemption of United States securities, may be granted access to classified national security information or material by the Under Secretary for Monetary Affairs, or his designee, when: (1) the information is classified by a Treasury officials or consent for dissemination to the Federal Reserve bank has been obtained from the originating department, under § 2.54; (2) the Federal Reserve bank officials or employees need to have knowledge of such information or material in connection with activities approved by the Under Secretary for Monetary Affairs, or his designee, as being in the interests of the United States; and (3) the Federal Reserve bank officials and employees are cleared by the Department of the Treasury under the procedures and standards applicable to Treasury officials and employees.

(b) *Adjustment or withdrawal of security clearance.* The Under Secretary for Monetary Affairs, or his designee, shall also be responsible for adjusting or withdrawing the security clearance of any Federal Reserve bank official or employee who no longer needs access to classified national security information or material at a particular level in connection with the official performance of duties.

§ 2.53 Access by former Presidential appointees.

(a) Persons who previously occupied policy-making positions to which they were appointed by the President may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office, provided that the Secretary of the Treasury determines that: (1) access is clearly consistent with the interests of national security; and (2) the Presidential appointee agrees to safeguard the information or material in a manner consistent with the Executive Order and Directive.

(b) Upon request of any such former official, such information or material as he may identify shall be reviewed for declassification in accordance with the provisions of Subpart D. The former Presidential appointees referred to herein do not include the White House staff, or members of special Presidential committees or commissions.

§ 2.54 Dissemination by the Department of classified information or material originated by another department.

Classified information or material originating in another department and made available to the Department of the Treasury shall not be disseminated outside the Department without the consent of the originating department.

§§ 2.55–2.59—[Reserved]

Subpart F—Accountability

§ 2.60 Top Secret Control Officers.

Each Treasury bureau and the Office of the Secretary shall designate a Top Secret Control Officer. Top Secret Control Officers so designated shall receive, maintain current accountability records of, and dispatch Top Secret material, and shall also conduct an annual physical inventory of all Top Secret material. Top Secret Control Officers shall conduct the required physical inventory in the presence of a disinterested individual and shall complete the same by the first day of May. Any Top Secret document unaccounted for must be reported to the Assistant Secretary for Administration. Top Secret Control Officers shall conduct periodic reviews of Top Secret documents within their control to insure that those Top Secret documents subject to the General Declassification Schedule are downgraded or declassified as required.

§ 2.61 Control of Top Secret Material.

(a) A Treasury Department Form 4031 (Top Secret Document Record) shall be attached to the first page or cover of the original and each copy of Top Secret material. The Top Secret Document Record shall be completed by the Top Secret Control Officer, and shall identify the Top Secret material attached, and shall serve as a permanent record of the material. All persons, including stenographic and clerical personnel, having access to the material attached to the Top Secret Document Record must sign and date the Treasury Form 4031 prior to accepting responsibility for its custody. The Treasury Form 4031 shall indicate those individuals to whom only oral disclosure is made. The Top Secret Document Record shall remain attached to the Top Secret material until it is either transferred to another U.S. Government agency, downgraded, declassified or destroyed. Whenever any one of these actions is taken, the Top Secret Control Officer shall record the action on the Top Secret Document Record and retain it for a period of three years at which time it may be destroyed.

(b) Top Secret documents shall be sequentially numbered in a calendar year series by Top Secret Control Officers as received, by them, and the number shall be posted to the Top Secret document, Treasury Form 4031 and Treasury Form 2747 Revised (Classified Document Accountability Record).

(c) Top Secret Control Officers shall maintain current records of persons within their respective office or bureau who are cleared for access to Top Secret information or material.

§ 2.62 Accountability of classified material.

Treasury Department Form 2747 Revised (Classified Document Accountability Record) shall be the exclusive classified document accountability record for use within the Department of the Treasury. No other logs or records shall be required except for the use of Treasury Form 4031 for Top Secret material. Form 2747 shall be used for single or multiple document receipting, internal and external routing, and as a certificate of destruction. The inclusion of classified information on Form 2747 is prohibited. In the event the subject title is classified, a recognizable short title shall be used, e.g., first letter of each letter word in the subject title. Several items may be transmitted to the same addressee under the cover of one Form 2747. When the original and/or copies of the document are destroyed, the destruction certificate section of the form shall be completed to include the date and method of destruction and signed by the individuals accomplishing the destruction. Form 2747 may be destroyed three years after the date of the final disposition of the document.

(a) *Top Secret material.* Top Secret material shall be subject to a continuous receipt system regardless of how brief the period of custody. Treasury Form 2747 shall be used for this purpose. Top Secret accountability records shall be maintained by Top Secret Control Officers separately from the accountability records of other classified material.

(b) *Secret material.* Receipt on Treasury Form 2747 shall be required for transmission of Secret material between bureaus, offices and saparate agencies. Responsible officials shall determine administrative procedures required for the internal control within the respective offices or bureaus. The volume of classified material handled and personnel resources available must be considered in determining the practical balance between security measures imposed and the attainment of operating efficiency.

(c) *Confidential material.* Receipts for Confidential material shall not be required unless the originator clearly indicates that receipting is necessary.

§ 2.63 Restraint on reproduction.

Documents or portions of documents containing Top Secret information shall not be reproduced without the consent of the originating office and any reproduction so authorized must be appropriately

controlled. The authority for reproduction shall be noted on the copy from which the reproduction is made. The office reproducing Top Secret material shall place this material under Top Secret control and shall maintain appropriate records to reflect the number of copies reproduced and shall observe all other requirments concerning the control of distribution of such copies. The reproduction of Secret material shall be placed under the same control as the parent document. Confidential documents may be reproduced without permission of the originating official, office or department. However, all classified material shall be reproduced sparingly and any stated prohibition against reproduction shall be strictly adhered to. The number of copies of documents containing classified information shall be kept to the absolute minimum required to meet operational needs in order to decrease the risk of compromise, administrative burden and to reduce storage costs.

§ 2.64 Data Index System.

A Data Index System for documents originally classified within the Department of the Treasury shall be established in accordance with the Executive Order and Directive as implemented by the Department of the Treasury Administrative Circular No. 236.

§§ 2.65–2.69 [Reserved]

Subpart G—Safekeeping and Storage

§ 2.70 General policy.

Classified information or material may be used, held or stored only where there are facilities or under conditions adequate to prevent unauthorized persons from gaining access to it.

§ 2.71 Standards for storage equipment.

The General Services Administration establishes and publishes uniform standards, specifications, and supply schedules for containers, vault doors, alarm systems, and associated security devices suitable for the storage and protection of classified information throughout the Government. Storage equipment used for the protection of classified information and material within the Department shall meet or exceed these standards.

§ 2.72 Storage of classified material.

Whenever classified material is not under the personal control and observation of an authorized person, it will be guarded or stored in a locked security container as prescribed below:

(a) *Top Secret.* Top Secret information and material shall be stored in a safe or safe-type steel file container having a built-in three-position dial-type combination lock, or in a vault, vault-type room, or other storage facility which meets the standards for Top Secret established under § 2.71.

(b) *Secret and Confidential.* Secret and Confidential material may be stored in a manner authorized for Top Secret information and material, or in a container, or vault which meets the standards for Secret or Confidential, as the case may be, established under § 2.71 and Appendix A of the Directive.

§ 2.73 Security storage equipment.

(a) *Combinations.* Combinations to security equipment and devices shall be changed only by persons having appropriate security clearance, and shall be changed whenever such equipment is placed in use, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, whenever a combination has been subjected to possible compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified information or material authorized for storage in the security equipment concerned.

(b) *Safe Combination Records.* Combinations to equipment containing classified information and material shall be recorded on Treasury Form No. 4032 (Security Container Information). Such forms shall be completed in their entirety. Part 1 of the Form shall be posted on the interior of the top or locking drawer of the safekeeping equipment concerned. The names, addresses and home telephone numbers of personnel responsible for the combination and the classified information and material stored therein must be posted on part 1 of the Form. Part II shall be properly completed, inserted in the envelope (part III) provided and forwarded to the designated central repository for safe combinations. Parts II and III shall show the appropriate classification marking.

(c) *Safe or Cabinet Security Record.* Each piece of equipment used for the storage of classified material will have attached conspicuously to the outside a General Services Administration Optional Form 62 (Safe or Cabinet Security Record) on which an authorized person will record the time and date each time he unlocks or locks the security equipment, followed by his initials. In addition, at the close of each working day or when a security container is locked at times other than normal duty hours, the person locking the security container will be required to check it to insure that it is locked, and will record the time and date he checked the security container followed by his initials. The checking procedure stated above applies for each normal working day regardless of whether or not the security container was opened on that particular day. A security container will not be left unattended until it has been locked by an authorized person and checked by a second person. Additional safe security requirements are:

(1) Reversible "OPEN-CLOSED" signs which are available through normal supply channels, shall be used as additional reminders on each security container containing classified information.

(2) The tops of security containers shall be kept free of all extraneous matter.

§ 2.74 Classified document cover sheets.

In order to alert personnel to the fact that a document or folder is classified and to protect it from unauthorized scrutiny, cover sheets, available through normal supply channels, will be used to cover classified documents when in use. Classified document cover sheets will be removed before classified material is filed. Classified document cover sheets will be removed from classified documents prior to transmission except when the transmission is made internally within a headquarters by courier or messenger or by personal contact.

§ 2.75 Responsibilities of custodians.

Custodians of classified material shall be responsible for providing protection and accountability for such material at all times and particularly for locking classified material in approved security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

§ 2.76 Report of loss or compromise.

Any employee of the Department of the Treasury who has knowledge of the loss or possible compromise of classified information or material shall immediately report the circumstances to the appropriate bureau head or his designee who shall take appropriate action forthwith. In turn, the originating department and any other interested department shall be notified about such loss or possible compromise.

§ 2.77 Inquiry.

If the loss or possible compromise occurs in any Treasury bureau, the Assistant Secretary for Administration shall be notified. He shall then direct an immediate inquiry to be conducted for the purpose of taking corrective measures and assessing damages. Based on the results of the inquiry recommendations shall be made to the Assistant Secretary for Administration as to the appropriate administrative, disciplinary, or legal action to be taken.

§§ 2.78–2.79—[Reserved]

Subpart H—Transmission

§ 2.80 General policy.

Classified information or material shall be transmitted between Treasury bureaus and buildings and outside the Department only in accordance with the requirements of this subpart. However, within the Main Treasury Building and within each separate bureau building, such information or material may be transmitted between offices by direct contact of the officials concerned in a single sealed opaque envelope with no security classified category being shown on the outside of the envelope. Classified information or material shall never be delivered to unoccupied rooms or offices.

§ 2.81 Preparation.

Classified information and material shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents.

§ 2.82 Transmission of Top Secret.

The transmission of Top Secret information and material shall be effected preferably by oral discussion in person between the officials concerned. Otherwise, the transmission of Top Secret information and material shall be by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over authorized communications circuits in encrypted form or by other means authorized by the National Security Council.

§ 2.83 Transmission of Secret.

The transmission of Secret material shall be effected in the following manner:

(a) *The Fifty States, District of Columbia, Puerto Rico.* Secret information and material may be transmitted within and between the forty-eight contiguous states and the District of Columbia, or wholly within the State of Hawaii, the State of Alaska, or the Commonwealth of Puerto Rico by one of the means authorized for Top Secret information and material, the United States Postal Service registered mail and protective services provided by the United States air or surface commercial carriers.

(b) *Other areas, vessels, military postal services, aircraft.* Secret information and material may be transmitted from or to or within areas other than those specified in paragraph (a) of this section, by one of the means established for Top Secret information and material, captains or masters of vessels of United States registry, under contract to a department of the executive branch, United States registered mail through Army, Navy or Air Force Postal Service facilities provided that material does not at any time pass out of United States citizen control and does not pass through a foreign postal system, and commercial aircraft under charter to the United States and military or other Government aircraft.

(c) *Canadian Government installations.* Secret information may be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous states, Alaska, the District of Columbia, and Canada by United States and Canadian registered mail with registered mail receipt.

(d) *Special cases.* The use of the United States Postal Service registered mail outside the forty-eight contiguous states, the District of Columbia, the State of Hawaii, the State of Alaska, and the Commonwealth of Puerto Rico is authorized if warranted by security conditions and essential operational requirements, provided that the material does not at any time pass out of United States Government and United States citizen control and does not pass through a foreign postal system.

§ 2.84 Transmission of Confidential.

Confidential information and material shall be transmitted within the forty-eight contiguous states and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside these areas, Confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

§ 2.85 Transmission by personnel in travel status.

(a) *General provisions.* Personnel in travel status shall physically transport classified material across international boundaries only in exceptional circumstances. In each instance, a determination shall be made on a case by case basis, by a responsible official that it is necessary for the appropriately cleared traveler physically to transmit classified material. Whenever possible, and when time permits, classified material shall be transmitted by other authorized means to the location being visited. The physical transportation of classified material on non-U.S. flag aircraft shall be avoided.

(b) *Specific safeguards.* If it be determined that the transportation of classified material by an individual in travel status is in the best interest of the U.S. Government, the following specific safeguards will be provided for:

(1) Classified material shall be in the physical possession of the individual with adequate safeguards at all times if proper storage at a U.S. Government facility is not available. Under no circumstances, shall classified material be stored in hotel safes or rooms, locked automobiles, private residences, train compartments, or any vehicular detachable storage compartments.

(2) An inventory of all classified material shall be made prior to departure and a copy of same shall be retained by his office until his return at which time all classified material shall be accounted for.

(3) Classified material shall not be displayed or used in any manner in public conveyances or rooms.

(4) The individual shall have in his possession a written Department of the Treasury authorization to transport classified material. This courier authorization, along with official travel orders, should in most instances permit the individual to pass through any customs without the need for subjecting the classified material to inspection. If difficulty is encountered, the individual should tactfully refuse to exhibit or disclose the classified material to customs inspection and should insist on the assistance of the local U.S. diplomatic representative at the port of entry or departure.

(5) Upon completion of the visit, the individual shall have the material returned to his office by approved means. All material taken for the purpose of the visit shall be accounted for. If any classified items are left with the office being visited for its retention and use, the individual shall obtain a receipt.

§ 2.86 Telecommunications transmissions.

Classified information shall not be communicated by telecommunication transmission, except as may be authorized under §§ 2.82–2.84 with respect to the transmission of classified information over approved communications circuits or systems.

§§ 2.87–2.89—[Reserved]

Subpart I—Destruction of Classified Information and Material

§ 2.90 Methods of destruction.

When information or material classified under the authority of Executive Order 11652 is to be destroyed, destruction shall be by burning, mulching, or shredding in the presence of an individual or individuals specifically designated by the appropriate bureau head.

§ 2.91 Approval of use of mulching and shredding machines.

Prior to a bureau obtaining a mulching or shredding machine, the Office of Administrative Programs, Assistant Director (Physical Security) shall approve the use of such a machine.

§ 2.92 Destruction by burning.

Any classified information or material to be destroyed by burning shall be torn and placed in containers designated as burnbags and shall be clearly and distinctly labeled "Burn." Burnbags awaiting destruction shall be protected by security safeguards commensurate with the classification or control designation of the material involved.

§ 2.93 Records of destruction.

Each bureau head shall cause appropriate accountability records to be maintained for his bureau to reflect the destruction of classified national security information or material.

§ 2.94 Destruction of nonrecord material.

Nonrecord classified material such as extra copies and duplicates, including shorthand notes, preliminary drafts, used carbon paper and other material of similar temporary nature, shall also be destroyed by burning, mulching, or shredding as soon as it has served its purpose, but no records of such destruction need be maintained.

§§ 2.95–2.99—[Reserved]

Subpart J—Training and Orientation

§ 2.100 Briefing of employees.

All new employees concerned with classified information and material shall

be afforded a security briefing regarding the Executive Order and Directive. Those new employees concerned with classified information or material pertaining to intelligence sources, methods, operations, or plans shall be required to read and sign a Security Agreement. All new employees afforded a security briefing shall be provided with copies of applicable laws and pertinent security regulations setting forth the procedures for the protection and disclosure of classified information and material. All employees concerned with classified information and material shall receive periodic reorientation briefings during their employment which are designed to impress upon them their responsibility for exercising care and vigilance in complying with the provisions of the Executive Order and implementing regulations.

§ 2.101 Debriefing of employees.

Any personnel possessing a security clearance, at all levels of employment and without exception, when terminating employment or contemplating temporary separation for a sixty-day period or more, shall be debriefed concerning their continued responsibility to safeguard classified information and material, and reminded of the provisions of the Criminal Code and other applicable provisions of law relating to penalties for unauthorized disclosure.

§ 2.102 Departmental administration.

The Office of Administrative Programs, Assistant Director (Physical Security), under the direction of the Assistant Secretary for Administration, shall establish, coordinate and maintain active training, orientation and inspection programs for employees concerned with classified information or material to assure that the provisions of the Executive Order and Directive are effectively administered throughout the Department of the Treasury.

§ 2.103 Bureau administration.

Each bureau head shall designate an official to coordinate and supervise the activities applicable to his bureau to maintain the programs of training, orientation, and inspection established by the Office of Administrative Programs, Assistant Director (Physical Security) and to carry out related activities of section 7(B)(3) of the Executive Order.

§§ 2.104–2.109—[Reserved]

Subpart K—Administrative and Judicial Action

§ 2.110 Enforcement policy.

The Departmental Committee on National Security Information shall have the responsibility for establishing the Department's policy with respect to the enforcement of the Executive Order and Directive and these regulations.

§ 2.111 Applicability.

(a) Any individual, at any level of employment, determined to have been responsible for any unauthorized release or disclosure of national security information or material shall be notified that his action is in violation of the Executive Order, the implementing National Security Council Directive, or these regulations. In addition, he shall be subject to prompt and stringent action including, as appropriate in the particular case, a warning notice, formal reprimand, suspension without pay, or dismissal, in accordance with applicable personnel rules, regulations and procedures. Where a violation of criminal statutes may be involved, any such case shall be promptly referred to the Department of Justice.

(b) Repeated abuse of the classification process, either by unnecessary or over-classification, or repeated failure, neglect or disregard of established requirements for safeguarding classified information or material by any officer or employee shall be grounds for appropriate adverse or disciplinary action. Such action may include a warning notice, formal administrative reprimand, suspension without pay, or dismissal, as appropriate in the particular case, in accordance with applicable personnel rules, regulations and procedures.

§ 2.112 Disciplinary action.

After an affirmative adjudication of a security violation and as the occasion demands, reports of accountable security violations may be placed in the employee's official personnel folder and security file. The security official of the bureau or office concerned shall recommend to the respective management official or bureau head that disciplinary action be taken when such action is indicated. However, should circumstances warrant, the Department may take action under provisions of these regulations, of Executive Order 11652, any implementing National Security Council Directives, and Executive Order 10450, or any superseding applicable Executive Order.

Effective date: July 1, 1973.

Dated: July 9, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

APPENDIX A—DEPARTMENT OF THE TREASURY, TREASURY DEPARTMENT ORDER NO. 160, REVISED

DELEGATION OF AUTHORITY CONCERNING IMPLEMENTATION OF EXECUTIVE ORDER 11652, AS AMENDED, AND THE NATIONAL SECURITY DIRECTIVE OF MAY 17, 1972

By virtue of the authority delegated to me as Secretary of the Treasury by Executive Order 11652, 37 FR 5209, and National Security Council Directive of May 17, 1972, 37 FR 10053 (hereinafter referred to as the Executive Order and Directive), it is hereby ordered as follows:

SECTION 1. *Compliance responsibility.* The Assistant Secretary for Administration is delegated the authority to insure effective compliance with the implementation of the Executive Order and Directive and the Treasury regulations published thereunder in Part 2 of Title 31 of the Code of Federal Regulations. The Assistant Secretary for Administration is specifically delegated the authority to assign personnel to assist the Archivist of the United States in the exercise of his responsibility to review systematically for declassification all Treasury Department material classified before June 1, 1972, and more than thirty years old, and to perform other functions specified in part II D of the Directive.

SEC. 2. *Authority to classify*—(a) *Top Secret.* The authority to classify information or material as Top Secret, Secret, or Confidential within the Department of the Treasury is hereby delegated to the Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, the Deputy Under Secretaries, the Assistant Secretaries, the Special Assistant to the Secretary (National Security), the Special Assistant to the Secretary (Public Affairs), and the Assistant to the Secretary for Legislative Affairs.

(b) *Secret.* The authority to classify information or material as Secret or Confidential within the Department of the Treasury is hereby delegated to the heads of bureaus.

(c) *Confidential.* Officials who possess Top Secret or Secret classification authority are hereby delegated the authority to designate in writing by title of position other officials who may exercise Confidential classification authority within the Department of the Treasury.

SEC. 3. *Authority to downgrade and declassify.* The authority to downgrade and declassify national security information or material within the Department of the Treasury shall be exercised by the following officials:

(a) The official authorizing the original classification, a successor in that capacity, or a supervisory official of either.

(b) An official specifically authorized in writing by an official authorized to classify information or material as Top Secret or Secret.

SEC. 4. *Departmental Committee on National Security Information.* There is hereby established a Departmental Committee on National Security Information which shall be composed of the Assistant Secretary for Administration, as chairman, and the General Counsel and the Special Assistant to the Secretary (National Security), as members. The functions of the Departmental Committee shall include the following:

(a) Review of and action upon applications and appeals regarding request for declassification, as provided in the Treasury regulations, 31 CFR Part 2, implementing the Executive Order and Directive.

(b) Review, upon request, of all decisions denying Treasury information and material on the ground of exemption under 5 U.S.C. 552(b)(1) except decisions of the Secretary of the Treasury continuing the classification of material over thirty years old under Part III D of the Directive and the Treasury regulation thereunder, 31 CFR 2.40.

(c) Action upon complaints in the administration of the Executive Order and Directive and the Treasury regulations thereunder.

(d) Establish the policy of the Department with respect to the enforcement of the Executive Order and Directive and the Treasury regulations thereunder.

SEC. 5. *Data Index System.* The Assistant Secretary for Administration is delegated the authority to establish a Data Index System in accordance with Part VII of the Directive. The Office of Administrative Programs, Assistant Director (Physical Security), shall maintain the Departmental Data Index System control file for all national security information or material originally classified within the Department.

SEC. 6. *Training, orientation and inspection.* The Office of Administrative Programs, assistant Director (Physical Security), is hereby delegated, subject to the direction of the Assistant Secretary for Administration, the functions of establishing, coordinating and maintaining active training, orientation and inspection programs for employees concerned with classified information or material to assure that the provisions of the Executive Order and Directive are effectively administered throughout the Department of the Treasury.

SEC. 7. *Supersession.* This Treasury Department Order supersedes Treasury Department Order No. 160, Revised, entitled "National Security Information," issued under Executive Order 11652, August 3, 1972 37 FR 20990.

Effective date: July 1, 1973.

Dated: July 9, 1973.

[SEAL] GEORGE P. SCHULTZ,
Secretary of the Treasury.

[FR Doc.73-14505 Filed 7-18-73;8:45 am]

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

OIL POLLUTION PREVENTION

Non-Transportation-Related Onshore and Offshore Facilities; Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 112]

OIL POLLUTION PREVENTION

Non-Transportation-Related Onshore and Offshore Facilities

Section 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 868, 33 U.S.C. 1321(j)(1)(C), hereinafter "the Act", authorizes the President to issue regulations establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges. With respect to discharges of oil, this authority is essentially a carry-over of the authority conferred upon the President by predecessor legislation, section 11(j)(1)(C) of the Federal Water Pollution Control Act Amendments of 1970 (Pub.L. 91-224). Pursuant to that section, authority to issue regulations with respect to discharges of oil from non-transportation-related onshore and offshore facilities was delegated to the Secretary of Interior (E.O. 11548, July 20, 1970, 35 FR 11677; 3 CFR 1966-1970 Comp.). That responsibility was transferred thereafter to the Administrator of the Environmental Protection Agency by Reorganization Plan No. 3 of 1970, 35 FR 15623. Delegations made pursuant to the prior law have been continued in full force and effect under section 311(j)(1)(C) of the Act by virtue of sec. 4(b) of the Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, 86 Stat. 897. It is anticipated that other regulations will be proposed with respect to discharges of hazardous substances in the near future.

In order to determine those procedures, methods, and equipment requirements appropriate for purposes of section 311(j)(1)(C), the laws, rules, and regulations of Federal, regional, State, and municipal water quality and health agencies were thoroughly reviewed and examined. In addition, careful review was made of rules of regulatory agencies in oil producing States and fire and insurance underwriter codes.

This regulatory review established that: (1) most State oil spill prevention and control laws and regulations are directed toward the protection of personnel and property from the consequences of oil discharges and that, (2) most of the State oil pollution control regulations for maintaining water quality emphasize detection, surveillance, and cleanup of spills once these have occurred. Seldom, however, do they specify detailed spill prevention measures for water pollution control purposes.

Accordingly, the proposed regulations emphasize measures which can be taken to prevent oil spills. It is apparent, however, that no single design or operational standard can be prescribed for all non-transportation-related onshore and offshore facilities, since the equipment and operational procedures appropriate for one facility may not be appropriate for another, depending on such factors as function, location and age of each facility. It also became apparent that new facilities could achieve a higher level of spill prevention than older facilities by the use of fail-safe design concepts and innovative spill prevention methods and procedures. It also became evident that older facilities could develop strong spill contingency plans and demonstrate commitments of manpower, oil containment and removal equipment and materials to compensate for their inherent weaknesses.

For these reasons, it was concluded that the best method to approach the policy goal enunciated by Congress in section 311(b)(1) of the Federal Water Pollution Control Act is to require that owners and operators of onshore and offshore non-transportation-related facilities develop and implement Spill Prevention Control and Countermeasure (SPCC) Plans, to prevent the discharge of oil into the navigable waters of the United States or adjoining shorelines. It was also concluded that owners or operators would not be required to develop an SPCC Plan if their facilities had not discharged, and because of their location, could not be reasonably expected to discharge, oil into the navigable waters of the United States. This approach places responsibility on the owner or operator of a non-transportation-related onshore or offshore facility which could reasonably be expected to discharge oil into U.S. navigable waters to identify effective methods, procedures and equipment requirements to prevent oil spills and to incorporate them in a plan which conforms to State regulations or to the minimum standard guidelines contained in this proposed regulation, whichever are more stringent, and to fully implement that plan.

The minimum standard guidelines set forth in § 112.7 include fundamental and professionally accepted engineering practices, methods and procedures which have shown a high degree of success in preventing spills when used by the oil industry. Some fundamental practices will be common to all facilities subject to this part. Some will have individual peculiarities such that all requirements will never be included in any one set of guidelines.

It is envisioned that more specific preventive measures and equipment specification requirements may be considered as research and development and technology confirm soundness of design and functional effectiveness in water pollution prevention and control. The mechanism for future regulation will depend in large measure on the success of the Spill Prevention Control and Countermeasure Plan concept.

Interested persons may submit, in triplicate, written data or arguments in regard to the proposed regulations to the Environmental Protection Agency, Water Program Operations, Division of Oil and Hazardous Materials, Washington, D.C. 20460. All relevant material received on or before September 4, 1973, will be considered. Comments received pursuant to this notice will be available for review by an interested person, during normal working hours, in Room 1115, Waterside Mall East Tower, 4th and M Streets, S.W., Washington, D.C.

Dated: July 13, 1973.

ROBERT W. FRI,
Acting Administrator.

A new Part 112 would be added to Subchapter D, Chapter I of Title 40, Code of Federal Regulations as follows:

PART 112—OIL POLLUTION PREVENTION

Sec.

112.1 General; applicability.
112.2 Definitions.
112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.
112.4 Amendment to Spill Prevention Control and Countermeasure Plan by Regional Administrator.
112.5 Amendments of Spill Prevention Control and Countermeasure Plans by owners or operators.
112.6 Civil penalties.
112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

APPENDIX—Memorandum of understanding between the Secretary of the Department of Transportation and the Administrator of the Environmental Protection Agency, Section II—Definitions.

AUTHORITY: Sections 311(j)(1)(C) and 311(j)(2) and 501(a) of the Federal Water Pollution Control Act (Sec. 2, Pub.L. 92-500, 86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.); sec. 4(b), Pub.L. 92-500 86 Stat. 897; 5 U.S.C. Reorg. Plan of 1970 No. 3 (1970), 35 FR 15623, 3 CFR 1966-1970 Comp.; E.O. 11548, 35 FR 11677, 3 CFR 1966-1970 Comp.

§ 112.1 General; applicability.

(a) This part establishes procedures, methods and requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines.

(b) Except as provided in paragraph (d) of this section, this part applies to owners or operators of non-transportation-related onshore and offshore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing and consuming oil and oil products.

(c) As provided in section 313 (86 Stat. 875) departments, agencies, and instrumentalities of the Federal government are subject to these regulations to the same extent as any person, except for the provisions of § 112.6.

(d) This part does not apply to:

(1) Equipment or operations of vessels or transportation-related onshore and offshore facilities which are subject to authority and control of the Department of Transportation.

(2) Facilities which have a total storage capacity of 1000 barrels or less of oil and such total storage capacity is buried underground.

(3) Facilities which have a total aboveground storage capacity of 500 U.S. gallons or less of motor fuels or heating oils.

(4) Non-transportation-related onshore and offshore facilities, which, due to their location, could not reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines.

(e) This part provides for the preparation and implementation of Spill Prevention Control and Countermeasure Plans prepared in accordance with § 112.7, designed to complement existing laws, regulations, rules, standards, policies and procedures pertaining to safety standards, fire prevention and pollution prevention rules, so as to form a comprehensive balanced Federal/State spill prevention program to minimize the potential for oil discharges. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State or local laws.

§ 112.2 Definitions.

For the purposes of this part:

(a) "Oil" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(b) "Barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(c) "Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping. For purposes of this part, the term "discharge" shall not include any discharge of oil which is authorized by a permit issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 et seq., 33 U.S.C. 1250 et seq.).

(d) "Onshore facility" means any facility of any kind located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

(e) "Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

(f) "Owner or operator" means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment.

(g) "Person" includes an individual, firm, corporation, association, and a partnership.

(h) "Regional Administrator", means the Regional Administrator of the Environmental Protection Agency, or his designee, in and for the Region in which the facility is located.

(i) "Transportation-related" and "non-transportation-related" as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24080.

(j) "Spill event" means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined at Part 110 of this chapter.

(k) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(l) "Navigable Waters" means the waters of the United States, including the territorial seas.

§ 112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

(a) Owners and operators of onshore and offshore facilities in operation on or before the effective date of this part that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in Part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan (hereinafter "SPCC Plan"), in accordance with § 112.7 within six months after the effective date of this part. Except as provided for in paragraph (e) of this section, any such SPCC Plan prepared under this paragraph (a) shall be fully implemented as soon as possible, but not later than one year after the effective date of this part.

(b) Owners and operators of onshore and offshore facilities that become operational after the effective date of this part, and that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare an SPCC Plan in accordance with § 112.7 within six months from the date such facility begins operations. Except as provided for in paragraph (e) of this section, any such SPCC Plan prepared under this paragraph (b) shall be fully implemented as soon as possible, but not later than one year later such facility begins operations.

(c) No SPCC Plan shall be effective to satisfy the requirements of this part unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. By means of this certification the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the SPCC Plan has been prepared in accordance with good engineering practices. Such certification shall in no way relieve the owner or operator of an onshore or offshore facility of his duty to prepare and fully implement such Plan in accordance with § 112.7, as required by paragraphs (a) and (b) of this section.

(d) Owners and operators of a facility for which an SPCC Plan is required pursuant to paragraphs (a) and (b) of this section shall maintain a complete copy of the Plan at such facility and shall make such Plan available to the Regional Administrator for on-site review during normal working hours.

(e) Extensions of time:

(1) The Regional Administrator may authorize an extension of time for the full implementation of an SPCC Plan for a period not to exceed one year beyond the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraphs (a) and (b) of this section where he finds that the owner or operator of a facility subject to paragraphs (a) or (b) of this section cannot fully comply with the requirements of this part as a result of either delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or their respective agents or employees.

(2) Any owner or operator seeking an extension of time pursuant to paragraph (e)(1) of this section may submit a letter of request to the Regional Administrator. Such letter shall include:

(i) A complete copy of the SPCC Plan;

(ii) A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;

(iii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay;

(iv) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment or other preventive measures.

In addition, such owner or operator, with the consent of the Regional Administrator, may present additional oral or written statements in support of his letter of request.

(3) The submission of a letter of request for extension of time pursuant to paragraph (e)(2) of this section shall in no way relieve the owner or operator from his obligation to comply with the requirements of § 112.3 (a) or (b). Where an extension of time is authorized by the Regional Administrator for particular equipment or other specific aspects of the SPCC Plan, such extension shall in no way affect the owner's or operator's obligation to comply with the requirements of § 112.3 (a) or (b) with respect to other equipment or other specific aspects of the SPCC Plan for which an extension of time has not been expressly authorized.

§ 112.4 Amendment of Spill Prevention Control and Countermeasure Plan by Regional Administrator.

(a) Notwithstanding compliance with § 112.3, whenever a facility subject to § 112.3 (a) or (b) has:

(1) Discharged more than 1000 U.S. gallons of oil into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, or

(2) Discharged oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines in two spill events, reportable under section 311(b)(5) of the FWPCA, occurring within any twelve month period, the owner or operator of such facility shall submit to the Regional Administrator, within 60 days from the time such facility becomes subject to this section, the following:

(i) Name of the facility;

(ii) Name(s) of the owner and operator of the facility;

(iii) Location of the facility;

(iv) Date and year of initial facility operation;

(v) Maximum storage or handling capacity of the facility and normal daily throughput;

(vi) Description of the facility, including maps, flow diagrams, and topographical maps;

(vii) A complete copy of the SPCC Plan with any amendments;

(viii) The cause(s) of such spill, including a failure analysis of system or subsystem in which the failure occurred;

(ix) The corrective actions and/or countermeasures taken, including an adequate description of equipment repairs and/or replacements;

(x) Additional preventive measures taken or contemplated to minimize the possibility of recurrence;

(xi) Such other information as the Regional Administrator may require.

(b) This subsection shall not apply until the expiration of the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraphs (a) or (b) of § 112.3.

(c) A complete copy of all information provided to the Regional Administrator pursuant to paragraph (a) of this section shall be sent at the same time to the State agency in charge of water pollution control activities in and for the State in which the facility is located. Upon receipt of such information such State agency may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment and other requirements for equipment necessary to prevent and to contain discharges of oil from such facility.

(d) After review of the SPCC Plan for a facility subject to paragraph (a) of this section, together with all other information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner and/or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment of the Plan is necessary to prevent and to contain discharges of oil from such facility.

(e) When the Regional Administrator proposes to require an amendment to the SPCC Plan, he shall notify the facility operator by certified mail addressed to, or by personal delivery to, the facility owner or operator, that he proposes to require an amendment to the Plan, and shall specify the terms of such amendment. If the facility owner or operator is a corporation, a copy of such notice shall also be mailed to the registered agent, if any, of such corporation in the State where such facility is located. Within 30 days from receipt of such notice, the facility owner or operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Regional Administrator shall notify the facility owner or operator of any amendment required or shall rescind the notice. The amendment required by the Regional Administrator shall become part of the Plan 30 days after such notice, unless the Regional Administrator, for good cause, shall specify an earlier effective date. The owner and operator of the facility shall implement the amendment of the Plan as soon as possible, but not later than six months after the amendment becomes part of the Plan, unless the Regional Administrator specifies another date.

§ 112.5 Amendments of Spill Prevention Control and Countermeasure Plans by owner or operator.

(a) Owners and operators of facilities subject to § 112.3(a) or (b) shall amend the SPCC Plan for such facility in accordance with § 112.7 whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.

(b) Notwithstanding compliance with paragraph (a) of this section, owners and operators of facilities subject to § 112.3(a) or (b) shall complete a review and evaluation of the SPCC Plan at least once every three years from the date such facility becomes subject to this part and, within six months from the date of such evaluation, shall amend the SPCC Plan for such facility to include more effective prevention and control technology which has been field proven as of the date of the completion of such review and evaluation.

(c) Whenever a facility becomes subject to § 112.4, the owner and operator of such facility shall immediately review and evaluate the SPCC Plan for such facility and shall amend such Plan and shall fully implement such amendments in accordance with § 112.4 so as to prevent the recurrence of such discharges of oil from such facility. Compliance with this paragraph (c) shall in no way relieve the owner or operator of such facility from his obligation to comply with § 112.4.

(d) No amendment to an SPCC Plan shall be effective to satisfy the requirements of this section unless it has been certified by a Professional Engineer in accordance with § 112.3(c).

§ 112.6 Civil penalties.

Owners or operators of facilities subject to § 112.3(a) or (b) who violate the requirements of this part by failing or refusing to comply with any of the provisions of § 112.3, § 112.4, or § 112.5 shall be liabile for a civil penalty of not more than $5,000 for each day that such violation continues. The Regional Administrator may assess and compromise such civil penalty. No penalty shall be assessed until the owner or operator shall have been given notice and an opportunity for hearing.

§ 112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

The SPCC Plan shall be a carefully thought out plan which is technically sound and has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately. The complete SPCC Plan shall follow the sequence outlined below, and include a discussion of the facility's compliance with the appropriate guidelines listed:

(a) A facility which has experienced one or more reportable oil spills within twelve months prior to the effective date of this part shall include a written description of each such spill, corrective action taken and plans for preventing recurrence.

(b) Where experience indicates a reasonable potential for equipment failure, a facility shall include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure.

(c) As a result of the prediction, appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course shall be provided. One of the following preventive systems or its equivalent should be used as a minimum:

(1) *Onshore facilities.* (i) Impervious dikes, berms or retaining walls,

(ii) Curbing,

(iii) Culverting, gutters or drains,

(iv) Weirs, booms or other barriers,

(v) Spill diversion ponds,

(vi) Retention ponds.

(2) *Offshore facilities.* (i) Floating booms or "fences" which can be deployed to keep oil from spreading.

(ii) Oil-water separation pumps (floating) with onboard or floating oil receiving vessels.

(d) When it is determined that the installation of structures or equipment listed in § 112.7(c) to prevent discharged oil from reaching the navigable waters

is not practicable from any onshore or offshore facility, the owner or operator shall clearly demonstrate such impracticability and provide the following:

(1) A strong oil spill contingency plan following the provision of Part 109 of this Chapter.

(2) A written commitment of manpower, equipment and materials required to expeditiously control and remove any harmful quantity of oil discharged.

(e) In addition to the minimal prevention standards listed under § 112.7(c), sections of the Plan shall include a complete discussion of compliance with the following applicable guidelines (or, if more stringent, with State rules, regulations and guidelines):

(1) *Facility drainage (onshore); (Excluding production facilities).* (i) Drainage from diked storage areas should be valve-restrained to prevent a spill or other excessive leakage of oil into the drainage system or in-plant effluent treatment system, except where plant systems are designed to handle such leakage.

(ii) Flapper-type drain valves should not be used to drain diked areas. Valves used for the drainage of diked areas should, as far as practical, be of manual, open-and-closed design. The condition of the retained storm water should be determined before drainage, especially if such drainage of impounded waters goes into water courses and not into wastewater treating plants, as discussed in paragraph (e)(2)(iii)(B) of this section.

(iii) All plant drainage systems, if possible, should flow into ponds, lagoons, or catchment basins designed to retain oil, or return it to the facility.

(iv) If plant drainage is not engineered as above, the final discharge of all in-plant ditches should be equipped with a diversion system that could, in the event of an uncontrolled spill, return the oil to the plant.

(v) Where drainage waters are treated in more than one treatment unit, natural hydraulic flow should be used. If pump transfer is needed, two "lift" pumps should be provided, and at least one of the pumps should be permanently installed when such treatment is continuous.

(2) *Bulk storage tanks (onshore); (Excluding production facilities).* (i) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

(ii) All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Dikes, containment curbs, and pits are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in-plant catchment basin or holding pond.

(iii) Drainage of rainwater from the diked area into a storm drain or an effluent discharge that empties into an open water course, lake, or pond, and by-passing the in-plant treatment system may be acceptable if:

(A) The by-pass valve is normally sealed closed.

(B) Inspection of the run-off rain water ensures compliance with applicable water quality standards and will not cause a harmful discharge as defined in Part 110 of this chapter.

(C) The by-pass valve is opened, and resealed following drainage under the responsible supervision.

(D) Adequate records are kept of such events.

(iv) Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be wrapped and coated to retard corrosive action. In addition, the earth should be subjected to electrolytic testing to determine if the tank should be further shielded by a cathodic protection system. Such buried tanks should at least be subjected to regular pressure testing.

(v) Partially buried metallic tanks for the storage of oil should be avoided, unless the buried section of the shell is adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface.

(vi) Aboveground tanks, depending on design (floating roof, etc.), should be subjected to integrity testing, either by hydrostatic testing, visual inspection or by a system of non-destructive shell thickness testing. When the latter system of integrity testing is used, comparison records of shell thickness reduction should be maintained.

(vii) To control leakage through defective internal heating coils, the following factors should be considered and applied, as appropriate.

(A) The steam return or exhaust lines from internal heating coils which discharge into an open water course should be monitored for contamination, or passed through a settling tank, skimmer, or other separation or retention system.

(B) The feasibility of installing an external heating system should also be considered.

(viii) Each bulk storage tank should be externally examined at least once a month. Each inspection should include an examination of seams, rivets, bolts, gaskets, nozzle connections, valves, and pipelines directly connected to the tank, and condition of the foundation and/or supports.

(ix) New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing the following devices:

(A) High liquid level bell or horn alarms with an audible signal at a constantly manned operating or listening station; in smaller plants an audible air vent may suffice.

(B) Considering size and complexity of the facility, high liquid level pump cutoff devices set to stop flow at a predetermined tank content level.

(C) Direct audible or code signal communication between the tank gauger and the pumping station.

(D) At least one fast response system for determining the liquid level of each bulk storage tank such as digital computers, telepulse, or direct vision gauges.

(E) Liquid level sensing devices should be subjected to regularly scheduled inspection and test to verify proper operation.

(x) Plant effluents which are discharged into navigable waters should have disposal facilities inspected frequently enough to detect possible system upsets that could cause an oil discharge.

(xi) Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts should be promptly corrected.

(3) *Intra-facility transfer operations, pumping, and inplant process (onshore); (excluding production facilities).* (i) Buried piping installations should have a protective wrapping and coating and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be inspected for condition. If corrosion damage is found, additional inspection and corrective action should be taken as indicated by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridors or galleries.

(ii) When a pipeline is not in service, or in standby service for an extended time the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.

(iii) Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

(iv) All aboveground valves and pipelines should be subjected to a regularly scheduled inspection at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed.

(v) Vehicular traffic granted entry into the facility should be inspected or warned to be sure that the vehicle, because of its size, will not endanger above ground piping.

(4) *Intra-facility tank car and tank truck loading/unloading (onshore).* (i) Tank car and tank truck loading/unloading procedures shall meet the minimum requirements and regulation established by the Department of Transportation.

(ii) A quick drainage system should be used for tank truck unloading areas. The containment system should be designed to hold at least maximum capacity of any single tank truck loaded or unloaded in the plant.

(iii) An interlocked warning light or physical barrier system, or warning signs, should be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.

(iv) Prior to filling and departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles should be closely examined for leakage, and if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit.

(5) *Oil production facilities* (onshore). (i) *Definition.* An onshore production facility includes all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary nontransportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) *Oil production facility (onshore) drainage.* (A) At tank batteries and central treating stations where an accidental discharge of oil would have a reasonable possibility of reaching navigable waters, the dikes or equivalent required under paragraph (c)(1) of this section should have drains closed and sealed at all times except when rainwater is being drained under surveillance of an authorized person. Accumulated oil on the rainwater will be picked up and returned to storage or disposed of in accordance with approved methods.

(B) Field drainage ditches, road ditches, and oil traps or skimmers, if such exist, should be inspected at regularly scheduled intervals for accumulation of oil that may have escaped from small leaks. Any such accumulations should be removed.

(iii) *Oil production facility (onshore) bulk storage tanks.* (A) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(B) All tank battery and central treating plant installations should be provided with a secondary means of containment for the entire contents of the largest single tank if feasible, or alternate systems such as in paragraph (c)(1) of this section. Drainage from undiked areas will be safely confined in a catchment basin or holding pond.

(C) All tanks containing oil should be visually inspected by a competent person for condition and need for maintenance on a scheduled periodic basis. Such inspection should include the foundation and supports of tanks that are above the surface of the ground.

(D) New and old tank battery installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to prevent spills. Consideration should be given to the following:

(*1*) Adequate tank capacity to assure that a tank will not overfill should a pumper/gager be delayed in making his regular rounds.

(2) Overflow equalizing lines between tanks so that a full tank can overflow to to adjacent tank.

(3) Adequate vacuum protection to prevent tank collapse during a pipeline run.

(4) High level sensors to generate and transmit an alarm signal to the computer where facilities are a part of a computer production control system.

(iv) *Intra-facility transfer operations, oil production facility (onshore).* (A) All above ground valves and pipelines should be inspected periodically on a scheduled basis for general condition of items such as flange joints, valve glands and bodies, drip pans, pipeline supports, pumping well polish rod stuffing boxes, bleeder and gauge valves.

(B) Salt water (oil field brine) disposal facilities should be inspected often, particularly following a sudden change in atmospheric temperature to detect possible system upsets that could cause an oil discharge.

(C) Records should be kept of flowline repairs and used by the operator as a basis for a maintenance and replacement program designed to eliminate or minimize oil discharges from flowline leaks.

(6) *Oil drilling and production facilities (offshore).* (i) Definition. An oil drilling and production facility (offshore) includes all drilling equipment, wells, flowlines, gathering lines, platforms, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) Oil drainage collection equipment shall be used to prevent and control small oil spillage around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and allied equipment. Drains on the facility shall be controlled and directed toward a central collection sump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and sumps are not practicable oil contained in collection equipment will be removed as often as necessary to prevent overflow.

(iii) For facilities employing a sump system, sump and drains should be adequately sized and a spare pump or equivalent method should be available to remove liquid from the sump and assure that oil does not escape. A regular scheduled preventive maintenance inspection and testing program should be employed to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(iv) Separator and treater dump valves in areas where the predominant mode of dump valve failure is in the closed position and pollution risk is high, should be specially equipped to prevent the escape of oil. This could be accomplished extending the flare line to a diked area if the separator is near shore, equipping it with a high liquid level sensor that will automatically shut-in wells producing to the separator, parallel redundant dump valves, or other feasible alternatives.

(v) Atmospheric storage or surge tanks shall be equipped with high liquid level sensing devices or other acceptable alternatives to prevent oil discharges.

(vi) Pressure tanks shall be equipped with high and low pressure sensing devices to sound an alarm and control the flow or other acceptable alternatives to prevent oil discharges.

(vii) Tanks shall be equipped with suitable corrosion protection.

(viii) A written procedure for inspecting and testing pollution prevention equipment and systems shall be prepared and maintained at the facility. Such procedures shall be included as part of the SPCC Plan.

(ix) Testing and inspection of the pollution prevention equipment and systems at the facility shall be conducted by the owner or operator on a scheduled periodic basis commensurate with the complexity, conditions and circumstances of the facility or other appropriate regulations.

(x) Surface and subsurface well shut-in valves and devices shall be sufficiently described to determine method of activation or control, e.g., pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(xi) Before drilling below any casing string, a blowout preventer (BOP) assembly and well control system shall be installed that is capable of controlling any wellhead pressure that is expected to be encountered while that BOP assembly is on the well. BOP installations shall be in accordance with State regulatory agency requirements.

(xii) Extraordinary well control measures shall be provided should emergency conditions, including fire, loss of control and other abnormal conditions, occur. The degree of control system redundancy should vary with hazard exposure and probable consequences of failure. It is recommended that surface shut-in systems have redundant or "fail close" valving. Subsurface safety valves may not be needed in producing wells that will not flow but should be installed as required by applicable State regulations.

(xiii) In order that there will be no misunderstanding of joint and separate duties and obligations to perform work in a safe and pollution free manner, written instructions should be prepared by the owner or operator for contractors and subcontractors to follow whenever contract activities include servicing a well or systems appurtenant to a well or pressure vessel. Such instructions and procedures shall be maintained at the offshore production facility. Under certain circumstances and conditions such contractor activities may require supervision by an authorized representative of the owner or operator of the facility.

(xiv) Flowlines from high pressure wells should be equipped with high pressure sensing devices at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold.

(xv) All headers shall be equipped with check valves on individual flowlines. The flowline and valves from each well located upstream of, and including, the header valves shall withstand the shut-in pressure of that well, unless provided with a pressure relief valve or control valve to protect the header.

(xvi) All pipelines appurtenant to the facility shall be protected from corrosion. Methods used, such as protective coatings or cathodic protection, should be discussed.

(xvii) Sub-marine pipelines appurtenant to the facility should be adequately protected against environmental stresses and other activities such as fishing operations.

(xviii) Sub-marine pipelines appurtenant to the facility shall be in good operating condition at all times and inspected on a scheduled periodic basis for failures. Such inspections shall be documented and maintained at the facility.

(7) *Inspections and records.* Inspections required by this part shall be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, shall be made part of the SPCC Plan.

(8) *Security (excluding oil production facilities).* (i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tank's content should be securely locked in the closed position when in non-operating or non-standby status.

(iii) The starter control on all oil pumps should be secured or electrically isolated in the "off" position when the pumps are in a non-operating or non-standby status.

(iv) The loading/unloading connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an extended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.

(v) The SPCC Plan should include a discussion of lighting that exists around the facility.

(9) *Personnel, training and spill prevention procedures.* (i) Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.

(ii) Each applicable facility shall have a designated person who is accountable for oil spill prevention and who reports to line management.

(iii) Owners or operators shall schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

APPENDIX—MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF TRANSPORTATION AND THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term:

(1) "Non-transportation-related onshore and offshore facilities" means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility,

unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding in-line or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for offloading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) "transportation-related onshore and offshore facilities" means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a non-transporation related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

[FR Doc.73-14790 Filed 7-18-73;8:45 am]

federal register

THURSDAY, JULY 19, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 138

PART IV

THE PRESIDENT

■

COST OF LIVING COUNCIL

■

ECONOMIC STABILIZATION; PHASE IV

Stage A: Regulations for Food

Title 3—The President

PROCLAMATION 4230

Amending Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS the import restrictions proclaimed pursuant to said section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the Secretary of Agriculture has reported to me that he believes that additional quantities of dried milk provided for in item 950.02 of the Tariff Schedules of the United States (hereinafter referred to as "nonfat dry milk") may be entered for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk or reducing substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture has determined and reported to me that a condition exists with respect to nonfat dry milk which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during the period ending August 31, 1973, without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that the entry during the period ending August 31, 1973, of an additional quantity of 80,000,000 pounds of nonfat dry milk will not render or tend to render ineffective, or materially interfere with, the price support program which is being undertaken by the Department of Agriculture for milk and will not reduce substantially

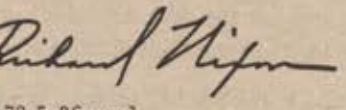
the amount of products processed in the United States from domestic milk; and that a condition exists which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during such period without awaiting the recommendations of the United States Tariff Commission with respect to such action;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that subdivision (vi) of headnote 3(a) of part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

(vi) Notwithstanding any other provision of this part, 25,000,000 pounds of dried milk described in item 115.50 may be entered during the period beginning December 30, 1972, and ending February 15, 1973, 60,000,000 pounds of such milk may be entered during the period beginning May 11, 1973, and ending June 30, 1973, and 80,000,000 pounds of such milk may be entered during the period beginning July 19, 1973, and ending August 31, 1973, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantities. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during each such period enter pursuant to this provision quantities of such additional dried milk totaling in excess of 2,500,000 pounds.

The 80,000,000 pound additional quota quantity provided for herein shall continue in effect pending Presidential action upon receipt of the report and recommendations of the Tariff Commission with respect thereto.

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



[FR Doc.73-15056 Filed 7-18-73;5:36 p.m.]

EXECUTIVE ORDER 11730

Further Providing for the Stabilization of the Economy

On June 13, 1973, I ordered a freeze for a maximum period of 60 days on the prices of all commodities and services offered for sale except the prices charged for raw agricultural products. At that time, I stated that the freeze period would be used to develop a new and more effective system of controls to follow the freeze. Planning for the Phase IV program has proceeded rapidly and I have, therefore, decided that the freeze on food, except for beef, should be removed and more flexible controls substituted in a two-stage process in the food industry. The first stage will be effective at 4:00 p.m., e.s.t., July 18, 1973. The freeze in other sectors of the economy will continue through August 12, 1973. I am also directing the Cost of Living Council to publish for comment now, proposed plans for Phase IV controls in other sectors of the economy. I have determined that this action is necessary to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade and protect the purchasing power of the dollar, all in the context of sound fiscal management and effective monetary policies.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. Executive Order 11723 establishing a freeze on prices effective 9:00 p.m. e.s.t., June 13, 1973, for a maximum period of 60 days is hereby superseded except as hereinafter provided. Under the provisions of Executive Order 11695, the freeze regulations issued by the Cost of Living Council, pursuant to the authority of Executive Order 11723 remain in effect except as the Chairman of the Cost of Living Council may modify them. The price freeze established by Executive Order 11723 remains in effect until 11:59 p.m., e.s.t., August 12, 1973, except to the extent the Chairman of the Cost of Living Council may modify it.

SEC. 2. All orders, regulations, circulars, rulings, notices or other directives issued and all other actions taken by any agency pursuant to Executive Order 11723, and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect unless or until altered, amended, or revoked by the Chairman of the Cost of Living Council.

SEC. 3. This order shall not operate to defeat any suit, action, prosecution, or administrative proceeding, whether heretofore or hereafter commenced, with respect to any right possessed, liability incurred, or offense committed prior to this date.

SEC. 4. Executive Order 11695 continues to remain in full force and effect.

Richard Nixon

THE WHITE HOUSE,
July 18, 1973.

[FR Doc.73-15057 Filed 7-18-73;5:36 p.m.]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Stage A for Food

The purpose of these amendments to the Cost of Living Council's regulations is to implement Executive Order 11730 by modifying the Freeze regulations to remove the ceilings on prices for food other than meat and by amending the Phase III regulations to remove its ceilings on prices for pork and lamb. These changes comprise Stage A of Phase IV for the food industry and will last until 11:59 p.m., e.s.t., September 11, 1973. During this same time, the ceiling prices on beef are continued and Parts 130 and 140 of this chapter remain in effect for food except as herein modified. Effective September 12, 1973, all food will fully enter Phase IV and be subject to regulations similar to the controls for the industrial, wholesale and retail sectors.

Food

During Stage A, the food industry for sales other than meat, will be governed by a new Subpart I to the Freeze Regulations set out in Part 140. Subpart I establishes special price rules for sales of food which allow a dollar-for-dollar pass-through of increases in the costs of raw agricultural products, and require a dollar-for-dollar pass-through of decreases in these costs.

The amount by which a price can be increased under Subpart I due to an increase in the cost of a raw agricultural product is determined by comparing costs during the freeze cost period to current costs. The excess of current costs over freeze costs, due to raw agricultural product price increases, is an "allowable cost increase" which sellers can charge above their freeze prices. Section 140.92 defines "freeze cost" for most purposes as the average cost of a raw agricultural product received during the freeze cost period, calculated by dividing the total cost of that product by the total quantity of that product. Slightly differing rules apply to processed food items.

The "freeze cost period" is the same for a buyer as the "freeze base period" is for a seller: The period June 1 through June 8, 1973, or if the buyer received no deliveries then, the nearest preceding seven-day period in which he received a delivery. "Cost" is defined to include transportation charges calculated at the rates that were charged during the freeze cost period, but does not include service charges such as brokerage fees.

"Current cost", to which the "freeze cost" is to be compared to ascertain an "allowable cost increase", is determined in the same way as "freeze cost", except that the time period to which one looks is different. "Current cost" looks to the purchaser's most recently completed "repricing period", which is the time period at whose end a firm would normally reprice a food item.

"Raw agricultural products", whose increased cost can be passed on, is defined to mean communities of the type exempted in § 140.31 of the Freeze Regulations.

"Food" is defined to mean an item primarily produced for human or animal ingestion, except for alcohol, tobacco, drugs, and meat subject to Subpart M of Part 130. This definition differs in two ways from that formerly employed in that it includes both animal feeds, and items with both food and non-food end uses, such as soybean oil, so long as their primary use is as food. An item is not treated as food under this definition until it has been processed or, if it is the sort that is sold in its original physical form for ultimate human consumption (not, as above, for human or animal consumption), until after its first sale.

General pricing rules. Section 140.93 sets out the methods for applying allowable cost increases in three basic situations. The first is where a raw agricultural product is sold for consumption in its original physical form. A wholesaler or retailer who buys this good directly from a producer may charge a price above the freeze price to reflect, on a dollar-for-dollar basis, any allowable cost increase for that good. Similarly, when costs go down he must lower his prices to reflect, on a dollar-for-dollar basis, this decrease.

The second situation is where raw agricultural products are purchased by a food manufacturer or processor for processing. The purchaser may effect a dollar-for-dollar pass through of an allowable cost increase by raising the price he charges for the processed food item he prepares from these raw agricultural products and must likewise lower his prices when these costs go down.

The final situation occurs when a seller purchases a food item, whether processed or not, for resale. This seller may pass through, on a dollar-for-dollar basis, any increases in allowable costs which have been passed on to him, and must also reflect any decreases in the cost of raw agricultural products which have been passed on to him.

Certification. Section 140.93 provides that changes in the cost of raw agricultural products are passed up the distribution chain by means of a certification on the invoice. The person in the distribution chain who first experiences a change in his costs stemming from a change in the prices for raw agricultural products, must state on each invoice to his customer the amount of the price charged that is due to an allowable cost increase being passed through under this Subpart, and the amount due to a required cost decrease. He also certifies on the invoice, in the form set out in § 140.-97, that any increase has been passed through only on a dollar-for-dollar basis, and that all required decreases have been passed through on a dollar-for-dollar basis.

A person who buys from him may in turn pass any increase on (and must pass any decrease on) by making the proper certification on the invoices that he gives his customers. At the end of the distribution chain, the retailer is not required to supply any certification to his customers. While a food firm may take an allowable cost increase at any time after it is incurred, it must make a required cost decrease upon the expiration of the repricing period during which the cost decrease occurs.

All decreases must be passed through, but they may be balanced by any allowable cost increases which have not been taken. Once the current cost goes below the freeze cost, however, a seller must decrease the price he charges even if he did not take advantage of any allowable cost increases, because when freeze cost and current cost are the same, by definition any earlier allowable cost increases will have been matched by required cost decreases.

Other rules. Section 140.93(d) sets out a fourth situation in which increases may be passed on as allowable cost increases. A firm whose costs for a food item during the freeze cost period exceeded its freeze price (and which was therefore stuck in a loss position), may under this paragraph reach back to January 10, 1973 to find increases in raw agricultural product costs. To the extent these increases are not already reflected in the freeze price, they may be used to justify price adjustments in the same manner as allowable cost increases and, when properly certified, passed up the distribution chain. They may not, however, be used as justification for charging a price above the freeze cost. Any price above freeze cost must be justified as an allowable cost under paragraph (a), (b), or (c) of § 140.93.

Inventory may also be repriced if the average cost of a food item in inventory exceeds the freeze price. However, a price charged for repriced inventory may not exceed the average cost of the food item during its cost base period and may not reflect allowable cost increases. Like other price adjustments, these may be passed on to purchasers when certified on an invoice.

Food service organizations which sell meat are subject to the freeze rather than meat ceiling prices. Section 140.93 (f) allows these organizations to also pass through increased costs for pork and lamb in the same manner provided in the new § 130.128 for other sellers of meat derived from swine and sheep.

Finally, a price change made under Subpart I does not, according to § 140.98, trigger the prenotification provisions of Subpart F of Part 130, relating to food firms, but it does create a requirement under § 140.99 that firms with annual sales or revenues over $50 million keep records justifying the price change.

Freeze price information and commodity futures.

Because food prices will now fluctuate, § 140.20(c) is amended to exempt sellers of food from the freeze price information requirements. However, sellers must still maintain complete records on freeze prices and make them available on request to representatives of the Economic Stabilization Program. Due to the release of food prices from the freeze, the commodity futures exemption has also

been broadened to exempt commodities subject to the provisions of Subpart I.

PORK AND LAMB

The other major change for food is the removal of the ceiling on prices for pork and lamb. These meat items are treated in a similar manner to food under Subpart I. Prices may now be charged in excess of ceiling prices to reflect increase raw material costs on a dollar-for-dollar basis in accordance with special rules set forth in Subpart M to Part 130.

The special rules for pork and lamb are structured around a change in the gross margin rule in § 130.57d. This rule limits the pass-through of the cost of meat raw materials to a dollar-for-dollar basis for firms engaged in slaughtering and processing of livestock or the manufacturing of meat products. The amendment to the gross margin rule in § 130.57d(e) establishes a special pricing rule for firms slaughtering or processing swine and sheep by which these firms will calculate permissible total sales revenues for the period July 18 to September 12, 1973.

Subpart M of Part 130 is then amended to permit meat firms slaughtering or processing meat items derived from swine and sheep to charge a price in excess of a ceiling price to the extent necessary to permit the total sales revenues for the period July 18, 1973 to September 12, 1973 to equal the permissible total sales revenues for the period July 18–September 12, 1973 as calculated in § 130.57d(e). Meat prices must also be decreased to the extent necessary to maintain the firm's total sales revenues for July 18–September 12 within its permissible total sales revenues for that period.

Like the rules in Subpart I, whenever a firm adjusts a price in accordance with the rules in § 130.127, it must certify the adjustment on an invoice to its customers. These wholesalers and retailers may then in turn under § 130.128 charge a price in excess of their ceiling price to reflect, on a dollar-for-dollar basis, the price increase certified on the invoice. Wholesalers and retailers must also decrease prices on a dollar-for-dollar basis to reflect price decreases certified on invoices.

Any price adjustments made pursuant to these special rules for sales of pork and lamb are exempt from the prenotification requirements of Subpart F. Each firm with annual sales or revenues, in excess of $50 million derived from sales of food must, however, maintain comprehensive records on all price adjustments made pursuant to § 130.127 and §130.128.

Because prices for pork and lamb will now fluctuate like food prices, sellers of meat derived from swine and sheep are exempt from the ceiling price information requirements of § 130.124. The ceiling on prices for meat futures is also removed with respect to meat items derived from swine and sheep which are subject to § 130.127.

Because the purpose of these regulations is to provide immediate guidance as to Executive Order 11730 and to Cost of Living Council decisions, I find that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit communications regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Special Freeze Group, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, Cost of Living Council Order No. 14, 38 FR 1489; E.O. 11730, 38 FR 19345)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective 4:00 p.m., e.s.t., July 18, 1973.

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

JAMES W. MCLANE,
Deputy Director, Cost of Living Council, and Director, Special Freeze Group.

§ 130.57d [Amended]

1. § 130.57d(c)(1) is amended to read:

"Livestock" means—

(i) For the purpose of calculating the pricing rule in paragraph (d), cattle.

(ii) For the purpose of calculating the special pricing rule in paragraph (e), swine and sheep.

2. § 130.57d(c)(2) is amended to read:

"Meat products" means—

(i) For the purpose of calculating the pricing rule in paragraph (d), "meat" as defined in § 130.123 derived from cattle and any "meat food product" as defined in 9 CFR 301.2(vv) which is meat under the definition in § 130.123 and which contains over 40 percent of "meat", as defined in 9 CFR 301.2(tt), and "meat by product", as defined in 9 CFR 301.2(uu), derived from cattle.

(ii) For the purpose of calculating the pricing rule in paragraph (e), "meat" as defined in § 130.123 derived from swine and sheep and any "meat food product" as defined in 9 CFR 301.2(vv) which is meat under the definition in § 130.123 and which contains over 40 percent of "meat", as defined in 9 CFR 301.2(tt), and "meat by product", as defined in 9 CFR 301.2(uu), derived from swine and sheep.

3. § 130.57d(e) and § 130.57d(f) are renumbered § 130.57d(f) and § 130.57d(g) respectively.

4. § 130.57d(e) is added to read as follows:

(e) *Special pricing rule for swine and sheep.* (1) Effective 4:00 p.m., e.s.t., July 18, 1973 until 11:59 p.m., e.s.t., September 11, 1973, except as provided in paragraph (d)(3) of this section, permissible total sales revenues for the period July 18–September 12, 1973 may not exceed an amount derived from the following computation: the base period gross margin multiplied by the meat raw material during the period July 18–September 12, 1973 plus meat raw material cost during the period July 18–September 12, 1973. This computation is illustrated by use of the following equation:

[Base period gross margin per hundredweight	×	Meat raw material for the period July 18–Sept. 12, 1973 measured by hundredweight]	+	Meat raw material costs for the period July 18–Sept. 12, 1973.	=	Permissible total sales revenues for the period July 18–Sept. 12, 1973.

(2) In computing meat raw material and meat raw material costs for the period July 18–September 12, 1973 for the purpose of determining permissible total sales revenues for the period July 18–September 12, 1973, a firm must exclude all livestock, semi-processed livestock, and meat products purchased and resold without change in form.

(3) Sales revenues in the period July 18–September 12, 1973 may exceed the permissible total sales revenue calculated by application of the formula provided in paragraph (d)(1) of this section if the excess results from: (i) Allowable cost increases other than meat raw material costs, or (ii) seasonal patterns or a change in product mix. Any justification based upon seasonal patterns or a change in product mix shall be reported or retained in the records, as appropriate, and be subject to review by the Council.

§ 130.121 [Amended]

5. § 130.121(a) is amended as follows:

(a) *Ceiling prices.* Effective 9:00 e.s.t., March 29, 1973, no seller of meat subject to this subpart may charge to any class of purchaser, and no purchaser of meat subject to this subpart may pay, a price for any meat item which exceeds the ceiling price charged for that item in transactions with the same class of purchaser during the meat ceiling base period except pursuant to the special rule in § 130.127. Any decrease in quantity or quality of a meat item without a commensurate reduction in the price of that item constitutes a price increase for that item.

§ 130.122 [Amended]

6. § 130.122 is amended to read as follows:

This subpart shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973.

§ 130.124 [Amended]

7. § 130.124 is amended to add a paragraph (f) which reads as follows:

(f) Sellers of meat derived from swine and sheep are exempt from the requirements of this section with respect to meat items derived from swine and sheep offered for sale. Each seller of meat items derived from swine and sheep shall, how-

ever, maintain records containing calculations and supporting data upon which ceiling prices for this meat item are based at the location where pricing decisions with respect to these meat items are ordinarily made. This information should be made available on request to representatives of the Economic Stabilization Program.

§ 130.126 [Amended]

8. § 130.126(a) is amended to read as follows:

(a) *Applicability.* This section applies to any futures contract on an organized commodities exchange in which the subject of that contract is a meat item the sales of which are subject to this subpart other than a meat item subject to § 130.127 (further referred to in this section as a meat future or a meat futures contract). It applies only with respect to meat futures which calls for delivery during the months of July and August, 1973.

9. § 130.127 is added to read as follows:

§ 130.127 Special price rules for firms engaged in slaughtering and processing swine and sheep.

(a) Notwithstanding the price rule in § 130.121, effective 4:00 p.m., e.s.t., July 18, 1973, a firm subject to § 130.57d which sells meat derived from swine and sheep may charge to any class of purchaser, and a purchaser of meat subject to this subpart which is derived from swine and sheep may pay, a price for any meat item derived from swine and sheep which exceeds the ceiling price charged for that item in transactions with the same class of purchaser during the meat ceiling base period to the extent necessary to permit the total sales revenue for the period July 18, 1973 to September 12, 1973 to equal the permissible total sales revenues for the period July 18—September 12, 1973 as calculated in § 130.57d(e).

(b) A firm subject to § 130.57d which sells meat derived from swine and sheep must decrease a price for a meat item derived from swine and sheep below ceiling price to the extent necessary to maintain the firm's total sales revenues for the period July 18, 1973 to September 12, 1973 within the permissible total sales revenues for the period July 18—September 12, 1973 as calculated in § 130.57d(e).

(c) For purposes of these special rules, any "meat food product" as defined in 9 CFR 301.2(vv) which is meat under the definition in § 130.123 and which contains over 40% of "meat", as defined in 9 CFR 301.2(tt), and "meat by product", as defined in 9 CFR 301.2(uu), derived from swine and sheep shall be considered a meat item derived from swine and sheep.

(d) Whenever a firm subject to § 130.57d which sells meat derived from swine and sheep increases or decreases a price in accordance with the special rules in this section, it must—

(1) State on each invoice to its customers the part of the price charged for each meat item derived from swine and sheep that is due to a price increase allowable under the special rule in paragraph (a) and the decreases in the price charged in accordance with the special rule in paragraph (b) and

(2) Certify on each invoice to its customers that the part of the price charged for each meat item derived from swine and sheep which reflects a price increase allowable under the special rule in paragraph (a) is on a dollar-for-dollar basis only and that price decreases, if any, required by the special rule in paragraph (b) have been reflected on a dollar-for-dollar basis in the price charged.

10. § 130.128 is added to read as follows:

§ 130.128 Special price rules for wholesalers and retailers of swine and sheep.

(a) Sellers purchasing for resale meat items derived from swine and sheep may charge a price in excess of a ceiling price for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price increase allowable under the special rule in § 130.27(a) whenever a firm subject to § 130.57d or a wholesaler certifies to the seller on an invoice that the price of the meat item concerned has been increased in accordance with the special rule in § 130.127(a).

(b) Sellers purchasing for resale meat items derived from swine and sheep must decrease a price charged for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price decrease with respect to a meat item whenever a firm subject to § 130.57d or a wholesaler certifies on an invoice that the price of the meat item concerned has been decreased in accordance with the special rule in § 130.127(b).

(c) Whenever a wholesaler of meat items derived from swine and sheep increases or decreases a price in accordance with the rules in this section, it must:

(1) State on each invoice to its customers the part of the price charged for each meat item derived from swine and sheep that is due to a price increase allowable under the special rule in paragraph (a) of this section and the decreases in the price charged in accordance with the special rule in paragraph (b) of this section, and

(2) Certify on each invoice to its customers that the part of the price charged for each meat item derived from swine and sheep which reflects a price increase allowable under the special rule in paragraph (a) is on a dollar-for-dollar basis only and that price decreases, if any, required by the special rule in paragraph (b) have been reflected on a dollar-for-dollar basis in the price charged.

11. Section 130.129 is added to read as follows:

§ 130.129 Requirements for sellers of swine and sheep.

(a) *Invoice Certification.* A seller required by § 130.127 or § 130.128 to certify an invoice shall use the following form:

This is to certify that the price adjustments specified on this invoice reflect, on a dollar-for-dollar basis, only allowable adjustments to the prices of meat items derived from swine and sheep and that such price adjustments were properly calculated according to the applicable regulations of the Cost of Living Council.

COMPANY
(Signature)

By _____
Position

(b) *Prenotification requirements.* The prenotification requirements of Subpart F of Part 130 do not apply to price adjustments made pursuant to § 130.127 and § 130.128.

(c) *Recordkeeping requirements.* Each firm with annual sales or revenues in excess of $50 million derived from sales of food shall maintain comprehensive records on all price adjustments made pursuant to § 130.127 and § 130.128. The calculations and supporting data used to determine freeze costs and current costs and certified invoices used to justify price adjustments shall be maintained by the firm at each pricing center and shall be made available on request to representatives of the Economic Stabilization Program.

§ 140.1 [Amended]

12. § 140.1(a) is amended to read as follows:

(a) The purpose of this part is to implement the provisions of Executive Order 11730 which continues the freeze on prices for commodities and services imposed by Executive Order 11723. Except as provided in paragraph (b) of this Section, the provisions of this part are in addition to the provisions of Part 130 of this title with respect to prices charged or received for commodities and services beginning 9:00 p.m., e.s.t., June 13, 1973 and shall not operate to abrogate any requirements imposed under Part 130. This part shall remain in general effect until 11:59 p.m., e.s.t., Aug. 12, 1973, after which Phase IV shall commence except that the freeze on prices for food as modified by Subpart I shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973. To the extent that the provisions of this part are in conflict with the provisions of Part 130, the provisions of this part control, except that the provisions of this part shall not operate to permit prices higher than permitted under Part 130. The provisions of this part do not extend to—

(1) Wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695;

(2) Interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends; and

(3) Rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

§ 140.20 [Amended]

13. § 140.20(c) is amended to read as follows:

(C) Sellers of food as defined in § 140.92 are exempt from the requirements of paragraphs (a) and (b) of this section with respect to food offered for sale. Each seller of food shall, however, in addition to the requirements imposed by § 140.99 maintain records containing calculations

and supporting data upon which freeze prices for food are based at the location where pricing decisions with respect to food are ordinarily made. This information shall be made available on request to representatives of the Economic Stabilization Program.

14. § 140.34 is amended to read as follows:

§ 140.34 Commodity futures.

(a) The purchase or sale of a commodity future on an organized commodities exchange is exempt if the sale of the commodity itself is exempt or if the commodity is subject to the provisions of Subpart I of this Part.

(b) If the sale of the commodity itself is nonexempt and the commodity is not subject to the provisions of Subpart I of this Part, the following rules apply:

(1) Except as provided in paragraph (b)(2) of this section, the purchase or sale of a commodity future on an organized commodities exchange is exempt but delivery of the commodity pursuant to the futures contract may not be made at a price higher than the freeze price.

(2) The purchase or sale on an organized commodities exchange of a futures contract calling for delivery in July or August, 1973, is nonexempt and is subject to the requirements of § 140.15 of this part. Delivery pursuant to that futures contract is also subject to § 140.15 of this part unless delivery takes place prior to July 4, 1973. If delivery takes place under that contract prior to July 4, 1973, delivery may not be made at a price higher than the freeze price.

15. Subpart I is added to 6 CFR Part 140 which reads as follows:

Subpart I—Special Price Rules for Food

§ 140.91 Scope.

This Subpart modifies the general freeze price rule by establishing special price rules for sales of food. The freeze prices for food remain as defined in § 140.2. These special rules, however, now both allow a seller to charge a price in excess of a freeze price to pass through to a purchaser on a dollar-for-dollar basis increases in the costs of raw agricultural products and require a seller to decrease a price to pass on to a purchaser decreases in the costs of raw agricultural products. The special rule does not apply to sales of meat subject to Subpart M of Part 130 of this Chapter. Part 130 and Part 140 of this Chapter otherwise remain in effect except as modified herein.

§ 140.92 Definitions.

"Allowable cost increase" means any incremental difference between current cost and freeze cost resulting from increases in the average cost per item of raw agricultural products.

"Cost" means the total price paid by the purchaser including allocated transportation charges calculated at the rates in effect during the freeze cost period less brokerage fees or other service charges.

"Current cost" means—

(1) In the case of raw agricultural products sold for ultimate consumption in their original physical form which were purchased directly from a producer, the average cost of each raw agricultural product received during the repricing period. The average cost is determined by dividing the total cost of each product received during the most recently completed repricing period by the total quantity of each product received during that repricing period.

(2) In the case of processed food items, the average cost of the raw agricultural products received during the most recently completed repricing period for processing or manufacturing into the processed food item concerned. The average cost of the raw agricultural products is determined by adding on a weighted basis the average cost of each product. The average cost of each product is determined by dividing the total cost of each product received during the most recently completed repricing period by the total quantity of each product received during that repricing period.

"Food" means, for purposes of this Subpart, an item primarily produced or manufactured for human or animal ingestion except alcoholic beverages, tobacco products, drugs, and meat subject to Subpart M of Part 130 of this Chapter. An item is not food within the meaning of this definition until it loses its original physical form and is processed or, if it is of a type sold for ultimate human consumption in its original physical form, until after the first sale by the producer or grower.

"Food firm" means any manufacturer, service organization, wholesaler or retailer engaged in the sale of food.

"Freeze Cost" means—

(1) In the case of raw agricultural products sold for ultimate consumption in their original physical form which were purchased directly from a producer, the average cost of each raw agricultural product received during the freeze cost period. The average cost is determined by dividing the total cost of each product received during the freeze cost period by the total quantity of each product received during that period.

(2) In the case of processed food items, the average cost of the raw agricultural products received during the freeze cost period for processing or manufacturing into the processed food items concerned. The average cost of the raw agricultural products is determined by adding on a weighted basis the average cost of each product. The average cost of each product is determined by dividing the total cost of each product received during the freeze cost period by the total quantity of each product received during the freeze cost period.

(3) In the case of new processed food items which the firm had not previously produced, the food firm should use the weighted sum of the costs of the first shipments of each raw agricultural product purchased for processing or manufacturing into the processed food items concerned.

"Freeze cost period" means—

(1) The period June 1 through June 8, 1973; or

(2) In the case of a purchaser who received no deliveries during that period, the nearest preceding seven-day period in which he received a delivery.

"Raw agricultural products" means commodities of the type specifically exempted in § 140.31.

"Repricing period" means any time period at the close of which a food firm, in accordance with its customary pricing practices and at its lowest customary pricing level, would normally reprice a food item. If no deliveries of raw agricultural products were received during that period, repricing period means the nearest preceding seven-day period in which the food firm received a delivery.

§ 140.93 Special price rules.

Effective 4:00 p.m., e.s.t., July 18, 1973, food firms are subject to the following special price rules:

(a) *Raw agricultural products sold for consumption in original form.* (1) Wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form may charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, an allowable cost increase with respect to that food item.

(2) Wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form must decrease the price charged for a food item whenever current cost is less than freeze cost or less than the current cost for the most recent repricing period to reflect, on a dollar-for-dollar basis, the decrease in current costs with respect to that food item.

(3) Whenever a wholesaler of raw agricultural products sold for ultimate consumption in their original physical form increases or decreases a price in accordance with the rule in this paragraph, it must:

(i) State on each invoice to its customers the part of the price charged for each item that is due to allowable cost increases passed through pursuant to the rule of this paragraph and the decreases in the price charged passed through in accordance with the rule of this paragraph, and

(ii) Certify on each invoice to its customers that the part of the price charged for each item which reflects allowable cost increases passed through pursuant to this paragraph is on a dollar-for-dollar basis only and that price decreases, if any, required by this paragraph have been reflected on a dollar-for-dollar basis in the price charged.

(b) *Raw agricultural products purchased for processing.* (1) Food manufacturers and processors which purchase raw agricultural products for processing may charge a price in excess of the freeze price for a processed food item to reflect, on a dollar-for-dollar basis, an allowable cost increase with respect to that food item.

(2) Food manufacturers and processors which purchase raw agricultural products for processing must decrease the price charged for a processed food

item whenever current cost is less than freeze cost or less than the current cost for the most recently completed repricing period to reflect, on a dollar-for-dollar basis, the decrease in current costs with respect to that food item.

(3) Whenever a food manufacturer or processor increases or decreases a price in accordance with the rule in this paragraph, it must:

(i) State on each invoice to its customers the part of the price charged for each item that is due to allowable cost increases passed through pursuant to the rule of this paragraph and the decreases in the price charged passed through in accordance with the rule of this paragraph, and

(ii) Certify on each invoice to its customers that the part of the price charged for each item which reflects allowable cost increases passed through pursuant to this paragraph is on a dollar-for-dollar basis only and that price decreases, if any, required by this paragraph have been reflected on a dollar-for-dollar basis in the price charged.

(c) *Food items.* (1) Sellers purchasing for resale food items, whether processed, semi-processed or sold for consumption in their original physical form, may charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, an allowable cost increase with respect to that food item whenever a manufacturer, processor, or wholesaler certifies to the seller on an invoice that the price of the food item concerned has been increased in accordance with the rules in paragraphs (a)(1) or (b)(1) of this section.

(2) Sellers purchasing for resale food items, whether processed, semi-processed or sold for consumption in their original physical form, must decrease a price charged for a food item to reflect, on a dollar-for-dollar basis, a price decrease with respect to that food item whenever a manufacturer, processor or other wholesaler certifies on an invoice that the price of the food item concerned has been decreased in accordance with the rules in paragraphs (a)(2) or (b)(2) of this section.

(3) Whenever a manufacturer, processor or wholesaler of food items increases or decreases a price in accordance with the rule in this paragraph, it must:

(i) State on each invoice to its customers the part of the price charged for each item that is due to allowable cost increases passed through pursuant to the rule of this paragraph and the decreases in the price charged passed through in accordance with the rule of this paragraph, and

(ii) Certify on each invoice to its customers that the part of the price charged for each item which reflects allowable cost increases passed through pursuant to this paragraph is on a dollar-for-dollar basis only and that price decreases, if any, required by this paragraph have been reflected on a dollar-for-dollar basis in the price charged.

(d) *Adjustment for items sold at a loss.* Price adjustments for food items sold at a loss, other than food items or raw agricultural products in inventory or in a manufacturing process as of the effective date of the special rules in this Subpart, are permitted in the following circumstances:

(1) In the case of wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form and manufacturers and processors which purchase raw agricultural products for processing, if the freeze cost exceeds the freeze price of a food item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in raw agricultural product costs incurred between January 10, 1973 and the freeze cost period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the freeze cost of the food item concerned except to the extent that it reflects allowable cost increases.

(2) In the case of sellers purchasing for resale food items, whether processed, semi-processed or sold for ultimate consumption in their original physical form, if the average cost of a food item purchased during the freeze base period exceeds the freeze price for that item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs incurred between January 10, 1973 and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a a price charged pursuant to this subparagraph may not exceed the average cost of the food item during the freeze base period except to the extent that it reflects allowable cost increases.

(3) Any price adjustment made pursuant to this paragraph, when certified on an invoice in the form required by § 140.97, may be passed on to purchasers in the same manner as an allowable cost increase.

(e) *Inventory price adjustments.* (1) Except to the extent permitted in paragraph (e)(2) of this section, all food items or raw agricultural products in inventory or in a manufacturing process as of the effective date of the special rules in this Subpart shall neither be sold at prices higher than freeze prices nor be repriced under the special rules.

(2) If the average cost of a food item in inventory exceeds the freeze price, a seller may charge a price in excess of the freeze price for the food item in inventory to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs incurred between January 10, 1973 and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the average cost of the food item during the freeze base period and may not reflect allowable cost increases.

(3) Any price adjustment made pursuant to this paragraph, when certified on an invoice in the form required by § 140.97, may be passed on to purchasers in the same manner as an allowable cost increase.

(f) *Food service organizations.* (1) Food service organizations purchasing for resale meat items derived from swine and sheep may charge a price in excess of a freeze price for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price increase allowable under the special rule in § 130.27(a) of this chapter whenever a firm subject to § 130.57d(e) of this chapter or a wholesaler certifies to the seller on an invoice that the price of the meat item concerned has been increased in accordance with the special rule in § 130.127(a) of this chapter.

(2) Food service organizations purchasing for resale meat items derived from swine and sheep must decrease a price charged for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price decrease with respect to a meat item whenever a firm subject to § 130.57d(e) of this chapter or a wholesaler certifies on an invoice that the price of the meat item concerned has been decreased in accordance with the special rule in § 130.127(b) of this chapter.

This Subpart shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973.

§ 140.95 Calculation of per item price adjustment.

(a) *Raw agricultural products sold for consumption in original form.* The price increase or decrease per item of a food item offered for sale by wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form shall be determined by calculating the difference between the freeze cost per item and the current cost per item.

Example:

Freeze cost.....15 cents per item
Current cost.....13 cents per item
Price decrease to be passed through: 2 cents per item

(b) *Raw agricultural products purchased for processing.* The price increase or decrease per item of processed food items offered for sale by manufacturers and processors which purchase raw agricultural products for processing shall be determined by—

(1) Dividing the freeze cost by the yield during the freeze cost period and the current cost by the yield during the repricing period, and

(2) Calculating the difference between the two quotients.

Example:

Current costs $1.50 / Current yield 12 cans = 12½ cents per can
Freeze costs $1.20 / Base yield 10 cans = 12 cents per can
Price increase which may be passed through: ½ cent per can

(c) *Rounding.* Fractions of .5 cents or more derived from calulations pursuant to this section may be rounded up to the nearest penny and fractions less than .5 cents shall be rounded down to the nearest penny.

§ 140.96 Customary business practices.

Food firms must follow their customary business practices for cost allocation and repricing with respect to joint products, by-products, co-products, and waste products. In repricing, the total price increases taken on all processed food items derived from the raw agricultural products entered into processing may not exceed the total allowable cost increase.

§ 140.97 Invoice certification.

A food firm required by § 140.93 to certify an invoice shall use the following form:

This is to certify that the price adjustments specified on this invoice reflect, on a dollar-for-dollar basis, only adjustments in the cost of raw agricultural products and that such price adjustments were properly calculated according to the applicable regulations of the Cost of Living Council.

COMPANY

(Signature)

By ----------

Position

§ 140.98 Prenotification requirements.

The prenotification requirements of Subpart F of Part 130 of this Chapter, applicable to food firms subject to this Subpart, do not apply to price adjustments made pursuant to this Subpart.

§ 140.99 Recordkeeping requirements.

Each food firm with annual sales or revenues in excess of $50 million derived from sales of food shall maintain comprehensive records on all price adjustments made pursuant to this Subpart. The calculations and supporting data used to determine freeze costs and current costs and certified invoices used to justify price adjustments shall be maintained by the food firm at each pricing center and shall be made available on request to representatives of the Economic Stabilization Program. Records of manufacturers and processors must be sufficiently detailed with respect to cost allocation and repricing of joint products, by-products, co-products and waste products to permit subsequent verification.

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