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PART I

(Part II begins on page 19893)

HIGHLIGHTS OF THIS ISSUE

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

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July 24, 1973—Pages 19795–19896

REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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HIGHLIGHTS—Continued

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Correction

In FR Doc. 73-14469 appearing at page 18668 in the issue of Friday, July 13, 1973, delete the fifth line of § 51.3(b), and insert in lieu thereof the following: "ments of Subpart B, he may delay pay-".

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Office of Emergency Preparedness

Section 213.3326 is amended to reflect the following title change: from Director, Program Planning and Evaluation Office to Assistant Director, Government Preparedness Office.

Effective on July 24, 1973, § 213.3326 is revised by amending the headnote of paragraph (n) and adding (n)(2) as set out below.

§ 213.3326 Office of Emergency Preparedness.

* * * * *

(n) *Government Preparedness Office.*

* * *

(2) Assistant Director.

* * * * *

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

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

[FR Doc.73-15157 Filed 7-23-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Appendix C—Cost of Living Council Reporting Forms

The purpose of this amendment is to add Form S-52 (Revised July, 1973), "Income and Expense Analysis for Hospitals and Other Institutional Health Services Providers," and Schedule A (July, 97), "Report of Price Changes for Institutional Providers of Health Services," to Appendix C.

6 CFR 300.18 of the Economic Stabilization regulations requires that a Form S-52 be completed and sent to the local Internal Revenue Service when an institutional provider of health services charges a price in excess of the base price that would result in an increase in its aggregate annual revenues over its last fiscal year at an annualized rate of between 2.5 and 6 percent. In addition, an exception must be requested by using a Form S-52 if an institutional provider of health services desires to charge a price in excess of the base price that would result in an increase in its aggregate annual revenues over its last fiscal year at an annualized rate of over 6 percent. Even though blank Forms S-52 have been publicly available through the Internal Revenue Service, the Form has not until now been included in the list of Economic Stabilization Forms published as part of the Economic Stabilization Regulations (6 CFR). We are taking the occasion of issuing this revised edition of Form S-52 and the initial issuing of related Schedule A to incorporate both Forms in the regulations.

The instructions to Form S-52 (Revised July, 1973) and Schedule A (July, 1973) are self-explanatory. An institutional provider of health services with its budgeted fiscal year beginning on or after July 1, 1973, is required to use Form S-52 (Revised July, 1973) for reporting a price increase, for requesting an exception, or for determining whether a proposed price increase is permitted under the Economic Stabilization regulations. Where an institutional provider has a budgeted fiscal year that is completed before July 1, 1973, Form S-52 (Revised September, 1972) must continue to be used. If the budgeted fiscal year includes both June 30 and July 1, 1973, the institutional provider may, at its option, use either Form S-52 (Revised September, 1972) or the new Form S-52 (Revised July, 1973). If a provider uses Form S-52 (Revised September, 1972) there is now available at local Internal Revenue Service offices an Addendum to Form S-52 (Revised September, 1972) with the accompanying instructions that provides the method for computing allowable costs for price increase justification and the amounts subject to exception. The Addendum is not published here.

Schedule A (July, 1973) is to be used with Form S-52 (Revised July 1, 1973) to show the effective dates of price changes and their effect on revenues in a given fiscal year. This schedule represents the only approved method of computing the increase (annualized and realized) in revenues due to price increases for budgeted fiscal years reported on Form S-52 (Revised July, 1973). Schedule A is optional when Form S-52 (Revised September, 1972) is used.

In addition, the instructions to Form S-52 (Revised July, 1973) provide that an exception request for increases in aggregate annual revenues more than 6 percent over the aggregate annual revenues for its last fiscal year should be filed directly with the local District Director of Internal Revenue Service. The District Director will forward the request to the State Advisory Board (SAB). The SAB will have 30 days within which to make its recommendations with respect to the request. As stated in the Addendum to Form S-52 (Revised September, 1972) this administrative procedure is also applicable to institutional providers using Form S-52 (Revised September, 1972).

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

(Economic Stabilization Act of 1970, as amended, 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)

In consideration of the foregoing, Appendix C of Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective July 1, 1973.

Issued in Washington, D.C., July 18, 1973.

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

Appendix C of Part 130 of Title 6 of the Code of Federal Regulations is amended by adding Form S-52 (Revised July, 1973) and Schedule A (July, 1973) to read as follows:

Form **S-52**
(Rev. July 1973)

Economic Stabilization Program
Income and Expense Analysis for Hospitals and Other Institutional Health Services Providers

Official Use Only
Control Number

Part I. — Identifying Data (Please complete requested items and check applicable boxes below.)

1(a) Name of institution	2(a) Name of parent firm (if applicable)
Address (number and street)	Address (number and street)
City or town, State and ZIP code	City or town, State and ZIP code
(b) Institution is ☐ Profit ☐ Nonprofit (c) Institution is ☐ Acute hospital ☐ Other ►	(b) Parent firm is ☐ Profit ☐ Nonprofit

3(a) Is this a request for exception? ☐ Yes ☐ No
If "Yes," it is not necessary for you to complete Part VIII of this form; however, attach a Schedule A and Form S-16.
(b) Is this a report of a price increase? ☐ Yes ☐ No
If "Yes," attach Schedule A.
(c) Is this a required quarterly report? ☐ Yes ☐ No
If "Yes," what quarter does this report cover? ☐ First ☐ Second ☐ Third ☐ Fourth
When does your fiscal year end (month, day, and year)? ► _____ (Attach Schedule A)
(d) Have you previously filed a request for exception with the IRS, Price Commission, or Cost of Living Council? ☐ Yes ☐ No
If "Yes," attach a statement of details, and copies of all Decisions and Orders received.
(e) Have you previously filed a report with the IRS of a price increase that requires no exception? ☐ Yes ☐ No
If "Yes," attach a statement of details.
(f) What is the effective date of the proposed price increase (month, day, and year)? ► _____
If more than one, what are the dates of each? ►

Part II. — Aggregate Annual Revenues (See instructions)

	Actual LFY (a)	Budgeted FY at LFY prices plus new services (b)	Budgeted FY at proposed prices (include new services) (c)
4 Routine services	$	$	$
5 Ancillary services			
6 Professional fees			
7 Total patient service revenues (sum of items 4, 5, and 6)			
8 Allowances (all kinds, including contractual, courtesy, employee, charity, etc.) and bad debts			
9 Net patient service revenues (item 7 less item 8)			
10 Other operating revenues			
11 Revenues from taxes or appropriations (government institutions or hospital districts)			
12 Aggregate annual revenues (sum of items 9, 10, and 11)	$	$	$

(Note: Column (b) of item 12 represents the aggregate annual revenues you would realize in the budgeted fiscal year if you charged the same prices as in the last fiscal year.)

Part III. — Census Data (See instructions)

13 Census data	FY ending (mo., day, year) (a)	Inpatient admissions (b)	Inpatient costs (c)	Outpatient procedures (d)	Outpatient costs (e)	Patient days Available (f)	Patient days Actual (g)	Percent of occupancy (h)
A. Actual (last year)			$		$			
B. Projected (for price increase fiscal year)			$		$			

14 Check (a) or (b) below to show the method used to adjust cost increases to reflect volume changes.
(a) ☐ Actual budget data
(b) ☐ Volume index
(c) If you use the volume index, what is its computed value? ►

Department of the Treasury - Internal Revenue Service

Part IV. — Operating Costs (See instructions)

	Actual — last fiscal year (Volume index) (a)	Budgeted fiscal year (b)	Adjusted costs (last fiscal year costs at projected volume) (c)	Change due to cost (column (c) minus column (a)) (d)
15 (a) Low wage and pre-existing contract excesses (see instructions)		$		$
(b) Other wages/salaries	$	$		
16 Fringe benefits				
17 Total wage/salary expenses (item 15 plus item 16) (carry the amount shown in col. (c) to item 35)	$	$	$	$
18 (a) Pensions, group insurance, disability and health plans	$	$	$	$
(b) FICA and unemployment taxes				
19 Commissions and fees paid to hospital-based physicians				
20 Drugs				
21 Raw food (or dietary service)				
22 Utilities				
23 Special purpose (attach documentation)				
24 Other expenses (attach documentation)				
25 Depreciation				
26 Interest				
27 Insurance				
28 Total nonwage/salary expenses (sum of items 18 through 27)	$	$	$	$
29 Total wage/salary and nonwage/salary expenses (item 17 plus item 28)	$	$	$	$
30 Expenses projected for price increase year for new technology: (a) Salaries		$		
(b) Supplies and other				
(c) Depreciation				
(d) Total		$		
31 Charges to persons benefiting directly from such facilities or services		$		
32 Net new technology expenses (item 30 less item 31) (if negative, enter zero; also show this amount in item 43)				$
33 (a) Total projected expenses (item 29, col. (b) plus item 30(d)) (also show this amount in item 80)			$	
(b) Adjusted cost changes (sum of items 29, col. (d) and 32)				$

Note: Attach a description of the new technology.

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Part V. — Price Increases Subject to Exception (See instructions)

Wages and Salary Cost Increases	Limitation (a)	Actual (b)	Allowable (c)	Excess (d)
34 Limitation (item 17, col. (a) × 8.5%)	$			
35 Actual (from item 17, col. (b))		$		
36 Allowable (lesser of items 34 or 35; if negative, enter zero)			$	
37 Excess over allowable (item 35 less item 36)				$
Nonwage Cost Increases				
38 Limitation (item 28, col. (a) × 2.5%, except for FY beginning on or after 1/1/73 enter item 28, col. (a) × 2.75%)	$			
39 Actual (item 28, col. (d), except for FY beginning on or after 1/1/73 enter the sum of item 28, col. (d) and item 33)		$		
40 Allowable (lesser of items 38 or 39; if negative, enter zero)			$	
41 Excess over allowable (item 39 less item 40)				$
Net New Technology Cost Increases (only for FY beginning before 1/1/73)				
42 Limitation (item 29, col. (a) × 1.7%)	$			
43 Actual (from item 32)		$		
44 Allowable (lesser of items 42 or 43; if negative, enter zero)			$	
45 Excess over allowable (item 43 less item 44)				$
46 Totals	$	$	$	$

47 Enter the lesser of col. (b) or col. (c) of item 46 — $

Spillover and Pass-Throughs:

Low Wage and Pre-Existing Contract Pass-Throughs

48 Enter the lesser of item 15(a), col. (d) or item 37 (but not less than zero) — $

Pensions and Group Insurance Spillover

49 Enter the lesser of item 41 or the excess of item 18(a), col. (d) over item 38 (but not less than zero) — $

FICA Pass-Through

50 Subtract item 49 from item 41 and enter results (if negative, enter zero) ► $

51 Enter the lesser of item 50 or item 18(b), col. (d) (but not less than zero) — $

52 Total (sum of items 47, 48, 49 and 51) — $

53 Maximum allowable cost increases (item 12, col. (a) × 6%) — $

54 Justified allowable cost increases (least of items 46, col. (b); 52 or 53; if negative, enter zero) (carry the amount shown to item 72) — $

55 Express item 54 as a percentage of AAR in last FY (item 54 ÷ item 12, col. (a)) ► %

56 Cost increases in excess of allowable (item 46, col. (b) less item 54) — $

57 Annualized increase in AAR resulting from price increases implemented to date in budgeted FY (see instructions) ► % or $

58 Annualized amount of additional AAR proposed as a result of price increases in the budgeted FY (see instructions) ► % or $

59 Total increase in AAR due to price (sum of items 57 and 58) ► % or $

60 (a) Amount of price increase subject to exception (see instructions) — $

(b) Express item 60(a) as a percentage of AAR in last FY (item 60(a) ÷ item 12, col. (a)) ► %

Part VI. — Base Period Margin Limitation (See instructions)

	1st Selected base year ended (/ /) (a)	2nd Selected base year ended (/ /) (b)	Budgeted FY ended (/ /) (c)
61 Aggregate annual revenues (in col. (c) show the amount entered in item 12, col. (c))	$	$	$
62 Total expenses (in col. (c) show the amount entered in item 33(a))	$	$	$
63 Net revenues (item 61 less item 62)	$	$	$
64 Budgeted fiscal year net revenue (or profit) margin (item 63 ÷ item 61) ► %			

Total of Two Selected Base Years

65 Aggregate annual revenues (sum of item 61, col. (a) and 61, col. (b)) — $

66 Net revenues (sum of item 63, col. (a) and 63, col. (b)) — $

67 (a) Base period net revenue (or profit) margin (item 66 ÷ item 65) ► %

(b) Adjusted base period net revenue (or profit) margin granted by price exception. (If no adjustment has been made, leave blank) ► %

68 If this is a request to adjust the base period net revenue or profit margin, enter the requested margin ► %

Part VII. — Productivity Data

	Total man-hours (a)	Man-hours per patient day (b)
69 Projected for budgeted fiscal year (excluding new technology)		
70 Actual for last fiscal year		
71 Increase (decrease) (item 69 less item 70)		

Part VIII. — Compliance, Quarterly Reporting, and Self-Monitoring

Note: DO NOT complete this part if this is an exception request. Otherwise, complete this part and attach Schedule A as supporting documentation.

Section 1 — BFY Allowable Cost Justification and Annualized Price Increase Revenues

72 Justified allowable cost increases per regulations (from item 54) — $

73 Annualized amount of revenues granted by exception — $

74 Total annualized price increase revenues authorized in the BFY (item 72 plus item 73) — $

75 Amount of annualized price increase revenues resulting from implemented price increases (Schedule A, Part II, line 6, col. (j)) — $

76 Is item 75 greater than item 74? ☐ Yes ☐ No
If "Yes," corrective action may be required. Contact your IRS District Director for assistance.

Section 2 — BFY Net Revenue (Profit) Margin and the Base Period Margin Limitation

77 Total price increase revenues realized (and to be realized) in the BFY (Schedule A, Part II, line 6, col. (n)) — $

78 BFY AAR excluding price increase revenues (item 12, col. (b)) — $

79 Realized BFY AAR (item 77 plus item 78. This amount must agree with item 12, col. (c)) — $

80 BFY operating expenses (from item 33(a)) — $

81 BFY net revenues or profit (item 79 less item 80) — $

82 BFY net revenue or profit margin (item 81 ÷ item 79) ► %

83 Base period net revenue or profit margin (item 67(a) or (b), whichever is greater) ► %

84 Is item 82 greater than item 83? ☐ Yes ☐ No
If "Yes," corrective action may be required. Contact your IRS District Director for assistance.

Part IX. — Books and Records

85 The maintenance of books and records is required for possible inspection and verification of all price changes after November 13, 1971. Books and records are located at ►

Part X. — Certification and Signature

I certify that I have read the applicable price stabilization regulations and all instructions printed with this form. I have reviewed all information recorded on this form and all attached schedules and other supporting documentation, I believe the information furnished is factually correct and in accordance with the applicable regulations and instructions.

86 Typed name and title of chief executive or authorized official

87 Signature	88 Telephone number	89 Date

Department of the Treasury • Internal Revenue Service

Economic Stabilization Program

Instructions for Form S-52
Revised July 1973

Who Uses Form S-52.—If you are an institutional provider of health services, use Form S-52 to determine whether proposed price increases are permitted under Economic Stabilization regulations.

Also use Form S-52 as part of the documentation when you report a price increase or request an exception, and for computing allowable cost justification for the purpose of self-monitoring and compliance.

What Form S-52 You Should Use.—If your budgeted fiscal year ended before July 1, 1973, use Form S-52 (Revised September 1972).

If your budgeted fiscal year began on or after July 1, 1973, use Form S-52 (Revised July 1973).

If your budgeted fiscal year included both June 30 and July 1, 1973, you may, at your option, use either the July 1973 or the September 1972 version of Form S-52 as part of your documentation for reporting price increases (if you are required to report), or as a supplement to Form S-16 if you request an exception.

If you have an option to use either the July 1973 or September 1972 version of the form, you must continue to use the same version you have chosen for any subsequent filings during the rest of the budgeted fiscal year, because an Internal Revenue Service (IRS) compliance audit will be based on that version of the form. (The format for calculating allowable cost justification is found in Part V of the July 1973 version of the form. If you use the September 1972 version, compute cost increases in Part III of the September version, but compute allowable costs using the format of Part V of the July 1973 version. You may use the **Addendum to Form S-52 (Rev. September 1972)**, available from your local IRS office, for computing allowable costs. Note that line item numbers on the July 1973 version of Form S-52 do not correspond to the same items on the September 1972 version.)

General Instructions

Prepare a Form S-52 for each separate and distinct individual health care provider, regardless of its organizational affiliation or fiscal support. If you are a hospital which also operates a skilled nursing or extended or intermediate care facility on the same premises, you may, at your option, treat the hospital (including all outpatient facilities) as one institution. The skilled nursing (including extended and intermediate care) section may be treated as a separate institution if accounting records are sufficiently differentiated. Once the decision has been made to separate the institutions, each must separately comply with all provisions of the regulations. Nonoperating revenue and expenditures must be allocated consistently from year to year.

If you operate an outpatient facility, it may not be considered a separate and distinct institutional provider. The outpatient facility will be considered either an integral part of its institutional operator or as a noninstitutional provider. The Internal Revenue Service and/or the Cost of Living Council reserves the right in each case to determine: (1) the reporting status of particular facilities based on the merits of the individual circumstances; and (2) the appropriateness of allocated revenues and expenditures, both operating and nonoperating.

The fact that the allowable cost limitations of 6 CFR 300.18(d) have been exceeded does not require an exception unless such excesses are used to cost justify an annualized increase in aggregate annual revenues due to price.

Definitions.—An institutional health care provider is any organization which operates licensed 24-hour inpatient health care facilities.

For purposes of the Economic Stabilization regulations, "inpatient health care" is defined as the diagnosis, cure, mitigation, and treatment of disease for residents. This care does not include care in a convalescent home, a home for children or the aged, or institutions whose principal purposes or functions are to train handicapped persons to pursue a vocation.

Institutional providers of health services include but are not limited to: medical hospitals; psychiatric hospitals or asylums; tuberculosis hospital sanitaria providing medical care; clinics and dispensaries operated by hospitals or other institutional health providers; nurses' training schools operated by hospitals or other institutional health providers; skilled nursing homes; and extended and intermediate care facilities.

The budgeted fiscal year (abbreviated as BFY) refers to the year under determination. It is the price increase year for which you request exception, file a report, or on which a compliance determination is made. If you are completing a year-end annual report, the budgeted fiscal year (or BFY) on Form S-52 and Schedule A refers to the year for which the annual report is being made.

The last fiscal year (abbreviated as LFY) is the fiscal year immediately preceding the budgeted fiscal year.

Aggregate annual revenues is defined in 6 CFR 300.18(a) and is abbreviated as AAR.

Fiscal year is abbreviated as FY.

Filing for Exception.—Use Form S-52 with Form S-16, Application for Exemption or Exception, (file both in duplicate) when you request an exception to the Economic Stabilization regulations. Also include the following financial information, prepared (if possible) in accordance with the American Institute of Certified Public Accountants' (A.I.C.P.A.) **Hospital Audit Guide:**

1. Certified financial statements for the last three fiscal years and any other year selected as the base period year. (Certification by an independent audit is not required if that audit has not already been done.)

2. Detailed statements of changes in financial position for all funds for the last fiscal year.

3. A completed Form S-52 for the last fiscal year, using actual data through the end of the last fiscal year for revenues, expenses and census information.

4. Detailed cash budget for both the last fiscal year and the budgeted fiscal year to include:

a. A separate itemization of donor-restricted and donor-unrestricted noncperating cash income from gifts, contributions, endowments, and investment income. A detailed explanation of the nature of the donor restriction must be provided; i.e., to what use is such income restricted.

b. All nonoperating income including that from taxes and appropriations. Nonoperating tax or appropriation income excludes appropriation income directly related to services rendered.

c. An itemization of all nonoperating cash requirements including those for principal payments on long-term debt, scheduled capital replacement (to exclude new technology and capital expansion) and dividend requirements.

The regulations provide no automatic relief from operating losses incurred by health care institutions. If you want relief in the form of price increases in excess of those authorized by the regulations, you must file an exception request. Parts V and VI of Form S-52 (Rev. July 73) will help you determine whether you need to file for an exception.

Where to File.—If the annualized percentage increase in price increase revenues (item 59 of Form S-52 (Rev. July 73)) in the budgeted fiscal year exceeds or will exceed 6 percent of aggregate annual revenues in the last fiscal year, file the exception request with your District Director of Internal Revenue Service. The District Director will forward the request to the State Advisory Board (SAB). The SAB recommendation will not be required if the SAB fails to make it within 30 days of receipt from IRS, as required by 6 CFR 300.18(c)(2).

If the budgeted fiscal year annualized percentage increase in price increase revenues is or will be 6 percent or less of aggregate annual revenues in the last fiscal year and you still need an exception to either the allowable cost limitations specified by 6 CFR 300.18(d), or the base period net revenue or profit margin specified by 6 CFR 300.18(b), file the request with IRS. You may withdraw it any time before a decision is reached.

Reporting Price Increases.—Prepare Schedule A to report price increases and price increase revenues, and use Form S-52 to report the allowable cost justification for those price increases. Furnish a complete set of these to the District Director of the IRS, and to the Medicare intermediary.

Pursuant to 6 CFR 300.18, if price increases that you are implementing will not cause you to exceed your base period net revenue or profit margin (Part VI of Form S-52 (Rev. July 73)) or your allowable cost limitation (Part V of Form S-52 (Rev. July 73)), please use the following procedures:

1. If the price increases result, on an annualized basis, in price increase revenues of 2½ percent or less of aggregate annual revenues in the last fiscal year, no report is necessary.

2. If the price increases result, on an annualized basis, in price increase revenues of more than 2½ percent but not more than 6 percent of aggregate annual revenues in the last fiscal year, notify the District Director of the Internal Revenue Service and the Medicare intermediary before implementing the increases.

All other price increases require that an exception be granted before implementation. While you wait for a decision on the requested exception, you may implement only that portion of the requested price increase to which you are entitled under the Economic Stabilization regulations.

Cost Justification of Annualized Price Increases.—For purposes of the Economic Stabilization Program, all price increases must be cost justified. The 6 percent allowable increase in aggregate annual revenue is a limitation rather than an automatic allowance. For example, if the total amount of allowable cost increases are equivalent to 4.5 percent of the aggregate annual revenues realized in the last fiscal year, and the budgeted revenue increase resulting from price increases is 5.2 percent (annualized), the annualized revenue increase allowable without an exception would be limited to the level of allowable cost justification (4.5 percent).

How to Self-Monitor to Check Compliance.—Normally, you will complete Form S-52 and Schedule A before the start of the year in which the price increase is to be made. Revenues, expenses, and census data are all on a projected basis. Therefore, you should check at least quarterly to determine whether your projections appear to be correct; whether the price increases instituted are producing the expected level of revenues; and whether adjustments to your pricing structure might be required to ensure continued compliance with Economic Stabilization regulations.

As each fiscal quarter of the budgeted fiscal year is ended, complete a new Form S-52 and Schedule A. More frequent monitoring might be advisable. Replace budgeted figures used in the original Form S-52 with a combination of actual figures for that portion of the year completed and the revised (if necessary) projections for the remaining quarters. If you used the volume index method of adjusting costs, recompute the index, because variations in census data will alter the value of the index as well as the amounts shown as cost increases in column (d) of items 15 through 24 on Form S-52 (Rev. July 73). Make your final check at the end of the budgeted fiscal year when all projected figures are replaced with actual figures.

Use Schedule A to compute the annualized effect of price increases. "Total Annual Units," (col. b), will be a combination of actual units of service rendered from the first day of the budgeted fiscal year through the last day of the last completed quarter, and the projected units of service for the remaining quarters of the budgeted fiscal year.

Compare the total annualized price increase revenues for the budgeted fiscal year with the amount shown in item 54 of the Form S-52 (Rev. July 73), plus the dollar amount of any exception granted for the budgeted fiscal year. If the annualized price increase revenues are less than or equal to item 54 (plus the exception, if any) AND you have not exceeded your base period net revenue or profit margin, you would appear to be in compliance with the Economic Stabilization regulations. If your annualized price increase revenues are greater than item 54 plus the amount of any exception, AND/OR you have exceeded (or will exceed by the end of the year) your base period net revenue or profit margin, you may not be in compliance with the regulations. You should immediately determine what corrective action is necessary, if any, and notify the District Director of the Internal Revenue Service of any such action. Part VIII of Form S-52 (Rev. July 73) will help you determine whether there is a need for corrective action.

Quarterly Reports.—When you are required to make quarterly reports, submit a new Form S-52 and Schedule A to report both annualized and realized price increase revenues, and cost justification. Part VIII of Form S-52 must be completed. See instructions to Schedule A for more details. Unless otherwise specified in a Decision and Order requiring such reports, file the reports with the District Director of the Internal Revenue Service no later than 45 days after the end of the fiscal quarter being reported. The Cost of Living Council and/or the Internal Revenue Service in each case may require any other information deemed necessary for the effective administration of the Economic Stabilization Program.

Annual Reports to Check Compliance.—Each provider charging any price above the base price should complete Form S-52 and Schedule A when final figures for the fiscal year are available. If you are required to report (see instructions to Schedule A for details), complete these forms and submit them to the District Director of the Internal Revenue Service within 90 days of the end of the fiscal year, and include copies of the financial statements for the year.

Specific Instructions for Form S-52 (Rev. July 73)

We have not given you instructions for those items on Form S-52 and Schedule A which are self-explanatory or fully explained. Use generally accepted accounting principles to report revenues and expenses, except where specifically modified by these instructions for Form S-52 or where law or custom requires use of the cash basis of accounting. (See the Hospital Audit Guide of the American Institute of Certified Public Accountants and pronouncements of the Accounting Principles Board (APB) of the A.I.C.P.A.)

Certain providers may find it necessary to adjust or restate base period revenues and expenses to reflect comparable data to conform with the accounting principles contained in the A.I.C.P.A. **Hospital Audit Guide.**

Part I Self-Explantory

Part II Aggregate Annual Revenues

Your operating revenues consist of revenues from all sources as defined under Aggregate Annual Revenues by 6 CFR 300.18(a), including any patient service revenues related to new technology or derived from new services. Do not include as a part of the aggregate annual revenues those revenues received from research activities. Since both revenues and expenses for research are excluded from this form, if you wish to use a net loss on research activities as part of a claim to serious handship, report these factors in separate documentation.

Instructions by columns and items follow. Please read the instructions for item 9 before you complete this part.

Column (a).—Enter actual revenues (exclude research revenues) from the last fiscal year; i.e., the most recently completed fiscal year. The last fiscal year is always the year immediately preceding the year in which the price increase is or will be made.

When you are in the fourth quarter of your fiscal year and wish to request an exception for the next fiscal year, or to make price changes early in the first quarter of the next fiscal year which require no exception, you may use your current fiscal year as your last fiscal year (LFY). However, you must have **actual figures for at least 9 months of your current year.** You may estimate figures for the remainder of the year. Attach to Form S-52 supporting documentation which shows the actual portion and the projected portion, and explains the methodology you employed to make the projections. If a price increase is to be implemented during the remaining portion of the fourth quarter, the current fiscal year is the price increase year and cannot be used as the last fiscal year.

Column (b).—Enter the revenues you would receive in the budgeted fiscal year in the absence of any price changes; i.e., revenues at last fiscal year prices and budgeted fiscal year volume and mix. Include the same amount of revenues from new services and new technology in this column, column (c), and item 31. Do not include research revenues in the entries. See instructions to Schedule A, paragraph 2, under "General Guidelines."

Column (c).—If you operate on a cash basis, read the instructions for item 9 before completing this column. Other-

wise, enter the proposed revenues for the budgeted fiscal year. Include revenues from new services and new technology, but exclude research revenues. If the proposed price increase will not be in effect for the entire fiscal year in which it is requested, the revenue entries in column (c) must reflect a composite of actual experience to the end of the most recently completed quarter, and a projection for the remaining portion of the fiscal year at the appropriate prices. Please consider carefully what effect the cost reimbursement contracts will have on the contractual allowances in the projection, since realized third-party reimbursements are considered prices under Economic Stabilization regulations.

Item 4.—Enter routine service revenues (daily rate charges for services). If you do not distinguish between routine and ancillary services, enter the inclusive rate revenues.

Item 5.—Enter all specialty service revenues other than those included in the daily rate routine revenues. Include all outpatient service revenues.

Item 6.—Enter professional fees for patient treatment billed, if not included in ancillary services in item 5 and if the related salaries, fees, or other compensation to doctors are included in expenses of the institution, regardless of whether you record such fees as revenues or as additions to special funds.

Item 7.—Self-explanatory.

Item 8.—Third-party cost reimbursement is included in the definition of "price." Accordingly, prices paid by an insurer under a hospitalization or other medical services plan are subject to the Economic Stabilization regulations. Please give careful attention to the determination of projected contractual allowances to third parties. Any deductions from revenues must be supported by attached documentation. If budgeted allowances and deductions deviate from historical patterns, the document should explain the deviations for the appropriate allowance or deduction category.

Item 9.—(Cash Basis Institutions): If you record revenue on a cash basis, with no recognition of full charges for services or allowances, enter the amount of the cash revenue in this item and leave blank items 4 through 8 in columns (a), (b), and (c).

Item 10.—Include all other operating revenues. If you are requesting an exception, use separate documentation to report nonoperating revenues.

Item 11.—If you are a government-related institution, enter the total amount of governmental appropriations. If the appropriation bears no direct relationship to services but is solely for the purposes of making up a cash deficit, do not include the amount of the appropriation in your aggregate annual revenues, but report it as nonoperating revenue in separate documentation. However, if you do not show in item 9 cash collections remitted to you as a governmental unit, AND the appropriation bears no relationship to services but is solely for the purposes of making up a cash deficit, then show in this item an amount equal to the cash collections and report the remainder of the appropriation as nonoperating revenue.

Item 12.—Self-explanatory.

Part III Census Data

Item 13.—If you are classified as an acute hospital, or any other hospital with outpatient facilities, enter in columns (b) and (d), respectively, the number of inpatient admissions and outpatient procedures in accordance with past practices. Outpatient procedures may be either visits or occasions of service, but must be consistent in both periods.

Enter patient day data (acute hospitals and long-term care facilities) in columns (f) and (g).

Enter in columns (c) and (e), respectively, inpatient costs and outpatient costs. If such costs are normally allocated on a relationship between inpatient and outpatient revenues, this allocation procedure is acceptable.

Item 14.—Use either the volume index or actual budgeted changes in costs attributable to volume to determine adjusted costs (Part IV, col. (c)). When you use actual budget data to identify changes attributable to volume, attach detailed documentation showing the bases upon which such changes were determined.

Acute Hospitals or Any Other Hospitals with Outpatient Facilities.—Use the volume index which includes a 2 percent adjustment for intensity, as reflected by the factor of 1.02. This volume index is calculated in three steps using data provided in item 13.

Step 1.—Compute a value for the index using only your last fiscal year actual patient days and the change in patient days with your last fiscal year outpatient procedures and the change in outpatient procedures. This computation is shown in the formula below.

Step 2.—Compute a value for the index, substituting your actual last fiscal year admissions and the change in admissions for your actual last fiscal year patient days and the change in patient days. This computation is shown in the formula below.

Step 3.—Compute the value of the index by taking the average (arithmetic mean) of the values computed in the first two steps (i.e., Step 1 and Step 2). The index value computed in Step 3 is the value to be entered in item 14.

Note that budget fiscal year inpatient and outpatient costs are not included in the volume index calculation.

Step 1:

$$\text{Volume Index} = 1.02 \div \left[\frac{\left(\frac{\text{LFY Inpatient Costs (Item 13A, col. (c))}}{\text{LFY Actual Patient Days (Item 13A, col. (c))}} \times \frac{\text{Change in Actual Patient Days (+ or −) (col. (f), Item 13B minus Item 13A)}}{} \right) + \left(\frac{\text{LFY Outpatient Costs (Item 13A, col. (e))}}{\text{LFY Outpatient Procedures (Item 13A, col. (d))}} \times \frac{\text{Change in Outpatient Procedures (+ or −) (col. (d), Item 13B minus Item 13A)}}{} \right)}{\text{LFY Total Costs (Item 13A, col. (c) + Item 13A, col. (e))}} \right]$$

Step 2:

$$\text{Volume Index} = 1.02 \div \left[\frac{\left(\frac{\text{LFY Inpatient Costs (Item 13A, col. (c))}}{\text{LFY Inpatient Admissions (Item 13A, col. (b))}} \times \frac{\text{Change in Inpatient Admissions (+ or −) (col. (b), Item 13B minus Item 13A)}}{} \right) + \left(\frac{\text{LFY Outpatient Costs (Item 13A, col. (e))}}{\text{LFY Outpatient Procedures (Item 13A, col. (d))}} \times \frac{\text{Change in Outpatient Procedures (+ or −) (col. (d), Item 13B minus Item 13A)}}{} \right)}{\text{LFY Total Costs (Item 13A, col. (c) + Item 13A, col. (e))}} \right]$$

Step 3:

$$\text{Volume Index} = \frac{\text{Step 1} + \text{Step 2}}{2}$$

Note: Changes in Actual Patient Days and Outpatient Procedures must indicate the direction of change as well as the actual amount of increase or decrease. The plus (increase) or minus (decrease) sign must be carried throughout the computation.

Volume Index for Other Institutions.—If you do not have outpatient facilities, do not use the volume index described above. If, by the use of normal budgeting procedures, you are unable to adjust your last fiscal year costs to reflect only changes in volume, calculate item 14 as follows:

$$\text{Volume Index} = \frac{\text{Projected Patient Days (Item 13B, col. (g))}}{\text{Last Fiscal Year Patient Days (Item 13A, col. (g))}}$$

Use the data provided in column (g) of item 13 to determine the ratio of patient days projected for the budgeted fiscal year to the patient days experienced in the last fiscal year. Enter this number in item 14.

Part IV Operating Costs

Cost Justification for Price Increase Year.—The fiscal periods for which cost justification data are presented must be the same as those periods for which revenues were reported in column (a) of item 13. In completing Part IV, you will separate cost changes resulting from increased prices which you must pay to render your services (i.e., changes in unit cost) from those cost changes resulting from changes in the volume of services rendered.

Column (a).—Include combined actual expenses incurred for all operations (excluding research) of your last fiscal year. Since both revenues and expenses for research activities are excluded, attach separate documentation containing full explanations for any research expenses not recovered from research revenues, when such expenses are part of a claim to serious hardship.

If you determined revenues for the last fiscal year by combining revenues realized for the first three quarters of the current fiscal year with a projection for the remaining quarter, you must also determine costs for this same period. Attach documentation to support these projections.

Adjustments Due to Budgeted Fiscal Year Reallocations.—When you change your last fiscal year method of producing and/or delivering a particular service, and the change results in a reallocation of costs among cost categories, you must adjust your last fiscal year costs by category to reflect the cost reallocations that will be effective in the budgeted fiscal year. The following example shows the required adjustments to the last fiscal year costs by category:

Hospital H in the last fiscal year operated its own laundry service. In the budgeted fiscal year, H is closing its laundry facility and has signed a contract with an outside laundry service. The cost of the budgeted fiscal year contracted laundry service will be included under column (b), item 24, "Other Expenses." Therefore, H must adjust the last fiscal year cost category entries by deducting all laundry-related costs from the respective cost categories and entering the total of laundry costs under column (a), in item 24. From the wage/salary category (items 15, 16, and 17), H would deduct all last fiscal year laundry personnel wages or salaries and fringe benefits; from the utilities cost category (item 22), H would deduct all utility expenses allocated to laundry; and so forth. There should be no change in total expenses for the last fiscal year; merely a reallocation of all laundry-related expenses from their original entries into item 24. Documentation must be attached to support all such cost reallocation adjustments and to reconcile differences in the financial statements.

Column (b).—Enter expenses for the budgeted or price increase fiscal year (excluding research). In item 30 only, enter expenses for new technology.

Column (c).—The data to be provided in this column represent the amount of costs which you would expect to incur if, in the last fiscal year, you were servicing the volume and mix of patients projected in the budgeted fiscal year (i.e., last fiscal year costs at projected volume). There are only two acceptable methods of making this computation: use either the volume index computed according to the formula provided in the instructions for item 14, or use actual budget data. You may not develop an alternative index factor. It is preferable to use the budget data method if you have the capability of deriving the information needed. The volume index method is provided for those institutions who cannot or choose not to make such computations. Each method will be described in general.

The volume index assumes that costs vary on a one-to-one relationship with volume. In recognition of the fact that all costs do not reflect volume changes, no volume adjustment is allowed for depreciation (item 25), interest (item 26) or insurance (item 27). Further, when an exception request is pending, the Cost of Living Council and/or IRS will take into consideration the degree to which costs respond to volume changes. If you show a decrease in volume, the extent to which costs cannot be expected to decrease proportionately will be a factor in determining serious hardship or gross inequity. Likewise, when you experience an increase in volume, it will be expected that your costs would not increase in direct proportion.

Volume Index Method.—At the top of column (c) in Part IV, enter the volume index as computed for item 14. For each applicable item (items 15(b) through 24), multiply the amount shown in column (a) for that item by the volume index, and enter the results of the computations in column (c). Do not adjust the entries for items 25, 26, and 27; instead, enter in column (c) the same amount shown in column (a).

Budget Method.—Explain every entry in a supporting document. No entry can be accepted without a full explanation of the methodology and computation. Do not adjust the entries for items 25, 26, and 27; instead, enter in column (c) the same amount shown in column (a).

For each cost item on Form S-52, multiply the actual unit cost of that item in the last fiscal year times the projected number of units serviced (or used) during the budgeted fiscal year. The "unit" chosen for each item must be statistically valid and in accordance with guidelines established by the American Hospital Association and the A.I.C.P.A. While the statistical unit chosen may vary from institution to institution, any individual institution must be consistent in its use of the chosen units from year to year. The Cost of Living Council will decide in each case whether the particular unit chosen is acceptable. For any one item, you may develop in supporting documents several different units and their unit costs and enter in column (c) the total of their products.

To determine the unit cost of any item, divide the total costs for that item by the units of service for that fiscal year.

Acceptable Budget Methods.—You may prepare your Form S-52 by using a budget method, as explained in the instructions for Budget Method, column (c) of this part. In every case where the budget method used is not included in the suggested methods announced by the Cost of Living Council, either the Cost of Living Council or the Internal Revenue Service will decide whether the budget method is acceptable. File any unapproved budget method with the Cost of Living Council or the Internal Revenue Service before you file your exception request or price increase notification with the State Advisory Board or the Internal Revenue Service.

Exhibit I shows a suggested format for documentation which illustrates one of several budget methods which the Council has found acceptable. Also, an example follows:

Hospital H is developing supporting documentation to determine the entry for column (c) of item 15(b), "Wages/Other Salaries." H maintains its records on a functional (departmental) basis. To determine the wage and salary cost of each revenue-producing department, H customarily allocates the wage and salary costs of the nonrevenue-producing departments (such as administrative services) by the proportion which each revenue-producing department bears to the total revenues of the institution. H's operating room produces 10 percent of H's total revenues; therefore, H allocates 10 percent of the wage and salary expense of nonrevenue-producing departments to the operating room.

In its last fiscal year the operating room performed 8,000 procedures and had total wage and salary expenses (both direct and indirect) of $80,000. In its budgeted fiscal year H expects to perform 10,000 procedures with total wage and salary expense of $120,000. H would therefore show the following computations in its supporting documentation:

Operating Room	Cumulative TOTAL
Last fiscal year wage and salary expense ...	$ 80,000
Divided by—	
Last fiscal year surgical procedures	8,000
Equals—	
Last fiscal year cost per procedure	$ 10
Multiplied by—	
Budgeted fiscal year surgical procedures	12,000
Equals—	
Adjusted operating room wage and salary costs (budgeted fiscal year volume at last fiscal year cost)	$120,000 $120,000

H would continue with similar computations for its other revenue producing departments, and enter the total of all adjusted wage and salary costs in column (c) of item 15.

Column (d).—This column identifies cost changes. The entries for items 15(b) through 29 are the differences between the amounts in columns (b) and (c); i.e., the difference between the budgeted fiscal year costs and last fiscal year costs adjusted to reflect projected year volume. The entry for item 15(a) is the same as that amount in column (b).

Cost Justification Details — Supporting Schedules for Exception Requests.—When you want an exception for more than the 5.5 percent allowable cost increase limit for wages and salaries, furnish a Form S-16 and attach Form S-52 and Schedule A. Also attach additional documentation that fully identifies the nature of all increases for which an exception is requested. Include such information as:

1. Increases and reductions in the number of positions and the related expense effect;

2. Pay Board, Cost of Living Council and/or IRS approvals of wage exceptions requests;

3. Adjustments for low-wage earners;

4. Commitments involving pre-existing labor contracts or established pay practices; and

5. Tandem wage agreements which affect the exception request.

When you want an exception for more than the allowable cost increase limit for nonwage/salary expenses, furnish a Form S-16 and attach Form S-52 and Schedule A. Also attach additional documentation that explains the reasons for increases in costs as shown in items 18 through 27 of Form S-52, which serve as justification for the exception.

Item 15(a).—Low-Wage Adjustments and Pre-existing, Binding Labor Contracts.

The Cost of Living Council has provided relief from the wage and salary controls of the Economic Stabilization Program for wage rate increases paid to low-wage workers to bring them to or toward $3.50 an hour, effective on or after May 1, 1973 ($2.75 an hour before May 1, 1973) and for binding (signed) labor contracts existing before November 8, 1971 that are still effective in the budgeted fiscal year. Excess cost increases due to low-wage adjustments and/or pre-existing labor contracts are eligible for pass-through treatment in calculating allowable costs to be used for justifying price increases. These excess cost increases are the entries for item 15(a), columns (b) and (d).

For low-wage adjustments, consider only low-wage increases up to $3.50 (or $2.75) an hour for the item 15(a) entry. If a wage rate increase causes an employee to earn more than $3.50 (or $2.75) an hour, include only the portion of the increase up to $3.50 (or $2.75) an hour. Do not include as wage increases the wage expense for low-wage workers hired into new positions in the budgeted fiscal year. However, if a wage increase is granted to such employees after the date of hiring, you may include the expense of the increase only.

Compute the low-wage excess as follows: Calculate the total wage expense for low-wage workers in the last fiscal year. Multiply that amount by 5.5 percent (i.e., 0.055). If the total adjustment to be paid low-wage workers in the budgeted fiscal year is less than or equal to 5.5 percent of the low-wage expense in the last fiscal year, there is no low-wage excess eligible for pass-through. If the adjustment is more than 5.5 percent of the low-wage expense for the last fiscal year, the amount of the excess is eligible for pass-through; add this excess to any excess of costs resulting from pre-existing wage contracts, and enter the total in item 15(a). For example, suppose a hospital grants a 5.5 percent wage increase to its non-low-wage employees and 20 percent to low-wage employees. The 20 percent increase to low-wage employees did not cause any of the wage rates to exceed $3.50 (or $2.75) an hour. In the budgeted fiscal year, total adjustments to low-wage workers amounted to $10,000 (20 percent of the low-wage base of $50,000). Of that amount, $2,750 represented the standard 5.5 percent increase and $7,250 represented the excess over 5.5 percent. Therefore, the hospital would enter "$7,250" in columns (b) and (d) of item 15(a). The same amount would be deducted from the column (b) entry for item 15(b). The $7,250 is eligible for treatment as a pass-through if all other requirements are met.

Make a similar computation of cost excesses to determine the eligibility of costs associated with binding, pre-existing labor contracts. Only those pre-existing labor contract costs that exceed 5.5 percent of the total costs for the last fiscal year and are associated with those respective pre-existing labor contracts are to be included in item 15(a) as eligible for pass-through.

The entry in columns (b) and (d) of item 15(a) is the sum of the low-wage cost excesses and the pre-existing labor contract cost excesses. Attach detailed documentation to support this entry so it can be considered for pass-through treatment.

Item 15(b).—Other Wages/Salaries.

In item 15(b), column (a), include all wage/salary costs incurred in the last fiscal year. Item 15(b), column (b) is the total of the budgeted fiscal year wage and salary costs less any amount reported in item 15(a), column (b).

Items 16-18.—Self-explanatory.

Item 19.—Include amounts paid to institution-based physicians who function as independent contractors and who are not considered employees of the institution. (Amounts paid to salaried physicians should be included in item 15.)

Items 20-22.—Self-explanatory.

Item 23.—Group all expenses (other than salaries and fringe benefits) charged to special purpose funds if the expenses cannot be allocated to an appropriate expense category. Attach additional documentation.

Item 24.—Attach additional documentation for all components of this cost category.

Item 25.—You may not claim depreciation on a rental facility in your capacity as a tenant. If you are renting your facility, add an extra line in this item to show your annual rental expense on the facility only. Do not adjust for volume. Enter in column (c) the same amount shown in column (a).

Items 26 and 27.—Do not adjust for volume. Enter in column (c) the same amount shown in column (a).

Items 28 and 29.—Self-explanatory.

Item 30.—New technology means new (different) equipment and services as contrasted to enlargement or modernization of existing facilities. Thus, a new cardiac care unit which an institution did not previously have is considered new technology. However, a new patient care wing which only adds more patient beds of the same kind that previously existed is not considered new technology. Form S-52 (items 30-32) provide space for a cost summary of all items of new technology. If you have more than one category of service or equipment qualifying as new technology, show the aggregate in items 30 and 31 and attach documentation to explain each category by information requested in these items. Also show in your documentation the aggregate of items combined as the total for item 32.

Item 31.—Do not include any price increase revenues in this item.

Item 32.—Enter the amount in this item in item 43. If the amount is negative, enter a zero in item 32 and in items 43, 44, and 45.

Item 33.—Self-explanatory.

Part V Price Increase Subject to Exception

Use this part to calculate allowable costs for price increase justification and to determine the amount of exception you want. If your budgeted fiscal year begins before January 1, 1973, complete this part in its entirety, because you are subject to the "new technology" cost limitation for the remainder of that fiscal year. For a budgeted fiscal year that begins on or after January 1, 1973, do not complete the "New Technology Cost Increases" section (items 42 through 45); for this category, specific instructions are provided in items 38 and 39 to show a combination of the former nonwage (2.5 percent) and new technology (1.7 percent) cost category limitations.

Items 34-45.—Self-explanatory. Instructions for the related columns follow.

Column (a).—Limitations: Entries in this column (for items 34, 38, and 42) represent the limitations, by regulations, on allowable cost increases to be used for price increase justification. The limitations for each listed cost category do not represent automatic allowances unless such cost increases will actually be incurred.

Column (b).—Actual: Post the entries in this column (for items 35, 39, and 43), from Part IV, column (d). These are the actual cost changes within respective cost categories, adjusted for volume. If any of the actual changes are negative, enter the changes as negative amounts in this column, except when net new technology expenses are negative (i.e., revenues exceed expenses for new technology), then enter a zero.

Column (c).—Allowable: Entries in this column (for items 36, 40, and 44) are the lesser of the entries in either column (a) or column (b). These entries represent cost increases allowable per cost category for price increase justification. NOTE: If the lesser amount is negative, enter a zero in column (c).

Column (d).—Excess: Entries in this column (for items 37, 41, and 45) show the differences between the actual cost changes (in column (b)) and the allowable amounts (in column (c)). If the entry in column (c) for any cost category is a zero, then enter in column (d) the negative amount, if any, which appears in column (b) for that cost category.

Items 46 and 47.—Self-explanatory.

Item 48.—Self-explanatory. However, the following example shows how you can calculate the entry.

If:

(a) the entry in item 15(a), column (d) is $10,000, and

(b) the entry in item 37, column (d) is $8,000,

then $8,000 of the total of $10,000 in low-wage adjustments may be used as allowable cost increases, subject to the overall 6 percent limitation (the item 54 test) and the base period profit or net revenue margin limitation (the item 68 test).

Item 49.—Pensions and group insurance cost increases, etc., (item 18(a), column (d)) are eligible for "spillover" treatment. The amount of pensions and group insurance eligible for spillover is the amount of increase in such costs in excess of the appropriate dollar limitation for the nonwage/salary cost category as shown in the entry for item 38. However, the amount of spillover cannot cause the total of allowable cost increases in the nonwage/salary category to exceed actual cost increases in that category. For example, if:

(a) the entry in item 18(a), column (d) is $10,000, and

(b) the entry in item 38, column (a) is $8,000, and

(c) the entry in item 41, column (d) is $1,000,

then $1,000 of the $2,000 excess (excess of pensions, etc., in item 18(a), column (d) over the nonwage/salary limitation in item 38, column (a)) for this cost category may be used as allowable cost increases, subject to the overall 6 percent limitation and the base period profit or net revenue margin limitation (the item 68 test).

Item 50.—Self-explanatory.

Item 51.—When the actual cost increases in the nonwage cost category exceed the category limitation, and such cost increases are due to FICA and/or unemployment insurance, only that part of the nonwage cost increases due to FICA and unemployment insurance may be passed through above the category limitation. The maximum amount eligible for this provision is that amount shown as the entry in item 18(b), column (d). For example, if:

(a) the entry in item 38, column (a) is $10,000, and

(b) the entry in item 39, column (b) is $12,000, and

(c) the entry in item 18(b), column (d) is $3,000, and

(d) the entry in item 50 = $1,000,

then $1,000 of the total $3,000 in FICA and unemployment insurance increases may be used as additional allowable cost, subject to the overall 6 percent limitation and the base period profit or net revenue margin limitation (the item 68 test).

Items 52-56.—Self-explanatory.

Items 57 and 58.—Use Schedule A to make these computations and submit this schedule with Form S-52. Do not include new technology/services revenues (item 31) as price increase revenues.

Item 59.—Self-explanatory.

Item 60.—If the price increase revenues in item 59 would not cause you to exceed your base period net revenue (profit) margin limitation, then item 60(a) is equal to item 59 less item 54.

If the amount of the allowable costs in item 54 is greater than or equal to the price increase revenues in item 59, then enter that part of the price increase revenues which causes the base period net revenue (profit) margin to be exceeded.

If the amount of price increase revenues shown in item 59 would cause you to exceed both your allowable cost limitation (item 54) and the base period net revenue (profit) margin limitation (item 67(a) or (b)), then the amount subject to exception is equal to item 59 less item 54, plus any additional amount of realized revenues by which the base period limitation is exceeded.

Part VI Base Period Margin Limitation

The definition given for "Base Period" in the Phase III regulations differs from that given in the Phase II regulations. The Phase II definition continues to apply for any fiscal year completed before January 11, 1973, and the Phase III definition applies for all succeeding fiscal years.

Budgeted Fiscal Years Completed Before January 11, 1973.—"Base Period" means any two, at the option of the institution concerned, of that institution's last three fiscal years ending before August 15, 1971. A fiscal year of less than 12-months duration may not be used as a base period year.

Budgeted Fiscal Years Completed on or After January 11, 1973.—"Base Period" means any two, at the option of the institution concerned, of the following fiscal years: that institution's last three fiscal years ending before August 15, 1971, and any fiscal years completed on or after that date. The budgeted fiscal year may not be used as a base period year. A fiscal year of less than 12-months duration may not be used as a base period year.

A new institution does not have a base period profit margin or net revenue margin limitation until such time as two full fiscal years have been completed. A full fiscal year consists of 12 months.

Show in columns (a) and (b) the base period years you select and enter the requested information in columns (a) and (b) of items 61, 62, and 63.

Item 61.—If prices were increased illegally in any selected base year, the amount of illegal price increase revenues realized in that year must be deducted from aggregate annual revenues for that year. Revenues reported in item 61 must conform to the aggregate annual revenues definition (6 CFR 300.18(a)).

Item 64.—Self-explanatory.

Items 65-67.—The base period net revenues or profit margin may be either positive or negative, depending on the results of operations in the selected base years.

Item 68.—If the result of all price increases, both implemented and proposed, for the budgeted fiscal year would cause you to exceed your base period profit or net revenue margin, you should enter the amount of the requested margin. Attach separate documentation when you file Form S-52, and explain why an exception to this limitation should be granted.

Part VII Productivity Data

Prepare this part if you are requesting an exception. Otherwise, skip to Part VIII.

Column (a).—For total man-hours, assume a standard work week for full time or full time equivalent employees.

Column (b).—Divide the entry in column (a) by the number of appropriate actual patient days shown in item 13(g) to determine man-hours for each patient day.

Part VIII Compliance, Quarterly Reporting, and Self-Monitoring

Do not complete this part if you are requesting an exception. In all other cases, complete Part VIII and attach Schedule A. All entries are self-explanatory.

Part IX Books and Records and Part X Certification and Signature are self-explanatory.

Computation of "Adjusted Costs" for Indicated Cost Categories, by Revenue Department

Form S-52 Cost Category: (check one)

- ☐ Wages and salaries (item 15)
- ☐ Fringe benefits (item 16)
- ☐ Pensions, etc. (item 18(a))
- ☐ FICA and unemployment taxes (item 18(b))
- ☐ Utilities (item 22)
- ☐ Special purpose (item 23)
- ☐ Other expenses (item 24)

(a)	(b)	(c)	(d) Last Fiscal Year	(e)	(f)	(g) Budgeted Fiscal Year	(h)	(i)
Revenue Department	Statistical Unit	Number of Units	Total Cost (Direct & Indirect)	Unit Cost ((d) ÷ (c))	Number of Units	Total Cost (Direct & Indirect)	Unit Cost ((g) ÷ (f))	Adjusted Cost ((e) × (f))
INPATIENT			$	$		$	$	$
Surgery	Patient Days (PD)							
Intensive Care	PD							
Cardiac	PD							
Maternity Ward	PD							
Delivery Room	Deliveries							
Nursery	Newborn Days							
Pediatrics	PD							
General Medicine	PD							
_____								
_____								
OUTPATIENT & ANCILLARY								
Radiology	Procedures							
Pathology	Procedures							
EKG	Procedures							
Emergency Room	Proc. or Visits							
Pharmacy	Prescriptions							
Operating Room	Procedures							
Clinic	Proc. or Visits							
_____								
_____								

TOTAL ADJUSTED COSTS FOR THIS COST CATEGORY ..... $ _____

(Enter here and on Form S-52 in column (c) of the corresponding category.)

EXHIBIT I (Back)
Sample Format for Documentation

Computation of "Adjusted Costs" for Specified Cost Categories

(a)	(b)	(c)	(d) Last Fiscal Year	(e)	(f)	(g) Budgeted Fiscal Year	(h)	(i)
Category	Statistical Unit	Number of Units	TOTAL COST	Unit Cost ((d) ÷ (c))	Number of Units	TOTAL COST	Unit Cost ((g) ÷ (f))	Adjusted Cost ((e) × (f))
Commissions: (item 19)			$	$		$	$	$
Anesthesiology	Procedures							
Emergency Room	Proc. or Visits							
Pathology	Procedures							
X-ray	Procedures							
_____								
_____								
TOTAL COMMISSIONS	XXXXXXX	XXXX		XXX	XXX		XXX	
Food: (item 21)	Meals Served							
Drugs: (item 20)	Prescriptions Issued							

EXHIBIT I (Front)
Sample Format for Documentation

Department of the Treasury • Internal Revenue Service

Economic Stabilization Program

Issued July 1973

Instructions For Preparing Schedule A (To IRS Form S-52)

Report of Price Changes for Institutional Providers of Health Services

Purpose.—Use this schedule with Form S-52 (Revised July 1973) to show the effective dates of your price changes and their effect on revenues in a given fiscal year. This schedule represents the only approved method of computing the increase (annualized and realized) in revenues due to price changes for budgeted fiscal years beginning on or after July 1, 1973. The information furnished in Form S-52 (Revised July 1973) and its Schedule A is used to determine compliance with the Economic Stabilization regulations.

Schedule A is optional when Form S-52 (Revised September 1972) is used. The Form S-52 (Revised September 1972) can be used to determine compliance with the Economic Stabilization regulations for current and past fiscal years. If the form is completed in a manner consistent with past practice using actual instead of budgeted data.

Definitions

(1) The budgeted fiscal year (abbreviated on Form S-52 and Schedule A as BFY) refers to the year under determination; it is the price increase year for which an exception is requested, a report is filed, or a compliance determination is made. If an institution is completing a year-end annual report, the budgeted fiscal year (or BFY) on Form S-52 and Schedule A refers to the year just completed for which the annual report is being made.

(2) The last fiscal year (abbreviated as LFY) is the fiscal year immediately preceding the budgeted fiscal year.

(3) Fiscal year is abbreviated as FY.

(4) Aggregate annual revenues (as defined in 6 CFR 300.18(a)) is abbreviated as AAR.

Who Must File a Report of Price Increases.—Pursuant to section 300.18 of Title 6 of the Code of Federal Regulations (6 CFR 300.18), if the price increases you are proposing will not cause you to exceed your base period profit or net revenue margin; AND the amount shown in Schedule A, line 6, column (i) is less than or equal to your allowable cost justification (calculated pursuant to 6 CFR 300.18(d)); AND

(1) The amount shown in Schedule A, line 6, column (i) is 2½ percent, or less, of the aggregate annual revenues (AAR) realized in the last complete fiscal year (LFY), then the price increase may be implemented without a report. However, you are required to maintain adequate records to support your computations for an audit by the Internal Revenue Service.

(2) The amount shown in Schedule A, line 6, column (i) is more than 2½ percent but not more than 6 percent of the aggregate annual revenues realized in the last fiscal year, then a report of price increases must be filed with your District Director of the Internal Revenue Service, and with the Medicare Intermediary, before you implement the increase.

All other price increases require that an exception be granted before they are implemented. While you wait for a decision on the requested exception, you may implement only that part of the requested price increase to which you are entitled under the Economic Stabilization regulations.

The fact that the allowable cost limitations of 6 CFR 300.18(d) have been exceeded does not require an exception unless such excesses are used to cost justify an annualized increase in aggregate annual revenues due to price.

What to File When Reporting a Price Increase.—Use Schedule A to report your price increases, and Form S-52 to report your cost justification for those price increases. If you use the July 1973 revision of Form S-52, show justified allowable cost increases in item 54 of that version. If you use the September 1972 version of Form S-52, compute cost increases in Part III of that version but compute allowable costs using the format of Part V of the July 1973 form. An Addendum for Form S-52 (Rev. Sept. 72) is available from your local Internal Revenue Service office, and it contains the format of Part V of the July 1973 form. Note that line item numbers on the July 1973 form do not correspond to the same items on the September 1972 form.

Who Must File Quarterly and Annual Reports.—You must file quarterly and annual (i.e., fourth quarter) reports on an entity basis if you:

(1) Have received from the Cost of Living Council, the Price Commission, or the Internal Revenue Service, a Decision and Order or a Remedial Order requiring such reports; OR

(2) Have received an exception granted by the Cost of Living Council, the Price Commission, and/or the Internal Revenue Service AND have aggregate annual revenues (as defined in 6 CFR 300.18) of more than one million dollars in either the last fiscal year or the budgeted fiscal year.

Quarters to Be Reported.—Unless otherwise specified in an Order requiring such reports, you must file reports for each of your fiscal quarters remaining in the budgeted fiscal year at the time the Order was issued. For example, if an Order is issued during the third fiscal quarter of your budgeted fiscal year, you would file reports for the third and fourth quarters; if an Order is issued prior to the start of the budgeted fiscal year, you would report all four quarters. Regardless of the date of any Order, file an annual report for the budgeted fiscal year.

File a separate report of net revenue or profit margin performance only after completion of the year immediately following the year for which quarterly reports were filed.

When to File Quarterly and Annual Reports.—File a quarterly report for the first, second, or third quarter of your fiscal year within 45 days of the end of the respective quarter. File a quarterly report for the fourth fiscal quarter (i.e., the annual report) of your fiscal year within 90 days of the end of that fiscal year to allow time for completion of the annual audit.

What to File for Quarterly and Annual Reports.—Use Form S-52 and attach Schedule A to file the annual report for your budgeted fiscal year (i.e., the price increase fiscal year), and reports for any quarter falling within the budgeted fiscal year. Annual reports must be accompanied by year-end financial statements for that fiscal year. If you have your financial statements audited by independent public accountants, attach a copy of these statements and a copy of the accountants' opinion. If you have unaudited statements, submit copies of these statements.

Where to File.—File all reports with the District Director of the Internal Revenue Service for the district in which your institution is located, regardless of whether an exception was granted or other Order issued by the Cost of Living Council, the Price Commission, or the Internal Revenue Service, unless you were otherwise directed in the Order requiring such reports.

General Guidelines

(1) It is the annualized effect of price increases which must be cost-justified on Form S-52. Therefore, in projecting the number of units of service, you must use the total number of units which will be serviced during the full budgeted fiscal year, even if the price increase will not be in effect for the full fiscal year. That is, you must make your projections of price increases revenues as if all prices were increased on the first day of the fiscal year and those prices were charged uniformly throughout the fiscal year.

(2) Price increases are normally measured from the prices in effect on the last day of the last fiscal year. However, this method assumes that the prices on the last day did not differ from prices authorized under the Economic Stabilization regulations for that fiscal year. If the authorized prices had been temporarily lowered under a written agreement with the IRS District Director to effect a refund of overcharges, you must adjust those prices upward to the authorized level for that fiscal year. Any adjusted price may not exceed the highest price actually charged for that service during that year. If prices on the last day were higher than the maximum prices authorized under Economic Stabilization regulations, then you must decrease those prices to the legally authorized pricing level. See the instructions below for completing column (d).

(3) You must use only the realized effect on revenues of price reductions to offset the annualized effect on revenues of price increases. In any case where a price reduction is used to offset a price increase, any subsequent upward revision of that reduced price will produce price increase revenues in the year which such an upward revision is made, regardless of the base price. In any case where a price reduction was not used as an offset to a price increase, only that part of subsequent adjustments occuring above the base price will produce price increase revenues.

(4) Any increase in the per diem or per occasion of service rate paid by third-party cost reimbursers is considered an increase in price, except as provided below in the instructions for Part II, column (d).

(5) Establishment of the base price, such as that permitted by Price Commission Ruling 1972-267, does not produce price increase revenues within the meaning of 6 CFR 300.18.

(6) Revenues that are the result of price increases instituted before August 15, 1971, are not price increase revenues within the meaning of 6 CFR 300.18.

(7) The carry-over effect of legal price increases instituted in a prior fiscal year is considered to produce price increase revenues only if the maintenance of those prior price increases would cause you to exceed your base period profit or net revenue margin in the current year.

(8) Revenues that are the result of the introduction of new services (including new technology) are not price increase revenues as long as there is no upward revision of the price for that service during the year the new services are introduced. Per diem rates paid by third-party cost-reimbursers should be adjusted accordingly, and documentation attached to support this adjustment.

(9) A new institution does not have a base period net revenue or profit margin limitation until it has completed its first two full fiscal years of operation. A full fiscal year consists of 12 months.

Sanctions for Failure to File.—Failure to report timely and in the prescribed manner will subject you to the appropriate sanctions as provided in 6 CFR 300.53.

Submit requests for an extension of time to the District Director of the Internal Revenue Service for the district in which the provider entity is located.

Specific Instructions

No specific instructions will be given for items considered self-explanatory. Enter all identification data requested before you complete the remainder of Schedule A.

Part I Payers Other Than Cost-Reimbursers

Report in this part all price changes affecting any payer other than third-party payers who pay under a cost-reimbursement contract. You should use this part to report any third-party payer that does not pay charges; but list these separately in Part I, and show the respective prices paid under such contract. (Report cost reimbursement contracts in Part II.) For example, if the contract price is a negotiated rate, then the negotiated rate is the price.

Column (a).—List each commodity or service for which the price has changed (either increased or decreased), or will be changed, during the budgeted fiscal year.

Column (b).—Show the billing unit for each price. For example, the unit for emergency room might be "visits"; for room and board, it would be "day"; etc.

Column (c).—Report the price to be charged during the budgeted fiscal year.

Column (d).—For each service, show the price in effect on the last day of the last fiscal year. If, however, the price on the last day was illegal or if it had been temporarily lowered to effect a refund of overcharges to assure compliance by the end of that year, then such prices must be adjusted to the legally authorized level. When such adjustments are made, attach documentation to show how the authorized pricing level for the last fiscal year was established. Please use the following guidelines:

(1) If you **did not exceed** the base period net revenue or profit margin in the last fiscal year: The entries for column (d) will be that set of prices which, had they been charged uniformly throughout the last fiscal year, would have produced price increase revenues less than or equal to the sum of your allowable costs for that same fiscal year and the amount of any exception granted for that year.

(2) If you **exceeded** the base period net revenue or profit margin in the last fiscal year: The entries for column (d) will be that set of prices which, had they been charged uniformly throughout the last fiscal year, would have produced price increase revenues less than or equal to the sum of your allowable costs for the same fiscal year and the amount of any exception granted for that year MINUS the dollar amount by which you exceeded your base period net revenue or profit margin in your last fiscal year.

Allowable costs (excluding any exception granted) must be calculated pursuant to 6 CFR 300.18(d) and may not exceed 6 percent of the aggregate annual revenues realized in the immediately preceding fiscal year. (See "What to File When Reporting a Price Increase," above, for a discussion of allowable costs.) In determining the appropriate set of your last fiscal year's prices, consider only the prices for those services for which price changes were actually made the last fiscal year. The upper limit for any individual price is the highest price actually charged during that year.

Column (e).—Subtract the last fiscal year price (col. (d)) from the budgeted fiscal year price (col. (c)). Enter totals for each service or commodity.

Column (f).—If the first fiscal quarter of the budgeted fiscal year has not yet been completed, enter a zero. If any quarter of the budgeted fiscal year has been completed, enter the total number of units of service rendered from the first day of the budgeted fiscal year through the last day of the last completed quarter, even if the price increase was not implemented on the first day. If the budgeted fiscal year has been completed, enter the total number of units rendered during the entire budgeted fiscal year. Do not include any units rendered to patients covered by a third-party insurer that pays under a cost reimbursement contract; these units will be reported under Part II.

Column (g).—If the budgeted fiscal year has been completed, enter a zero. If the budgeted fiscal year has not begun or if the first fiscal quarter has not yet been completed, enter the total number of projected units of service for the full budgeted fiscal year, regardless of when in the budgeted fiscal year the price is to be changed. If any fiscal quarter of the budgeted fiscal year has not been completed, enter the projected number of units for the fiscal quarters of the budgeted fiscal year not yet completed.

Column (h).—Add the numbers in columns (f) and (g) on each line, and enter totals for each.

Column (i).—Multiply the number of units in column (h) by the price increase in column (e) on each line, and enter the products for each.

Column (j).—If the price change has already been made, enter the number of units of service rendered from the effective date of the price change through the end of the quarter being reported. If the price change will not be made until later in the budgeted fiscal year, enter a zero. If the price change was made on the first day of the budgeted fiscal year, this number will be the same as that shown in column (f).

Column (k).—If the price change is already in effect and will remain in effect throughout the remainder of the budgeted fiscal year, enter the same number of units as shown in column (g). If the change is to be made on a future date, enter the projected number of units to be serviced from the effective date through the last day of the budgeted fiscal year.

Column (l).—Add column (j) and column (k) on each line, and enter totals for each.

Column (m).—Multiply column (l) by column (e) on each line, and enter the products for each.

Column (n).—Enter effective date of the price change.

Line 1.—Column (i).—Enter the total of all entries in this column.

Column (m).—Enter the total of all entries in this column.

Line (2).—In the line space provided, enter the percentage deduction from revenues for bad debts and charity allowances. If the budgeted fiscal year has not been completed, use projections for that part of the year for which actual data is not available. To compute the dollar amount of bad debt and charity allowances, multiply the totals for line 1, columns (i) and (m), respectively, by the percentage figure in line 2, and enter the dollar results in columns (i) and (m), respectively.

Line 3.—Subtract line 2 from line 1 in columns (i) and (m), respectively, and enter remainders.

Part II Price Changes Under Cost-Reimbursement Contracts

The definition of the term "price" includes a price reimbursed to a provider under a cost-reimbursement contract. In this part, list each price which is to be changed under such a contract and specify the third-party insurer (Medicare, Medicaid, etc.).

Under the Economic Stabilization regulations, institutions are required to report all price increases above (1) base prices as defined by the regulations, or (2) prices in effect on the last day of the last fiscal year, whichever is higher, when such increases result in an annualized increase in aggregate annual revenues due to price in excess of 2½ percent of aggregate annual revenues in the last fiscal year (see instructions for column (d) below for certain possible adjustments). For purposes of the Economic Stabilization Program, each of the following changes or claims for changes in the reimbursement rate constitutes a price change to third-party cost-reimbursers:

(1) Change in interim price.

(2) Change in price claimed on cost reports submitted to the cost-reimburser.

(3) Change in price established by the cost-reimburser following its initial review.

(4) Change in price established under each review after the initial review until the final price is established.

If any of the price changes cause you to come under the reporting or notification requirements, you must report the price changes as they become effective. A price increase occurs when either (1) the price for the last fiscal year is reduced in accordance with one of the above criteria and the price decrease is not fully offset by a price decrease in the budgeted fiscal year, or (2) the price in the budgeted fiscal year increases in accordance with one of the above criteria.

The total annualized price increase revenues authorized (including any exception granted), less the amount shown in Part I, line 3, column (i), represents the maximum amount of annualized price increase revenues which you may seek from third-party cost-reimbursers for a fiscal year. See the instructions for column (d), below, for certain possible adjustments.

Column (a).—Group all price changes by the third-party payer; i.e., list all Medicare prices together, all Medicaid prices together, etc.

Column (b).—Show the billing unit for each price.

Column (c).—Show the price to be charged in the budgeted fiscal year. See the discussion above for various prices which may need to be reported.

Column (d).—Show the most recent price (as discussed above) effective for the last fiscal year. This price may not be higher than the legally authorized price for the last fiscal year (as discussed in the instructions for column (d) of Part I).

When a third-party payer expresses cost reimbursement as a rate per patient day (or adjusted patient day) or per outpatient visit, the price for the last fiscal year may be increased by 2 percent to show the delivery of more services per patient day or outpatient visit. This combination of the last fiscal year price and the 2 percent intensity factor will be termed the "adjusted last fiscal year price" and is the point from which the price increase will be measured. When this factor is applicable, show by an asterisk (*) that the last fiscal year price has been adjusted for the entry in column (d). You may not adjust the last fiscal year price if the third-party payer reimburses in any other manner. You may not use an intensity factor greater than 2 percent.

The following example illustrates use of the 2 percent intensity factor. You would enter in column (d) the amounts shown under "Adjusted Last Fiscal Year Price," below, and in column (e) the amounts shown under "Unit Price Increase," below.

Example

Payer	Unit	BFY Price	LFY Price	1.02 (if applicable)	Adj/Mod LFY Price	Unit Price Increase
MEDICARE						
Inpatient	PD	$80.12	$75.00	1.02	$76.50	$3.62
Outpatient	Visits	9.90	8.20	1.02	8.36	1.54
BLUE CROSS						
Inpatient	PD	102.35	89.50	1.02	91.30	11.05
Outpatient						
EKG	Procedures	25.00	23.00	NA	23.00	2.00
X-ray	Procedures	10.00	9.20	NA	9.20	.80
Other	Visits	12.62	10.59	1.02	10.80	1.82

Discussion.—In the foregoing example, Medicare reimbursement is calculated on a patient day or patient visit basis. Therefore, the 1.02 adjustment for intensity applies to all prices paid by Medicare.

Blue Cross pays on a mixed system. All inpatient prices and most outpatient prices are expressed as a rate per patient day or per visit. Certain outpatient departments are, however, reimbursed by the number of procedures performed for persons covered by the insurer. In the example, reimbursement for EKG and X-ray is not subject to the 1.02 intensity adjustment since higher intensity will be reflected as a greater number of procedures.

Column (e).—Subtract the last fiscal year price (col. (d)) from the budgeted fiscal year price (col. (c)). Enter the remainder for each service or commodity.

Columns (f)-(m).—Most cost reimbursers pay a uniform rate throughout the fiscal year. In such a case, the following pairs of columns should be identical: (f) and (j); (g) and (k); (h) and (l); (i) and (m). If they are not, attach an explanation.

Column (n).—If the effective date of price increases to third-party payers under cost-reimbursement contracts is not the first day of your fiscal year, attach an explanation.

Line 4.—Column (i).—Enter the total of all entries in this column.

Column (m).—Enter the total of all entries in this column.

Line 5.—Enter the amounts shown in line 3, columns (i) and (m), respectively, from Part I.

Line 6.—Add lines 4 and 5 in columns (i) and (m), respectively. Line 6, column (i) represents the annualized effect on revenues of all price increases. This is the amount which must be cost-justified, and it must meet the 6 percent limitation. Line 6, column (m) is the actual amount of revenue from price changes that occur in the budgeted fiscal year which you have realized (if your budgeted fiscal year has been completed) or expect to realize (if your budgeted fiscal year has not yet begun or is in progress).

Use of Schedule A with Form S-52.—After you complete Schedule A, use the information derived to complete your report of price increases, your quarterly report, your annual report, and/or your self-monitoring check. Details on the specific uses of this information are in the general instructions for this schedule and in the instructions for the Form S-52 (Rev. July 1973). Additionally, a few specific points of interest follow:

If You Use the September 1972 Revision of Form S-52—Calculate the entry for item 18(b) as follows: Divide the amount shown in Schedule A, line 6, column (i) by the amount shown in Form S-52, item 14, column (a). This is the annualized percentage increase in aggregate annual revenues due to price increases.

If You Use the July 1973 Revision of Form S-52—

(1) The amount shown in Schedule A, line 6, column (i) should be equal to the amount shown in Form S-52, item 59, when you request an exception or when an exception has already been granted for the budgeted fiscal year.

(2) When you complete Part VIII of Form S-52, show the same amount in item 75 as you show in Schedule A, line 6, column (i). Also, show in Form S-52, item 77, the same amount that you show in Schedule A, line 6, column (m).

For All Revisions of Form S-52—

(1) The amount shown in Schedule A, line 6, column (i), is the amount which must not exceed your justified allowable costs, or 6 percent of the aggregate annual revenues realized in the last fiscal year, whichever is less, except when you have been granted an exception. If you have been granted an exception for the budgeted fiscal year, then the amount of annualized price increase revenues (Schedule A, line 6, column (i)) must not exceed the sum of the exception granted and the lesser of justified allowable costs, or 6 percent of the aggregate annual revenues realized in the last fiscal year.

(2) The amount shown in Schedule A, line 6, column (m), is the amount of price increase revenue which you will actually realize. This amount can never be greater than the amount shown in Schedule A, line 6, column (i).

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Schedule A
(Form 5-72)
(July 1973)

Department of the Treasury • Internal Revenue Service • Economic Stabilization Program

Report of Price Changes for Institutional Providers of Health Services

Date

Name of institution

Address (number and street)

City or town, State and ZIP code

Purpose of this schedule
- ☐ Report of price increase(s) not requiring exception
- ☐ Exception request
- ☐ Quarterly or other periodic report
- ☐ End-of-year compliance (all figures actual)

This report contains actual figures for _____ quarters and projected figures for _____ quarters of the fiscal year ending (month, day, and year) ➤ _____

Part I. — Payers Other Than Cost-Reimbursers

Service or commodity (a)	Billing unit (b)	BFY price (c)	LFY price (d)	Price increase ((c) − (d)) (e)	Units from first day of BFY through last day of fiscal quarter being reported (f)	Projected units for remaining quarters of BFY (g)	Total annual units ((f) + (g)) (h)	Annualized price increase revenues ((e) × (h)) (i)	Units from date of implementation to end of fiscal quarter being reported (j)	Projected units for remainder of BFY (or if not yet implemented, from projected date of implementation to end of BFY) (k)	Total realized units ((j) + (k)) (l)	Total price increase revenues realized in BFY ((l) × (e)) (m)	Effective date of price increase (n)
		$	$	$				$				$	
1 Gross price increase revenues from payers other than cost-reimbursers ➤								$				$	
2 Bad debts and charity ____%. (Do not include contractual allowances. Use actual data to the extent possible) ➤								$				$	
3 Net price increase revenues from payers other than cost-reimbursers (line 1 minus line 2) ➤								$				$	

Part II. — Third-Party Cost-Reimbursers

Service or commodity (a)	Billing unit (b)	BFY price (c)	LFY price * (d)	Price increase ((c) − (d)) (e)	Units from first day of BFY through last day of fiscal quarter being reported (f)	Projected units for remaining quarters of BFY (g)	Total annual units ((f) + (g)) (h)	Annualized price increase revenues ((e) × (h)) (i)	Units from date of implementation to end of fiscal quarter being reported (j)	Projected units for remainder of BFY (or if not yet implemented, from projected date of implementation to end of BFY) (k)	Total realized units ((j) + (k)) (l)	Total price increase revenues realized in BFY ((l) × (e)) (m)	Effective date of price increase (n)
		$	$	$				$				$	
4 Total price increase revenues from third-party cost-reimbursers ➤								$				$	
5 Net price increase revenues from payers other than cost-reimbursers (from line 3 on the other side of this schedule) ➤								$				$	
6 Total price increase revenues (add lines 4 and 5) ➤								$				$	

* When the LFY price has been adjusted for intensity (by multiplying the price times 1.02), place an asterisk (*) after the price. See the instructions for completing this schedule for details on which prices are eligible for adjustment.

Signature of preparer

[FR Doc.73-15024 Filed 7-19-73;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 45]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

COTTON

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1974 crop year in the following respects:

1. Subsection 5(f) of the Cotton Endorsement shown in § 401.136 is amended to read as follows:

(f) Notwithstanding any provision of this section for determining the production to be counted, such production shall be reduced when, due solely to insured causes, the quality of the cotton produced is such that, on the date the final notice of loss is given by the insured, the price quotation for cotton of like quality (price quotation "A") at the applicable spot market, as determined by the Corporation, is less than 75 percent of price quotation "B". Price quotation "B" shall be that day's spot market price quotation at the same market for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose. In such case, the pounds of production to be counted shall be determined by multiplying the actual number of pounds of such production by price quotation "A", and dividing the result by 75 percent of price quotation "B". This reduction for quality shall not be made if the Corporation determines that quality damage could have been prevented or reduced by following recognized good farming practices, including timely harvesting.

2. Section 6 of the Cotton Endorsement shown in § 401.136 is amended by adding a subsection (g) thereto reading as follows:

(g) "Spot market" means a market so designated by the Secretary of Agriculture by regulation (7 CFR 27.93) pursuant to 26 U.S.C. § 4862.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment establishes a formula for the downward adjustment in the production of cotton to be counted because of poor quality due to insured causes which is different from the formula applicable in the current contract. The current contract provides for an adjustment in any cotton production to be counted for which the quality has been damaged to the extent that the value per pound is less than 75 percent of the Commodity Credit Corporation loan rate for the quality of cotton shown on the actuarial table. The production of any cotton so damaged is adjusted downward by dividing the total value of such cotton by 75 percent of the Commodity Credit Corporation loan rate for the quality shown on the actuarial table.

Inasmuch as the market price for cotton is greatly in excess of the CCC loan rate, the relationship of the CCC loan rate to the value of the damaged cotton does not reflect an equitable comparison for the adjustment of production. The retention of the current quality provision will probably result in reduced sales and increased cancellations. The foregoing amendment is designed to correct this, and it is desirable it become effective in 1974. Notice of changes must be given insureds in the southern Texas counties by September 15, 1973, and applications will be taken in the near future.

Under the circumstances, and since it is a change favorable to the insured, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on July 12, 1973.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on July 18, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-15105 Filed 7-23-73;8:45am]

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

[Valencia Orange Reg. 440, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 13-19, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(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 recommendation 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 an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 440 (38 FR 18554). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 908.740 Valencia Orange Regulation 440 (38 FR 18554) are hereby amended to read as follows:

§ 908.740 Valencia Orange Regulation 440.

* * * * * *

(b) * * *

(1) * * *

(ii) District 2: 410,000 cartons.

* * * * * *

(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.73-15089 Filed 7-23-73;8:45 am]

[Lime Reg. 4, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 15, 1973, through July 21, 1973. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the han-

dling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 4 (38 FR 18662). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* The provisions in paragraph (b)(1) of § 911.404 (Lime Regulation 4, 38 FR 18662) is hereby amended to read as follows:

§ 911.404 Lime Regulation 4.

* * * * *

(b) *Order.* * * *

26,000 bushels.

* * * * *

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

Dated: July 19, 1973.

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

[FR Doc.73-15182 Filed 7-23-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 103, 223, 238, 299, and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

Current Form I–143, "Application for Extension of Permit to Reenter the United States," is being eliminated since Form I–131 has been revised to serve as an application for either issuance or extension of a reentry permit. Accordingly, the first sentence of § 223.2 is amended by substituting "Form I–131" in lieu of "Form I–143" therein, and the listing of forms in § 299.1 is amended to delete therefrom the reference to Form I–143 and to reflect a revision of the title of Form I–131. Minor corollary amendments are likewise made in §§ 103.1(e)(12) and 103.7(b)(1).

In Part 223, a minor technical amendment is made in the first sentence of § 223.2 by changing "United Arab Republic" to read "Arab Republic of Egypt."

Pursuant to section 238(d) of the Immigration and Nationality Act, an agreement has been entered into between the Acting Commissioner of Immigration and Naturalization and Air Nauru, a transportation line operating at ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3 (b) is, therefore, amended by adding "Air Nauru" to the listing of signatory transportation lines.

A number of immigration forms and naturalization forms listed in Parts 299 and 499, respectively, have been reissued and now bear a more recent edition date. Accordingly, §§ 299.1 and 499.1 are amended to reflect the current edition date of those forms. The listing of forms in § 299.1 is also amended to reflect a substitution of Form G–325C in lieu of Form G–325B, and a revision of the title of Form I–342 by substituting therein "Immigration Judge" in lieu of "Special Inquiry Officer."

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1(e), subparagraph (12) is amended by inserting the words "issuance of" immediately preceding the words "reentry permits." As amended, § 103.1(e)(12) reads as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(12) Decisions on applications for issuance of reentry permits, as provided in § 223.1;

* * * * *

2. In § 103.7(b), subparagraph (1) is amended by deleting the existing 12th fee and by amending the existing 11th fee which, when taken with the introductory material, will read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees.* (1) The following fees and charges are prescribed: * * *

For filing application for issuance or extension of reentry permit.. $10.00

* * * * *

PART 223—REENTRY PERMITS

In § 223.2, the first sentence is amended. As so amended, § 223.2 reads as follows:

§ 223.2 Extensions.

An application for extension of a reentry permit shall be submitted on Form I–131 prior to the expiration of the reentry permit's validity to the office having jurisdiction over the applicant's place of residence in the United States, or to the immigration officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning, or to an American consular officer in South America (except Venezuela), in those areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Poland, Romania, the Union of Soviet Socialist Republics, Yugoslavia, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, United Arab Emirates, and in Africa (including the Arab Republic of Egypt) when the applicant is temporarily sojourning in one of the aforementioned places. A reentry permit extension application mailed during the permit's validity is concidered as timely submitted, even though received by a Service or consular office after the permit's validity has expired. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Air Nauru."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms is* amended in the following respects:

1. The reference to Form G–325B is deleted and in lieu thereof Form G–325C

is added in alphabetical and numerical sequence to read as follows:

Form No.	*Title and description*
G-325C (3-1-72)	Biographic Information.

2. The reference to Form I-143 is deleted.

3. The listing of forms is amended to reflect the current edition date of the following forms, in addition to a revision of the title of Form I-131 and Form I-342:

§ 299.1 Prescribed forms.

Form No.	*Title and description*
I-90 (12-1-72)	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.
I-92 (6-1-73)	Aircraft/Vessel Report.
I-129F (2-1-72)	Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
I-131 (11-1-72)	Application for Issuance or Extension of Permit to Reenter the United States.
I-181 (12-1-72)	Memorandum of Creation of Record of Lawful Permanent Residence.
I-256A (6-1-73)	Application for Suspension of Deportation.
I-342 (5-1-73)	Determination of the Immigration Judge with Respect to Custody.
I-356 (4-1-73)	Request for Cancellation of Public Charge Bond.
I-418 (5-1-73)	Passenger List—Crew List.
I-485 (12-1-72)	Application for Status as Permanent Resident.
I-486A (6-1-73)	Medical Examination and Immigration Interview.
I-570 (5-1-73)	Application for Issuance or Extension of Refugee Travel Document.
I-571 (6-1-73)	Refugee Travel Document.
I-612 (5-1-73)	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

PART 499—NATIONALITY FORMS

The listing of forms in § 499.1 is amended to reflect the current edition date of the following forms:

§ 499.1 Prescribed forms.

Form No.	*Title and description*
N-3 (6-1-70)	Requisition for Forms and Binders.
N-315 (2-1-71)	Declaration of Intention.
N-400 (5-1-73)	Application to File Petition for Naturalization.
N-405 (7-1-70)	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-470 (1-22-73)	Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).
N-472 (4-28-72)	Approval of Application to Preserve Residence for Naturalization Purposes.
N-550 (12-1-69)	Certificate of Naturalization.
N-585 (4-1-73)	Application for Information from or Copies of Immigration and Naturalization Records.
N-600 (9-1-69)	Application for Certificate of Citizenship.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(e), 103.7(b)(1), 223.2, 299.1, and 499.1 relate to agency management and are editorial in nature; and the amendment to § 238.3(b) adds a transportation line to the listing.

Effective date. This order shall become effective on July 24, 1973.

Dated: July 19, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-15178 Filed 7-23-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Horses From Canada

The purpose of this amendment of the regulations in Part 92 is to permit a waiver of import inspection of horses entering the United States from Canada for temporary periods not exceeding 72 hours and to provide for inspection of horses from Canada offered for permanent entry at a port other than the port of entry when it is determined that such action will not endanger the livestock industry of the United States.

Similar procedure was in effect prior to the outbreak of Venezuelan equine encephalomyelitis (VEE) in the United States but was discontinued in July 1971 to provide increased security on horse movements into the United States. With the eradication of VEE from the United States plus the fact that Canada is free of this and other diseases of horses considered to be exotic to the United States, the present restriction is considered unnecessary and is, therefore, being relieved.

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. Section 92.3(a) is amended by inserting after "§ 92.11," the term "or § 92.24,".

2. Section 92.24 is amended to read:

§ 92.24 Horses from Canada.

Horses from Canada shall be inspected as provided in § 92.8 and shall be accompanied by a certificate and otherwise handled as provided in § 92.17: *Provided, however,* That certificates required for horses from Canada may be either issued or endorsed by a salaried veterinarian of the Canadian Government: *And provided, further,* That inspection is not required for horses imported from Canada under temporary Customs authorization for a stay not to exceed 72 hours, and arrangements may be made to provide inspection of horses imported from Canada for a stay in excess of 72 hours at a point in the United States, other than the Customs port of entry, when the Veterinary Services inspector having responsibility for imports through such port of entry determines that such action will not endanger the livestock of the United States.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective July 24, 1973.

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and

unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1973.

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

[FR Doc.73-15104 Filed 7-23-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Disclosure of Rebates of Finance Charges

1. Effective January 1, 1974, § 226.8 (b)(7) is amended to read as set forth below. The amendment will require creditors who do not grant rebates of the unearned portion of a finance charge upon prepayment of a precomputed instalment contract to disclose this fact on the Truth in Lending disclosure form. For example, if the cash price of an item is $100 and the finance charge for one year is $20, the consumer normally will sign an obligation to pay $120 over a year in 12 monthly instalments of $10 each. If the consumer repays the obligation in full before maturity, he may or may not receive a rebate of any unearned portion of the finance charge. The Regulation currently requires those creditors who make rebates to identify the rebate method. This amendment requires creditors who do not make rebates to disclose that fact to consumers in advance of their becoming obligated on credit contracts.

§ 226.8 Credit other than open end—Specific disclosures.

* * * * *

(b) *Disclosures in sale and non-sale credit.* * * *

(7) Identification of the method of computing any unearned portion of the finance charge in the event of prepayment in full of an obligation which includes precomputed finance charges and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to an obligation or refunded to the customer. If the credit contract does not provide for any rebate of unearned finance charges upon prepayment in full, this fact shall be disclosed.

2. This amendment was promulgated pursuant to section 105 of the Truth in Lending Act (15 U.S.C. section 1604). Notice of proposed rule making was published on May 3, 1973 (38 FR 12240). After consideration of all relevent matter submitted by interested parties, two minor changes were made to § 226.8 (b)(7).

3. The amendment is designed to alert consumers, before they become obligated on an installment contract, if they will not receive a rebate of the unearned portion of the finance charge should they prepay the obligation before its stated maturity.

4. Section 226.8(b)(7) has been altered from its proposed form to clarify that it applies only to rebates provided in the event that an obligation is prepaid in full and does not require disclosure relating to partial prepayment of obligations. It has also been clarified to reflect the fact that it only relates to the rebate of the "unearned" portion of a finance charge.

By order of the Board of Governors, July 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15075 Filed 7-23-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-996]

PART 545—OPERATIONS

Securities and Other Investments

JULY 18, 1973.

Section 133(c)(3) of Public Law No. 92-318 of June 23, 1972, amended section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) to authorize investment by Federal savings and loan associations in "obligations or other instruments or securities of the Student Loan Marketing Association". The Federal Home Loan Bank Board considers it desirable to amend § 545.9 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9) in order to implement such authorization.

Accordingly, the Board hereby amends said § 545.9 by adding thereto a new paragraph (g), immediately following paragraph (f), to read as follows, effective July 18, 1973:

§ 545.9 Securities and other investments.

A Federal association may invest in the following:

* * * * *

(g) Any obligations or other instruments or securities of the Student Loan Marketing Association.

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

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

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73-15188 Filed 7-23-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-WA-33]

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

Alteration to VOR Federal Airway Description

On April 17, 1973, an amendment was published in the FEDERAL REGISTER (38 FR 9488) stating in part that effective June 21, 1973, V-13 alignment would be "from Corpus Christi, Tex.; via INT Corpus Christi 038° and Palacios, Tex., 241° radials; Palacios;."

As a result, the magnetic radial for V-13 from Corpus Christi was charted as the 029° radial. The Southwest Region requested that this enroute radial be realigned via the 030° magnetic radial.

This alignment is required so that it reflects similar information described on charts utilized by the controllers, and action is taken herein to realign V-13 via the 030° (039°T) magnetic radial.

Since amending the description of this airway is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

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

Section 71.123 (38 FR 307 and 9488) is amended as follows:

In V-13 "From Corpus Christi, Tex.; via INT Corpus Christi 038° and Palacios, Tex., 241° radials; Palacios;" is deleted and "From Corpus Christi, Tex.; via INT Corpus Christi 039° and Palacios, Tex., 241° radials; Palacios;" is substituted therefor.

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

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

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

[FR Doc.73-15064 Filed 7-23-73;8:45 am]

[Airspace Docket No. 73-SW-31]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the Ruston, La., transition area.

On June 4, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 14694) stating the Federal Aviation Administration proposed to alter the Ruston, La., 700-foot transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

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

RUSTON, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the Ruston, La., VOR (latitude 32°27'54" N., longitude 92°36'30" W.) 167° radial extending from the 5-mile radius area to 11.5 miles south of the VOR.

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

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

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.73-15062 Filed 7-23-73;8:45 am]

[Airspace Docket No. 71-WA-16C]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On May 21, 1971, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (36 FR 9258) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate eleven area high routes in the United States.

Six of the routes (J-933R, J-971R, J-972R, J-974R, J-975R, and J-976R) have previously been designated. Four of the remaining five routes (J-926R, J-973R, J-977R, and J-978R) have been successfully flight inspected and are being designated in this rule. J-979R is hereby withdrawn since J-975R and J-985R could be used instead.

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

Changes from route descriptions listed in the NPRM have been made in order to use previously designated waypoints and to conform to terminal procedures in the Chicago, Ill., and Los Angeles, Calif., areas.

Since these changes are minor in nature and upon which the public would not have particular reason to comment, additional notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

In § 75.400 (38 FR 700) the following area high routes are added:

Waypoint	N. Lat./W. Long. in degrees/minutes/seconds	Reference facility
J-926R DENVER, COLO., TO LOS ANGELES, CALIF.		
Golden, Colo...	39°48'15"/105°04'06"	Denver, Colo.
Redstone, Colo.	39°01'15"/107°22'02"	Gunnison, Colo.
La Salle, Utah..	38°20'00"/109°14'49"	Dove Creek, Colo.
White Cliffs, Utah	37°06'22"/112°20'29"	Bryce Canyon, Utah.
Sanup, Ariz....	36°08'19"/113°51'29"	Peach Springs, Ariz.
Kelso, Calif....	35°06'06"/115°34'49"	Parker, Calif.
Morrow, Calif..	34°02'51"/117°14'54"	Oceanside, Calif.
J-973R SEATTLE, WASH., TO SALT LAKE CITY, UTAH		
Cumberland, Wash.	47°15'12"/121°53'53"	Yakima, Wash.
McKay, Oreg...	45°52'54"/119°28'48"	Pendleton, Oreg.
Horseshoe, Idaho.	43°46'40"/116°08'13"	Boise, Idaho.
Spring Bay, Utah.	41°28'18"/112°54'14"	Malad City, Idaho.
J-977R PORTLAND, OREG., TO CHICAGO, ILL.		
Portland, Oreg..	45°44'53"/122°35'25"	Portland, Oreg.
McKay, Oreg...	45°52'54"/119°28'48"	Pendleton, Oreg.
Grangeville, Idaho	45°55'51"/116°12'25"	McCall, Idaho
Whitehall, Mont.	45°51'43"/112°10'08"	Whitehall, Mont.
Rockvale, Mont.	45°41'03"/108°38'26"	Billings, Mont.
Brandenburg, Mont.	45°29'21"/106°06'57"	Miles City, Mont.
Mud Butte, S. Dak.	45°08'17"/102°44'26"	Rapid City, S. Dak.
Bonilla, S. Dak..	44°34'07"/98°38'07"	Aberdeen, S. Dak.
Heidy, Mont...	44°07'06"/96°00'04"	Sioux Falls, S. Dak.
Oranto, Iowa...	43°27'29"/93°09'59"	Mason City, Iowa
Woodstock, Ill..	42°21'21"/88°24'13"	Milwaukee, Wis.
J978R CHICAGO, ILL., TO PORTLAND, OREG.		
Morrison, Ill....	41°55'53"/89°47'00"	Bradford, Ill.
Elberon, Iowa..	42°00'53"/92°15'40"	Dubuque, Iowa
Corwith, Iowa..	42°58'37"/93°54'48"	Fort Dodge, Iowa
Heidy, Minn...	44°07'06"/96°00'04"	Sioux Falls, S. Dak.
Bonilla, S. Dak..	44°34'07"/98°38'07"	Aberdeen, S. Dak.
Mud Butte, S. Dak.	45°08'17"/102°44'26"	Rapid City, S. Dak.
Brandenburg, Mont.	45°29'21"/106°06'57"	Miles City, Mont.
Rockvale, Mont.	45°41'03"/108°38'26"	Billings, Mont.
Whitehall, Mont.	45°51'43"/112°10'08"	Whitehall, Mont.
Grangeville, Idaho	45°55'51"/116°12'25"	McCall, Idaho
McKay, Oreg...	45°52'54"/119°28'48"	Pendleton, Oreg.
Portland, Oreg..	45°44'53"/122°35'25"	Portland, Oreg.

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

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

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

[FR Doc.73-15063 Filed 7-23-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHOLE FISH PROTEIN CONCENTRATE

An order published in the FEDERAL REGISTER of February 2, 1967 (32 FR 1173) provided for the safe use of whole fish protein concentrate as a protein supplement in food. In promulgating that order, the Commissioner of Food and Drugs found that:

"Individual consumers are entitled to the opportunity of choice in the matter of whether they desire to include this item in their diets; therefore, the product, to be readily distinguishable should be more properly identified as 'whole fish protein concentrate,' and for domestic distribution it should be packaged for household use in consumer sized units not exceeding 1-pound net weight. Bulk sales or packaging in units larger than 1-pound cannot be authorized unless the Commissioner is supplied with data demonstrating that the proposed use of the article will not promote deception and will promote honesty and fair dealing in the interest of the consumer."

It was also concluded in the promulgating order that the fluorine intake of children under 8 years of age should be controlled to prevent tooth disfigurement by limiting the amount of the additive in their total diet on a regular basis to not more than 20 grams per day.

The Commissioner, having evaluated data in a petition (FAP 2A2762) filed by the National Fish Meal & Oil Association, 1225 Connecticut Avenue, NW, Washington, DC 20036, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of whole fish protein concentrate in manufactured foods by deleting from § 121.1202 (21 CFR 121.1202), the present restrictions which limit packaging of the additive to units not in excess of 1 pound net weight with informative consumer labeling for use only in the household. These restrictions are no longer deemed necessary provided that the labeling of the manufactured foods containing the additive bears the declaration "whole fish protein concentrate" in the proper sequence in the statement of ingredients. Over the period since the promulgation of § 121.1202, the name "whole fish protein concentrate" has been adequately established as the common or usual name and the label declaration by that name in the ingredient statement will be informative to consumers as to the presence of the additive in manufactured foods.

More recently, concern about the mercury content of fish resulted in the

establishment by the Food and Drug Administration of a guideline of 0.5 part per million (ppm) in the raw edible portion of fish. Almost all of the mercury in fish is methylmercury, the form of toxicological concern. The guideline was based on information that a daily intake of 300 micrograms (ug) mercury by pregnant women was the minimum intake that gave rise to neurological symptoms in newborn infants (although the mothers were asymptomatic) in a poisoning episode in Japan. Allowing a safety factor of 10, the tolerable limit of exposure is 30 ug per day for a 70 kilogram (kg) individual or 2 ounces (60 grams) per day of fish containing 0.5 ug mercury per gram wet weight. The validity of this tolerable level of exposure has since been given support by a study of individuals in Iraq exposed to organic mercury as a result of consumption of mercury treated wheat. Assuming the validity of the available data relating to methylmercury metabolism, accumulation of methylmercury is essentially complete and has reached an equilibration level after the exposure for one year to the same daily dose. The importance of this relationship is that methylmercury would not be expected to accumulate over the life span of an individual as has been observed generally with other heavy metals.

Data on heavy metal content of whole fish protein concentrate show that, except for mercury, the average heavy metal content is within the range found in many common foods. The question of need for a tolerance for mercury content of whole fish protein concentrate has been considered. Unlike the usual heavy metals which tend to accumulate in bone, and which may be reduced in the partial deboning of whole fish protein concentrate permitted under § 121.1202, methylmercury concentrates in tissue and there is currently no effective means for removal.

Species of fish permitted by § 121.1202 in the production of whole fish protein concentrate are limited to deep ocean fish. Unlike freshwater fish which may contain mercury levels exceeding the 0.5 ppm guideline, the vast majority of deep ocean fish have mercury levels well below 0.5 ppm. Petition data show that mercury levels in whole fish protein concentrate are in the range of 0.11 to 0.55 ppm (mean value for all species). Despite the 5-fold concentration in preparation, the extreme upper range of mercury content in the concentrate is roughly within that permitted for fresh fish.

It is recognized that there is potential for mercury from the use of whole fish protein concentrate to be additive with that obtained from consumption of fresh fish. However, since the majority of fish consumed are well below the 0.5 ppm guideline for mercury (even tuna fish averages 0.2–0.3 ppm mercury), it is unlikely that the total mercury intake will exceed the overall guideline of 30 ug/day. Even if such a slight increase were to occur occasionaly it would be without hazard.

Since all of the species of fish permitted under § 121.1202 are deep ocean fish which contain low levels of mercury, it is concluded that there is no necessity to establish a tolerance for mercury in the concentrate at this time.

Safety for the use of whole fish protein concentrate is based on 30 grams of the concentrate as the maximum that an adult could conceivably consume. Total food intake accepted by toxicologists for a 70 kg. adult is 1500 grams per day of which 500 grams is fruit and vegetables and for which there is no logical reason for supplementation with protein. The remaining 1000 grams in diet equates to about 300 grams on a dry basis, and there is a technologically realistic top use level of 10 percent whole fish protein concentrate based on dry weight of the food. Assuming supplementation of all such foods, the daily adult intake of the concentrate would be 30 grams per day. Obviously, this intake is highly exaggerated because the concentrate cannot be successfully incorporated into all foods represented by the remaining 1000 grams in diet, nor will all such foods contain as much as 10 percent of the concentrate, the technical limit.

Assuming the maximum daily intake of the concentrate as 30 grams per day, mercury intake would range from 3 to 16 ug which is considerably less than the assumed safe daily intake of 30 ug. As a practical matter, it is unlikely that the total intake of mercury by an individual from all sources of food would approach 30 ug.

It is concluded that any increase in heavy metal exposure as the result of the use of whole fish protein concentrate will be minimal, and the benefits to be derived from the use of this high quality protein far outweigh any possible hazards, which are ill-defined at this time.

Because excessive fluoride could be damaging to the teeth of children under 8 years of age, § 121.1202 currently limits regular consumption of whole fish protein concentrate to 20 grams per day by children up to 8 years of age. In comparison with the accepted 30 grams of concentrate per day that an adult could conceivably consume, the intake by a child under 8 years may be accepted as within the present 20 grams per day limit because of lower food intake by the child.

It is concluded that fluoride intake from manufactured foods may be controlled by imposing an 8 ppm tolerance on fluoride in the finished food. This tolerance will limit intake of the concentrate to 20 grams per day by children up to 8 years. Since the safety of fluoride (20 grams concentrate containing 100 ppm fluoride) is based on the maximum possible use level of the concentrate in all potential foods, the possibility of exposure from both foods supplemented in the household and manufactured foods need be of no concern.

It is highly unlikely that a child's consumption of the additive as an ingredient in manufactured foods and in home prepared foods would exceed 20 grams per day. However, even if the 20 grams per day intake is occasionally exceeded, the resulting fluoride intake would present no hazard in the diet of children.

The Commissioner has also evaluated data in a petition (FAP 1A2654) filed by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235, and other relevant material, and concludes that the food additive regulations should be further amended to provide for the safe use of whole fish protein concentrate prepared from anchovy of the species *Engraulis mordax*. The petition, as originally submitted, proposed the use of the genus *Engraulis* without limitation. However, the petitioner subsequently amended the petition to limit use of the species *Engraulis mordax* in the absence of data supporting the safety of other species. As with the fish species permitted by § 121.1202, anchovy is a deep ocean fish.

The Commissioner having carefully considered, pursuant to 21 CFR Part 6, all environmental effects relevant to this amendment of food additive regulations, concludes that an environmental impact statement is not required under the National Environmental Policy Act, 42 CFR 4332 (2) (C).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1202 is amended by revising paragraphs (a), (b), (d), (e), (f)(1), and (f)(2), and by adding a new paragraph (f)(3), as follows:

§ 121.1202 Whole fish protein concentrate.

* * * * *

(a) The additive is derived from whole, wholesome hake and hakelike fish, herring of the genera *Clupea*, menhaden, and anchovy of the species *Engraulis mordax*, handled expeditiously and under sanitary conditions in accordance with good manufacturing practices recognized as proper for fish that are used in other forms for human food.

(b) The additive consists essentially of a dried fish protein processed from the whole fish without removal of heads, fins, tails, viscera, or intestinal contents. It is prepared by solvent extraction of fat and moisture with isopropyl alcohol or with ethylene dichloride followed by isopropyl alcohol, except that the additive derived from herring, menhaden and anchovy is prepared by solvent extraction with isopropyl alcohol alone. Solvent residues are reduced by conventional heat drying and/or microwave radiation and there is a partial removal of bone.

* * * * *

(d) When the additive is used or intended for use in the household as a protein supplement in food for regular consumption by children up to 8 years of age, the amount of the additive from this source shall not exceed 20 grams per day (about one heaping tablespoon).

(e) When the additive is used as a protein supplement in manufactured food, the total fluoride content (expressed as F) of the finished food shall not exceed 8 ppm based on the dry weight of the food product.

(f) * * *

(1) The label of consumer-sized or bulk containers of the additive shall bear the name "whole fish protein concentrate."

(2) The label or labeling of containers of the additive shall bear adequate directions for use to comply with the limitations prescribed by paragraphs (d) and (e) of this section.

(3) Labels of manufactured foods containing the additive shall bear, in the ingredient statement, the name of the additive, "whole fish protein concentrate" in the proper order of decreasing predominance in the finished food.

Any person who will be adversely affected by the foregoing order may at any time on or before August 23, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of this factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 24, 1973.

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

Dated: July 17, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73-15110 Filed 7-23-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 151b—BACITRACIN

Zinc Bacitracin-Neomycin Sulfate-Polymyxin B Sulfate Ophthalmic Ointment

The Commissioner has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of the antibiotic drug zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

He concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350-351; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 151b is amended by adding the following new section:

§ 151b.22 Zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment is zinc bacitracin, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains 400 units of zinc bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B. Its zinc bacitracin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain. Its neomycin sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. The zinc bacitracin used conforms to the standards prescribed by § 146e.-418(a) of this chapter. The neomycin sulfate used conforms to the standards prescribed by § 1481.1(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The zinc bacitracin used in making the batch for potency, safety, loss on drying, pH, and zinc content.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(*c*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

(*d*) The batch for zinc bacitracin content, neomycin content, polymyxin B content, sterility, and moisture.

(ii) Samples required:

(*a*) The zinc bacitracin used in making the batch: 10 packages, each containing 300 milligrams.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*d*) The batch:

(*1*) For all tests except sterility: A minimum of 17 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filing operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Zinc bacitracin content.* Proceed as directed in § 141.110 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01*N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1), as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and bring to mark with 0.01*N* hydrochloric acid. Remove an aliquot and further dilute with 1 percent potassium phospate buffer, pH 6.0 (solution 1), to the reference concentration of 1 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20-to-25- milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and bring to mark with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 141.110 of this chapter, except add to each concentration of the polymyxin standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (so-

lution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and bring to mark with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Since the conditions prerequisite to providing for certification of subject antibiotic have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on July 24, 1973.

(Sec. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350-351; 21 U.S.C. 357, 360b(n))

Dated: July 10, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-15109 Filed 7-23-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt 59]

O.I. REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments

This Amendment 59 amends sections 9A, 10, 11, 11A, 17, 21, 22, 25, 30 and 32 and rescinds paragraph (k) of section 23 of Oil Import Regulation 1 (Revision 5).

Section 9A. Section 9A was amended in Amendment 58 to Oil Import Regulation 1 (Revision 5). The preamble to Amendment 58 stated that some items included in the Schedule B numbers 629.1060 to 629.1090 which had been included in the proposed rulemaking would be deleted. Among the items deleted were inner tubes for vehicles. Inadvertently, however, the word "tubes" was left in the description of the Schedule B numbers. To avoid confusion section 9A is amended to delete the references to tubes from the description.

Sections 10, 11, and 11A. Presidential Proclamation 4227 authorized the Secretary of the Interior to make such regulations as necessary to include in the mandatory oil import program on terms no less favorable than those accorded persons having refinery capacity in the Customs territory of the United States, persons having refinery cipacity in the territories of American Samoa, Guam, the Virgin Islands, and foreign trade zones. Accordingly, section 10 is amended to provide for allocations to persons having refinery capacity in the Virgin Islands and section 11 is amended to provide for allocations to persons having refinery capacity in American Samoa or Guam. Section 11A is amended to provide allocations for persons in American Samoa or Guam who manufacture low sulphur residual fuel oil for consumption in District V. Existing long term allocations for importation of crude into foreign trade zones will be modified to provide for imports into the U.S. Customs territory.

Section 17. On April 10 there appeared in the Federal Register (38 F.R. 7016) a proposal to amend section 17 to extend the time allowed for processing domestic crude received in exchange for foreign crude. It was also proposed that monetary or accounting adjustments be allowed in exchanges of foreign oil for domestic oil to reflect the relative values of the oil. After review of the comments received section 17 is amended essentially as proposed except that the domestic oil must be processed not later than 150 days (instead of 30 days) after the end of the allocation period during which the exchange was made. A provision is also made for the Director to extend the period in the event it is not possible to process the oil in the allotted time.

Section 21. Presidential Proclamation 4227 empowered the Oil Import Appeals Board (1) to grant refunds of license fees paid by a person for which an allocation was subsequently made by the Board and (2) to review the denial of refunds by the Secretary of license fees as provided for in the Proclamation. Section 21 is amended to conform to the Proclamation.

Section 22. On April 10, 1973, there appeared in the FEDERAL REGISTER (38 FR 7016) a proposal to amend the definition of imports as defined in section 22 to exclude domestic crude that is transported by pipeline through a foreign country back into the United States. After a careful review of the comments paragraph (j) of section 22 is amended essentially as proposed but reworded to also exclude as imports domestic oil which is commingled with foreign crude that is being transported in bond by pipeline within the United States.

Two amendments are made to the definitions in section 22 to conform to Presidential Proclamation 4227:

1. The definition of "gasoline" is amended to exclude ASTM nitration grade benzene and cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight.

2. The definition of "petrochemical plant inputs" is amended to exclude ASTM nitration grade benzene and cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight.

In addition, the following technical amendments are made to section 22:

1. The definition of "distillate fuel oil" is amended to exclude refined petroleum wax.

2. The definition of "motor gasoline" is amended to include material meeting aviation gasoline characteristics and fuel chiefly used as fuel in piston type internal combustion engines.

3. The definition of "unfinished oils" is amended by deleting the word "imported" from the description of distillation in paragraph (h)(1).

4. Definitions of "petrochemicals" and "petroleum oils" which were inadvertently omitted from section 22 by Amendment 56 are restored.

Section 25. On December 2, 1972, there appeared in the Federal Register a proposal to amend section 25 of Oil Import Regulation 1 (Revision 5) to provide increased starter allocations for new refinery capacity. Specifically, it was proposed that new refining capacity earn allocation at the front end of the sliding scale for a period of two years. Comments on the proposal were generally favorable but most people commenting felt that the allocations should be larger and that the period for the starter allocations should be longer than two years.

Presidential Proclamations 4210 and 4227 granted the Secretary the authority to grant startup allocations to new, expanded, or reactivated refinery or petrochemical capacity of up to seventy-five percent of inputs for a period of five years. This is compatible with the thrust of the comments that were made on the proposed rulemaking. Accordingly, section 25 is amended in its entirety to provide startup allocations for new, expanded, or reactivated refinery capacity at seventy-five percent of qualified inputs for a period of five years from startup. The startup allocations are outside the established levels and will not phase out. The startup provisions apply to persons having new, expanded, reactivated refinery capacity in Puerto Rico, American Samoa, Guam, the Virgin Islands, and foreign trade zones as well as to facilities in Districts I–V.

No provision is made in the amended section 25 for startup allocations to new, expanded and reactivated petrochemical plants. It is anticipated that a separate amendment will be made in the near future covering petrochemical plants.

Section 30. Presidential Proclamation 4227 added to the class of persons ineligible to qualify for an allocation of No. 2 fuel oil into district I those persons holding allocations under either section 11 to import into district V or section 15 to import into Puerto Rico. Section 30 is amended to conform to Proclamation 4227.

Section 32. Presidential Proclamation 4227 made several adjustments in the oil import program with regard to the license fee system. Among these were:

1. Provision for the posting of a bond in lieu of full payment of the license fee when the application is filed. Payment of the license fees when the proper bond is

posted will be made after importation of the oil.

2. Provision for refund of license fees for unused portions of licenses in whole or in part.

3. Provision for refund of license fees if so directed by the Oil Import Appeals Board.

4. Provision for refund of any overcharge for a license.

5. Provisions for the importation of unfinished oils and finished products from American Samoa, Guam, the Virgin Islands, and foreign trade zones at the license fee applicable to the feedstocks from which these unfinished oils or finished products were derived.

6. Establishment of a separate fee schedule for motor gasoline and finished products from Canada. This fee schedule will phase in at a slower rate than the fee schedule for imports from other sources so as to lessen the shock of imposing license fees on materials which have moved into the U.S. freely in the past.

Section 32 is amended to conform to the Proclamation.

Section 23. Paragraph (k) of section 23 of Oil Import Regulation 1 (Revision 5) permits a person holding an import license under an allocation made pursuant to sections 9, 10, or 25 to exchange such license for a license to import Canadian imports. This provision provided added flexibility that was desirable when excess Canadian imports were available. However, the extremely tight supply situation of Canadian imports has led to export controls by the Canadian Government. The granting of additional licenses for Canadian imports is not compatible with the action taken by the Canadian Government. Therefore, paragraph (k) of section 23 of Oil Import Regulation 1 (Revision 5) is hereby rescinded.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

Approved: July 19, 1973.

WILLIAM E. SIMON,
Deputy Secretary of Treasury.

Sec. 9A [Amended]

Subparagraph (1) of paragraph (a) of section 9A of Oil Import Regulation 1 (Revision 5), as amended, is amended by deleting the expression "and tubes" in the Description following the Trade Classification Schedule B numbers 629.1010–629.1050. Paragraphs (a) and (c) of section 10 of Oil Import Regulation 1 (Revision 5), as amended, are amended, and new paragraphs (f) and (g) are added to read as set forth below.

Sec. 10 Allocations; Refiners; Districts I–IV.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended imports into Districts I–IV among eligible persons having refinery capacity in these districts or the Virgin Islands. With respect to the Virgin Islands qualified refinery inputs shall be limited to crude oil charged to the refinery.

* * * * *

(c) Except as provided for allocations based on inputs to refineries located in the Virgin Islands, under an allocation made pursuant to paragraph (b) of this section, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

* * * * *

(f)(1) For the purpose of allocating imports of unfinished oils and finished products produced by refineries in the Virgin Islands, allocations claimed on account of such refineries shall be computed in accordance with the sliding scale set out in paragraph (b) of this section but inputs to such refineries shall be treated as the last increment of the aggregate of inputs at the highest applicable level in the sliding scale.

(2) Allocations made pursuant to this section 10 to persons for refinery capacity located in the Virgin Islands shall be for import into Districts I–IV or Puerto Rico of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported from the Virgin Islands pursuant to an allocation granted under this section 10 cannot be counted as qualified refinery inputs in Districts I–IV or District V.

(g) Applications must be filed with the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240 within seven (7) days after publication of this amendment in the FEDERAL REGISTER unless an application for a 1973 allocation has been filed with the Director, Office of Oil and Gas, previously.

Paragraphs (a) and (c) of section 11 of Oil Import Regulation 1 (Revision 5), as amended are amended, and new paragraphs (f) and (g) are added to read as follows.

Sec. 11 Allocations; Refiners; District V.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, imports into District V among eligible persons having refinery capacity in that district, Guam or American Samoa. With respect to Guam or American Samoa qualified refinery inputs shall be limited to crude oil charged to the refinery.

* * * * *

(c) Except as provided for allocations based on inputs to refineries located in Guam or American Samoa, under an allocation made pursuant to paragraph (b) of this section, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

* * * * *

(f)(1) For the purpose of allocating imports of unfinished oils and finished products produced by refineries in Guam or American Samoa, allocations claimed on account of such refineries shall be computed in accordance with the sliding scale set out in paragraph (b) of this section, but inputs to such refineries shall be treated as the last increment of the aggregate of inputs at the highest applicable level in the sliding scale.

(2) Allocations made pursuant to this section 11 to persons for refinery capacity located in Guam or American Samoa shall be for import into District V of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported from Guam or American Samoa pursuant to an allocation granted under section 11 cannot be counted as qualified inputs in Districts I–IV or District V.

(g) Applications must be filed with the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240 within seven (7) days after publication of this amendment in the Federal Register unless an application for a 1973 allocation has been filed with the Director, Office of Oil and Gas, previously.

Paragraphs (a) and (b) of section 11A of Oil Import Regulation 1 (Revision 5), as amended, are amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil or finished products based upon the production of low sulphur residual fuel oil. To the extent that the provisions of this section are inconsistent with the provisions of other sections of this regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of imports of crude oil made under section 11 of this Regulation, each eligible applicant with refinery capacity in District V, American Samoa or Guam who produces low sulphur residual fuel oil, containing not more than five-tenths of one per cent (0.5%) sulphur by weight, and which is delivered to consumers in District V for use as fuel in order to comply with governmental requirements respecting air pollution shall receive an allocation of imports equal to the amount in barrels of such low sulphur residual fuel oil to

which the applicant certifies both as to production and delivery. In the case of refinery capacity located within the Customs territory of the United States the allocation will be for the importation of crude oil. In the case of refinery capacity located in American Samoa or Guam the allocation will be for the importation of finished product into District V.

Paragraph (b) of section 17 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 17 Use of imported crude oil and unfinished oils.

* * * * *

(b) (1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, 11, 11A, paragraph (a) of section 15, or section 25 of this regulation, may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of that section.

(2) A proposed agreement for each such exchange must be reported to the Director before any action involved in the exchange is taken.

(3) Each such exchange must be effected on a ratio of not less than 1 barrel of domestic oil for each barrel of imported oil unless a different exchange rate is approved by the Director.

(4) In any such exchange, the person who is exchanging oil imported pursuant to an allocation under section 9, 10, 11, 11A, 15 or 25 for domestic oil must take delivery of the domestic oil and process it in his own refinery or petrochemical plant, located in the same district for which the allocation is granted, not later than 150 days after the end of the allocation period in which the exchange is made. If requested the Director may extend this period if it is shown that the person receiving the domestic oil cannot process the oil in the allotted time.

(5) Each such exchange must be on an oil-for-oil basis; however, settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(6) Any such exchange must not be otherwise unlawful.

Section 21 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 21 Oil Import Appeals Board.

(a) There is in the Department of the Interior, an Oil Import Appeals Board comprised of a representative each from the Department of the Interior, Justice and Commerce to be designated by the heads of such departments. The representative of the Department of the Interior shall be the Board's Chairman.

(b) The Board, subject to the general direction of the Chairman of the Oil Policy Committee, shall consider petitions by persons affected by this Regulation that fall within the limits of the jurisdiction specified in this paragraph and without regard to the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended, may:

(1) Reverse or modify on grounds of error actions taken by the Director (Office of Oil and Gas) on applications for allocations of imports under this Regulation;

(2) Modify, on the grounds of exceptional hardship, any allocation made to any person under this Regulation;

(3) Grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under this regulation;

(4) Grant allocations of imports of finished products on grounds of exceptional hardship;

(5) Grant allocations of imports of crude oil, unfinished oils, and finished products to independent refiners or established independent marketers who are experiencing exceptional hardship, or in emergencies in order to assure, insofar as practicable, that adequate supplies are available;

(6) Review the revocation or suspension of any allocation or license;

(7) Review the denial by the Director, Office of Oil and Gas, Department of the Interior, of refunds of license fees, whether in whole or in part, theretofore paid by a person; and

(8) Grant refunds, in whole or in part, of license fees paid by persons to whom licenses were issued for imports which they subsequently became entitled to make under allocations made by the Board.

(c) Except with respect to its function to review applications for allocations of imports to which license fees are applicable, licenses issued pursuant to the Board allocations shall be fee exempt.

(d) The Board may take such actions on petitions as it deems appropriate and its decisions shall constitute final action.

(e) The Board may adopt, promulgate, and publish such rules and procedures as it deems appropriate for the conduct of its business.

Subparagraphs (g)(2), (g)(4), (g)(9), (h)(1), (p)(2)(iii) and paragraph (j) of section 22 of Oil Import Regulation 1 (Revision 5), as amended, are amended and two new paragraphs (q) and (r) are added to read as follows.

Sec. 22 Definitions.

* * * * *

(g) * * *

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

* * * * *

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

* * * * *

(9) 'Motor gasoline' means:

(i) Automotive gasoline with the following characteristics:

	Gasoline All Grades
Gravity, °API, ASTM D287	56.3–67.7
Distillation, ASTM D–86	
°F at 10% D+L	103–135
°F at 50%	185–233
°F at 90%	301–358
Reid Vapor Pressure, psi ASTM D–23.	7.5–13.2
Octane (Research) ASTM D–908.	83.1–103.3
Octane (Motor) ASTM D–357.	79.5–99.6
Appearance	Clear and Bright

(ii) Aviation gasoline with the following characteristics:

	Gasoline All Grades
Gravity, °API, ASTM D–287	64.0–76.2
Distillation, ASTM D–86	
°F at 10% D+L	138–165
°F at 50%	174–220
°F at 90%	213–260
Reid Vapor Pressure, psi ASTM D–323.	5.8–7.0
Octane (Research) ASTM D–908.	81–105
Octane (Motor) ASTM D–357.	81–105
Appearance	Clear and Bright; or:

(iii) Fuel (but not diesel fuel) shown to be derived primarily from petroleum, shale or gilsonite and chiefly used as fuel in piston type internal combustion engines.

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

* * * * *

(j) The words "importation", "importing", "import", "imports", and "imported" include both entry for consumption and withdrawal from warehouse for

consumption; but do not include crude oil, unfinished oils, or finished products which were produced in the United States and are tranported by a pipeline carrying foreign oil in bond within the United States or which are transported by pipeline through a foreign country into the Customs territory of the United States or in the event of commingling with foreign oils of like kind and qualities incidental to such transportation of quantities equivalent to the quantities produced in and withdrawn from foreign oil moving in bond within the United States and shipped from such customs territory.

* * * * *

(p) * * *

(2) * * *

(iii) Benzene which met the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene which had a purity of 95 percent or more by weight but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

(q) "Petrochemicals" means carbon or organic compounds (other than finished products or unfinished oils) which are produced from petrochemical plant inputs by chemical reaction in a petrochemical plant.

(r) As used in paragraph (g) and paragraph (h) of this section, the term "petroleum oils" includes liquid hydrocarbons derived from crude oil.

Section 25 of Oil Import Regulation 1 (Revision 5), as amended, is amended in its entirety to read as follows:

Sec. 25 Allocations of crude, unfinished oils and finished products—Districts I–IV, District V, Puerto Rico, the Virgin Islands, Guam, American Samoa, and Foreign Trade Zones—new, expanded or reactivated refinery capacity based upon estimated and actual inputs.

(a) (1) The Director may make allocations of imports of crude oil, unfinished oils, and finished products with respect to new, expanded or reactivated refinery capacity as provided in this section.

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The application shall disclose in detail such information as the Director may require, including—

(i) The nature of the facility,

(ii) The location of the facility,

(iii) The products and the quantity of each product to be produced,

(iv) The capital outlay involved,

(v) The expected average barrels per day of qualified feedstocks inputs of such facility,

(vi) The identification of the feedstocks, and the source thereof,

(vii) The date that the facility went on-stream or is scheduled to go on-stream,

(viii) Whether the application is for a new facility, an expansion, or a reactivation, and

(ix) Whether this facility will replace an existing facility which is to be or has been shut down.

(b) (1) Each increment of new, expanded or reactivated refinery capacity will be treated as a separate entity under this paragraph (b) for a total of sixty months.

(2) If the new, expanded or reactivated refinery capacity is scheduled to come on-stream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), which it is estimated will be made to such capacity during that allocation period. In the event the new, expanded or reactivated refinery capacity comes on-stream after September 30 of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to paragraph (b) (3), (4), or (5) of this section for the succeeding allocation periods.

(3) If the new, expanded or reactivated refinery capacity has come on-stream during the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be computed on the basis of the sum (divided by 365) of (i) the refinery inputs actually made to the new, expanded or reactivated refinery capacity during the first nine months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs which it is estimated will be made to such capacity during the next number of months which, when combined with the months in clause (i), will constitute a period of twelve months.

(4) If the new, expanded or reactivated refinery capacity has been on-stream for at least one year as of September 30, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on actual inputs (divided by 365) to the facility during the preceding twelve months ending September 30; *Provided*, That, the facility will not have been on-stream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated refinery capacity has not been on-stream for a period of sixty months after earning an allocation under paragraph (b) (4) of this section, an allocation will be made for the next allocation year based on actual inputs (divided by 365) for the year ending September 30 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the two previous allocation years, will constitute a period of sixty months. The facility will, for this number of days, earn an allocation under this section 25.

(c) Allocations with respect to new, expanded or reactivated refinery capacity shall be computed at seventy-five percent of estimated or actual qualified inputs to such facility as determined in paragraph (b) (2), (b) (3), (b) (4), or (b) (5) of this section.

(d) With regard to the Virgin Islands, Guam, American Samoa, and foreign trade zones "qualified inputs" shall be limited to crude oil charged to the refinery.

(e) (1) If an allocation based in whole or in part on estimated inputs is made to an applicant pursuant to this section, the actual inputs submitted by the applicant as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the estimated inputs and the actual inputs made during the period for which inputs were estimated.

(2) If the estimated inputs upon which an allocation is based exceed the actual inputs made by more than five percent of the estimated inputs, then, in addition to the adjustment downward provided by paragraph (e) (1) of this section, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the estimated inputs exceeded the actual inputs by more than five percent. However, to the extent that an applicant demonstrates to the satisfaction of the Director that the excess of estimated inputs over actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control, the Director may waive the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated refinery fails to come on-stream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Director that a substantial effort was made to complete and to start-up such a facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control.

(3) (i) Any person who has been granted an allocation for a new, expanded or reactivated refinery in Districts I–IV may avoid the penalty prescribed in paragraph (e) (2) of this section by returning on or before September 30 of the period for which the alloca-

tion was granted such a license or licenses for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 10.

(ii) Any person who has been granted an allocation for a new, expanded or reactivated refinery in District V may avoid the penalty prescribed in paragraph (e)(2) of this section by returning on or before September 30 of the allocation period for which the allocation and license were granted such a license for a downward adjustment, or in lieu of returning such license, returning for downward adjustment a license issued in District V to the person under section 11.

(iii) Any person who has been granted an allocation for a new, expanded or reactivated refinery, in Puerto Rico, the Virgin Islands, Guam, American Samoa or a foreign trade zone may avoid the penalty prescribed in subparagraph (2) by returning on or before September 30 of the allocation period for which the allocation and license were granted such a license for a downward adjustment.

(iv) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before September 30 of the allocation period for which the allocation and license were granted.

(4) Further adjustments will be made in addition to those described in paragraph (e)(3)(i) and (ii) of this section. If the person has any other like refinery capacity, and reductions are made in the inputs for this other capacity during the allocation periods as a result of the new, expanded or reactivated facility; in such a case, in determining inputs for the next allocation period, the input credit for the new facility application will be lowered by the amount that inputs were reduced in the applicant's other existing facilities in the year ending September 30 of the prior allocation period.

(5) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated refinery capacity has been conducted by compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide refinery capacity as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within sixty days from the date of such determination be ready for start-up and trials.

(f) No license issued for allocations made under this section may be sold, assigned, or otherwise transferred.

(g) (1) As used in this section 25, "expanded refinery capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of existing refinery capacity as have resulted in an increased processing capability of not less than fifteen percent in the particular refinery capacity under consideration over the refinery capacity existing in that particular facility during the preceding twelve months.

(2) As used in this section 25, "reactivated refinery capacity" means restoration to operation of refinery capacity which had been shut down for not less than twelve months immediately preceding its reactivation.

(h) An applicant to whom an allocation is made under this section shall not receive an allocation for the same refinery capacity under section 10 or 11.

(i) (1) Except as provided in paragraph (i)(2) of this section, under an allocation made pursuant to this section 25, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

(2) Allocations made pursuant to this section 25 to persons for new, expanded or reactivated refinery capacity located in American Samoa, Guam, the Virgin Islands or foreign trade zones shall be for import into Districts I–V or Puerto Rico of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported pursuant to an allocation granted under this section 25 cannot be counted as qualified refinery inputs in Districts I–IV or District V, or Puerto Rico.

(j) An applicant may not receive an allocation under this section 25 for new, expanded or reactivated refinery capacity for which inputs were included in applications filed pursuant to section 10 or 11 for allocation periods beginning on or before January 1, 1973.

(k) An applicant may not receive an allocation under this section 25 for new, expanded or reactivated refinery capacity if the same refinery capacity is subject to a long term allocation as defined in Presidential Proclamation 3279, as amended.

(l) Persons wishing to qualify for an allocation under this section 25 for the 1973 allocation period must file an application on or before July 31, 1973, unless an application has been filed previously.

Paragraph (c) of section 30 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 30 Allocations of No. 2 fuel oil—District I.

* * * * *

(c)(1) Except as provided in paragraph (c)(2) of this section, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil, has under his management and operational control a deepwater terminal which is located in District I and in which No. 2 fuel oil is handled, does not have a crude oil import allocation into Districts I–V or Puerto Rico under section 9, 10, 11, 15 or 25 of this Regulation and who, in the allocation period beginning prior to January 1, 1973, had received from the Secretary an allocation of imports into District I of No. 2 fuel oil.

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deepwater terminal operator in District I who does not have a crude oil import allocation into Districts I–V or Puerto Rico under section 9, 10, 11, 15 or 25 of this Regulation and who in the allocation period beginning prior to January 1, 1973, had received from the Director, Office of Oil and Gas, an allocation of imports into District I of No. 2 fuel oil.

(2) No person who has an allocation of imports into Districts I–V or Puerto Rico of crude oil under section 9, 10, 11, 15 or 25 of this Regulation shall be eligible for an allocation under paragraph (c) of this section.

* * * * *

Section 32 of Oil Import Regulation 1 (Revision 5), as amended, is amended in its entirety to read as follows:

Sec. 32 Allocations and fee-paid licenses for imports of crude oil, unfinished oils and finished products—Districts I-IV, District V, and Puerto Rico.

(a) Effective May 1, 1973, any person wishing to import crude oil, unfinished oils, or finished products into Districts I–IV, District V, or Puerto Rico may do so by filing an application with the Director of the Office of Oil and Gas, in such form as the Director may prescribe.

(b) Allocations and licenses under this section will, to the fullest practicable extent, be made and issued by the Director within (10) days after his receipt of applications therefor. In no event will allocations be made and licenses issued by the Director within less than five (5) days after his receipt of applications therefor.

(c) Applications for allocations and licenses under this section, to be issued at the rates prescribed in this section for a particular period and postmarked not later than midnight of the date upon which such period expires, will qualify for issuance at the rate for the period in effect at the time the application was mailed. Any application for an allocation under this section postmarked later than midnight of the date upon which such period expires may at the option of the applicant, be subject to the license fee applicable during the following license fee period or withdrawn. If the date upon which the period expires is a Saturday, Sunday or holiday, the application will nevertheless qualify if it is postmarked not later than midnight of the next succeeding business day.

(d) Applications for allocations under this section shall be accompanied by the

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

(e) Separate licenses will be issued for crude oil, motor gasoline, and for all other finished products and unfinished oils.

(f) Allocations and licenses for imports of crude oil, unfinished oils and finished products made under this section shall be valid for six (6) months following the date of their issuance.

(g) Refund of license fees paid for the importation of crude or unfinished oils shall be made by the Director, wholly or in part:

(1) where the licensee has failed to use, wholly or in part, the license issued to him. Applications for such refunds must be filed in such form as the Director may prescribe not later than ninety (90) days after expiration of said license for which the refund is requested.

(2) where refund of license fees, in whole or in part, is ordered by the Oil Import Appeals Board.

(3) to the extent that such crude oils or unfinished oils have been incorporated into petrochemicals as defined in section 9A of this Regulation which are subsequently exported, or finished products subsequently exported or that asphalt as defined in this Regulation was produced from the imported feedstocks. Applications for refunds must be filed in such form as the Director may prescribe not later than ninety (90) days after exportation of the petrochemical or finished product or manufacture of the asphalt to which such application pertains; and shall be accompanied by all information necessary in the judgment of the Director to enable him to determine the sum, if any, which should be refunded.

(4) to the extent that they reflect volume adjustments made subsequent to entries made against the license at the time of importation, such as corrections made by Customs of contained basic sediment and water, corrections of mistakes made in calculating tank volumes, or corrections of mistakes made in calculating volumes to standard temperature. Applications for such refunds must be filed in such form as the Director may prescribe, not later than ninety (90) days after the date of the last entry of imports made against the license.

(5) in the event it is determined after entry that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which a license fee has been paid should in fact have been assessed a license fee at a lower rate. In such cases the Director will make refunds for the overpayment of license fees as soon as practicable after notification by the District Director of Customs that a lower license fee is applicable.

(h)(1) In the event the volume of a particular shipment of crude oil, unfinished oils, or finished products being imported pursuant to a license to which a license fee is applicable exceeds the volume stated on the license against which the material is being imported by five (5) percent or less the District Director of Customs may permit the entry of the excess without license. The importer, however, must within ten (10) days of such entry remit payment to the Director of the Office of Oil and Gas by certified check or a cashier's check payable to the order of the Treasurer of the United States for the fee on the excess entered without license at the same rate such fee was paid for the license.

(2) In the event it is determined after entry that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which a license fee has been paid should in fact have been assessed a higher license fee the importer must within thirty (30) days after notification by the District Director of Customs that a higher license fee is applicable remit payment to the Director, Office of Oil and Gas by certified check or a cashier's check payable to the Treasurer of the United States for the sum of the additional license fee due.

(3) In the event an importer fails to comply with the terms set forth in paragraph (h) (1) and (2) of this section, a penalty shall be assessed equal to the additional license fees due. The Director shall collect both the additional license fee due and the penalty due before entertaining any further applications from said importer for additional fee paid licenses.

(i) (1) Fees payable for licenses issued under allocations of imports of unfinished oils and finished products shall be in accordance with the following schedule:

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

FEE SCHEDULE

[Cents Per Barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Motor Gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt)	15.9	20.0	30.0	42.0	52.0	63.0

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

FEE SCHEDULE

[Cents Per Barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975	May 1, 1976	Nov. 1, 1976
Motor Gasoline	0	0	5.7	6.0	12.6	12.6	22.1	22.1
Other finished products (but not including ethane, propane, butanes or asphalt)	0	0	3.0	4.2	10.4	12.6	22.1	22.1

	May 1, 1977	Nov. 1, 1977	May 1, 1978	Nov. 1, 1978	May 1, 1979	Nov. 1, 1979	May 1, 1980	Nov. 1, 1980
Motor Gasoline	31.5	31.5	41.0	41.0	50.4	50.4	63.0	63.0
Other finished products (but not including ethane, propane, butanes, or asphalt)	31.5	31.5	41.0	41.0	50.4	50.4	63.0	63.0

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

[FR Doc.73-15193 Filed 7-20-73;11:35 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–1—GENERAL

PART 14–2—PROCUREMENT BY FORMAL ADVERTISING

Novation Agreements; Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior, contained in 5 USC 301, Clause 18 of the Novation Agreement contained in § 14–1.5101(d) and § 14–2.407–1 of Chapter 14, Title 41 of the Code of Federal Regulations are hereby amended.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rule making process. However, the amendments herein are minor and entirely administrative in nature. Therefore, the public rulemaking process is waived, and these changes will become effective on August 1, 1973.

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

JULY 17, 1973.

1. The Interior Procurement Regulations are amended to correct minor typographical errors in Clause 18 of the Novation Agreement in § 14–1.5101(d). The clause is revised to read as follows:

Subpart 14–1.51—Novation Agreements and Change of Name Agreements

§ 14–1.5101 Agreement to recognize a successor in interest.

* * * * *

(d) * * *

NOVATION AGREEMENT

* * * * *

18. The Transferor agrees that any rights in inventions, patents, and data which accrue to the Government or to third party beneficiaries under the contracts between the Transferor and the Government shall not be diminished as a result of the transfer instruments or this Agreement.

2. Section 14–2.407–1 is amended to clarify the language and to change the title of an officer from the Director of Congressional Liaison to the Assistant Secretary—Congressional and Public Affairs. The section is amended to read as follows:

Subpart 14–2.4—Opening of Bids and Award of Contracts

§ 14–2.407 Award.

§ 14–2.407–1 General.

(a) At least 48 hours prior to award of a contract between $10,000 and $1,000,000, and at least 72 hours prior to award of a contract in excess of $1,000,000, and prior to any other announcement regarding the proposed date of contract award, the following information shall be furnished simultaneously to the Assistant Secretary having jurisdiction over the bureau or office making the award, and to the Assistant Secretary—Congressional and Public Affairs:

(1) Name and street address of contractor

(2) Complete description in layman terms of items or services involved, and exact location of contract performance

(3) Small business or distressed labor area preference given to the successful bidder, if applicable

(4) Proposed date of contract award

(5) Contract amount

(b) Contract modifications in excess of $10,000, which fundamentally alter the project involved, are also subject to the above requirements.

[FR Doc.73–15076 Filed 7–23–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5349]

[Arizona 6701]

ARIZONA

Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. 300 (1970), it is ordered as follows:

The departmental order of February 4, 1919, as modified by the departmental order of August 19, 1941, creating Stock Driveway No. 56, Arizona No. 2, is hereby modified to the extent necessary to permit the location of a right-of-way under Section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by the Yavapai County Highway Department, on the following described lands, as delineated on a map entitled "Yavapai County Highway Department Right-of-Way Map Maggie Mine Road" on file with the Bureau of Land Management in Arizona 6701, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 9 N., R. 2 E.,
sec. 22, W½NW¼, NW¼SW¼, SE¼SW¼;
sec. 27, SW¼NW¼.

The area described in the right-of-way aggregates 8.124 acres in Yavapai County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15069 Filed 7–23–73;8:45 am]

[Public Land Order 5350]

[Arizona 6608]

ARIZONA

Withdrawal for National Forest Research Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forests lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

San Francisco Peaks Research Natural Area

T. 23 N., R. 7 E.,
sec. 19, lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼;
sec. 30, lots 1 to 12, incl., E½W½.

The areas described aggregate 1,023.93 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15073 Filed 7–23–73;8:45 am]

[Public Land Order 5351]

[Idaho 4471]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. Secretary's Orders dated March 5, 1903, April 15, 1919, and June 23, 1943, withdrawing lands for the Boise Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 5 N., R. 2 W.,
Sec. 21, NE¼NW¼.
T. 5 N., R. 3 W.,
Sec. 2, E½NE¼SW¼;
Sec. 12, NE¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼, SW¼SW¼, NW¼SE¼.
T. 6 N., R. 3 W.,
Sec. 5, lots 3, 4, S½SW¼NE¼, SE¼NW¼;
Sec. 6, lots 1, 2, 7, SW¼NE¼, E½E½SE¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼;
Sec. 15, SE¼NW¼;
Sec. 22, NE¼SW¼, E½SE¼SW¼;
Sec. 27, N½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼, NW¼SE¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼NE¼, NE¼NW¼;
Sec. 35, E½NE¼NW¼, SE¼NW¼, E½SW¼.
T. 6 N., R. 4 W.,
Sec. 1, lot 4.
T. 7 N., R. 4 W.,
Sec. 20, S½SE¼;
Sec. 28, N½SW¼.
T. 6 N., R. 5 W.,
Sec. 28, S½NE¼.

The areas described aggregate 1,316.51 acres in Canyon, Gem, and Payette Counties.

The lands are located northerly from Caldwell in the Black Canyon area. They are gently rolling grazing lands. Vege-

tative cover consists of sagebrush, native grasses and forbs.

2. At 10 a.m. on August 22, 1973, the lands shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received prior to 10 a.m. on August 22, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73-15068 Filed 7-23-73;8:45 am]

[Public Land Order 5352]

[Arizona 6607]

ARIZONA

Withdrawal for National Forest Botanical Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

APACHE NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Phelps Cabin Research Natural Area

T. 6 N., R. 27 E.,
Sec. 9, S½SW¼NE¼, W½NW¼SE¼, S½SE¼;
Sec. 10, SE¼NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼;
Sec. 15, N½NW¼NW¼;
Sec. 16, lot 1, N½NE¼.

The area described aggregates 291.94 acres in Apache County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73-15070 Filed 7-23-73;8:45 am]

[Public Land Order 5353]

ALASKA

Withdrawal of Lands Pending Determination of Eligibility of Native Communities and for Classification of Lands in Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, and the provisions of prior withdrawals, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection under section 12 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 701, 43 U.S.C. sec. 1611 (hereinafter referred to as the "Act"), and are hereby reserved pending determination under section 11(b)(3) of the Act, of the eligibility of the following named communities for benefits as "Native villages" under the Act. Following the name of each community will appear the township or townships in which all or part of that community is located. This order withdraws and reserves all the public lands as defined in the Act, which are located in any of the named townships or which are located in a first ring of townships that are contiguous to or corner upon the named townships, or which are located in a second ring of townships that are contiguous to or corner upon the first ring of townships:

a. *Council:*

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 7 S., R. 25 W.

b. *Woody Island:*

SEWARD MERIDIAN

Protracted Descriptions

T. 27 S., R. 19 W.
T. 28 S., R. 19 W.

c. *Eyak:*

COPPER RIVER MERIDIAN

Protracted Descriptions

T. 15 S., R. 2 W.

d. *Chenega:*

SEWARD MERIDIAN

Protracted Descriptions

T. 2 N., R. 8 E.

The withdrawal made by this paragraph is not a determination of the eligibility of any of the aforenamed communities to receive benefits under the provisions of the Act.

2. Subject to the provisions of paragraph 4 of this order, any appropriation or disposal of these lands permitted by any prior withdrawal of these lands, but forbidden by the terms of this order, are hereby forbidden. Any appropriation or disposal of these lands permitted by the terms of this order but forbidden by the terms of any prior withdrawal, remain forbidden until this order is appropriately modified.

3. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of the Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, supra, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act, supra, but not from selection pursuant to section 12 of the Alaska Native Claims Settlement Act, supra, by corporations formed pursuant to section 7 or 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any of the lands not conveyed pursuant to section 14 of the Act, or conveyed to the State of Alaska pursuant to Alaska Statehood Act, supra.

4. Prior to the conveyance of any of the lands withdrawn by paragraph 1 of this order to any village corporation or regional corporation, the lands shall be subject to administration by the Secretary of the Interior, or the Secretary of Agriculture in case of national forest lands, under the applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73-15074 Filed 7-23-73;8:45 am]

Title 45—Public Welfare

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

PART 187—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Notice of proposed rulemaking was published in the FEDERAL REGISTER on

May 9, 1973, at 38 FR 12130, setting forth requirements and criteria for the award of financial assistance under section 810 of the Elementary and Secondary Education Act of 1965, as added by part B of the Indian Education Act, Title IV of the Education Amendments of 1972, (Public Law 92-318, 86 Stat. 339, 20 U.S.C. 887c), to State and local educational agencies; Federally supported elementary and secondary schools for Indian children; Indian tribes, organizations, and institutions; institutions of higher education, and public agencies and institutions. Funds under the Act are to be used for the purpose of planning, developing, and carrying out programs and projects for the improvement of educational opportunities for Indian children.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections regarding the proposed regulation. No comments of a substantive nature were received during this period, and no substantive changes have been made in the proposed regulation. A few minor changes have been made to correct clerical errors.

After consultation with the National Advisory Council on Indian Education as required by section 442(b) of the Indian Education Act, and with the approval of the National Advisory Council, Title 45 of the Code of Federal Regulations is amended by adding a new Part 187 as set forth below.

Federal financial assistance provided pursuant to section 810 of the Elementary and Secondary Education Act of 1965 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92-318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Effective date. As appears from the foregoing, the corrections in the text of the regulation do not involve any changes of a substantial nature in the provisions which were published in the FEDERAL REGISTER on May 9, 1973, as proposed rulemaking. Accordingly, this regulation shall be effective on July 24, 1973.

Dated: July 5, 1973.

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

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

Subpart A—Scope; Definitions

Subpart B—Applications for Financial Assistance

Subpart C—Criteria for Assistance

Subpart D—General Provisions

AUTHORITY.—Sec. 810, Public Law 89-10, as amended, 86 Stat. 339 (20 U.S.C. 887c), unless otherwise noted.

Subpart A—Scope; Definitions

§ 187.1 Scope.

This part governs the provision of assistance to State and local educational agencies; Indian tribes, organizations, and institutions; federally supported elementary and secondary schools for Indian children; and institutions of higher education for carrying out special programs and projects to improve educational opportunities for Indian children under section 810 of the Elementary and Secondary Education Act of 1965 (as added by § 421 of the Indian Education Act, title IV of Public Law 92-318).

(20 U.S.C. 887c.)

§ 187.2 Definitions.

As used in this part:

"Act" means section 810 of title VIII of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 887c.)

"Elementary school" means a day or residential school which provides elementary education including early childhood education, as determined under State law.

(20 U.S.C. 887c; 20 U.S.C. 881(c).)

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services for Indian children, including items such as instructional equipment and necessary furniture, printed, published and audiovisual instructional materials, and books, periodicals, documents, and other related materials.

(20 U.S.C. 881(d).)

"Exemplary," as applied to an educational program, project, service, or activity, includes a program, project, service or activity designed to be so educationally effective or outstanding that it could be identified as a promising solution to a basic Indian educational problem.

(20 U.S.C. 887c(c).)

"Federally supported elementary and secondary school for Indian children" means an elementary or secondary school for Indian children operated or supported by the Department of the Interior.

(20 U.S.C. 887c(b).)

"Guidance and counseling" refers to (a) services to Indian pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests, and (b) assistance in personal and social development, including the development of a positive self-concept for Indian children and their parents.

(20 U.S.C. 887(c)(1)(D).)

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children, who by reason thereof require special educational and related services.

(20 U.S.C. 887c(c)(1)(E).)

"Indian" means any individual, living on or off a reservation, who (a) is a member of a tribe, band or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (b) is considered by the Secretary of the Interior to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

"Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that such term does not include any education provided beyond grade 12.

(20 U.S.C. 881(h).)

Subpart B—Applications for Financial Assistance

§ 187.5 Eligibility for, and nature of, available assistance.

(a) *Demonstration projects for improving educational opportunities.*—State and local educational agencies, federally supported elementary and secondary schools for Indian children, and Indian tribes, organizations and institutions may apply for grants to support planning, pilot and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs (including early childhood programs) for improving educational opportunities for Indian children.

(20 U.S.C. 887c (a)(1) and (b).)

(b) *Educational enrichment and exemplary programs.*—State and local educational agencies, and tribal and other Indian community organizations may apply for grants to assist them (1) to provide educational services not available to Indian children in sufficient quantity or quality (such as programs described in section 810(c)(1) of the

Act); or (2) to establish and operate exemplary and innovative educational programs and centers which involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children and which will serve as models for regular elementary and secondary school programs in which Indian children are educated.

(20 U.S.C. 887c (a) (2) and (c).)

(c) *Training.*—Institutions of higher education (as defined in section 801(e) of the Elementary and Secondary Education Act) and State and local educational agencies in combination with institutions of higher education, may apply for grants to assist them in carrying out programs or projects (1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel, and (2) to improve the qualifications of such persons who are serving Indian children in such capacities.

(20 U.S.C. 887c (a) (3) and (d), and 881(e).)

(d) *Dissemination and evaluation.*—Public agencies and institutions, and Indian tribes, institutions and organizations may apply for assistance (by grant or contract) for carrying out programs or projects to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, educational programs which may offer educational opportunities to Indian children.

(20 U.S.C. 887c (a) (4) and (e).)

§ 187.6 Applications.

Any eligible group, tribe, organization, or school or school system may submit an application for assistance under this part which shall set forth (a) the problem to be addressed, (b) the overall objectives of the proposed program or project, (c) the manner in which the proposed program or project carries out the purpose, as set forth in § 187.5, to which it relates, (d) the type and size of the proposed staff (including the staff training proposed), (e) the amount of the grant being requested, and such other information as the Commissioner may require. The description of the proposed program or project in the application shall also include a specific discussion of the manner in which the program or project relates to the applicable criteria set forth in subpart C. The application shall also describe methods of administration which will provide proper and efficient administration of the program or project for which assistance is requested.

(20 U.S.C. 887c(f).)

§ 187.7 Community participation.

Applications under § 187.5 (a) and (b) must describe the manner in which parents of the Indian children to be served and tribal communities: (a) Were consulted and involved in the planning and development of the project; and (b) will be actively participating in the further planning, development, operation, and evaluation of the project.

(20 U.S.C. 887c(f).)

§ 187.8 Coordination of resources.

Applications for assistance under § 187.5(b) (educational enrichment and exemplary programs) must contain an assurance that the program or project to be assisted will be coordinated with programs or projects carried out with other resources which may be available to the applicant in order that funds under this part and those other resources will be used for a comprehensive program for the improvement of educational opportunities of Indian children.

(20 U.S.C. 887c(f)(2).)

§ 187.9 Training of personnel.

Applications under § 187.5(b) (relating to educational enrichment and exemplary programs) must provide a description of the methods to be used for the training of personnel who will be participating in the project. Before he may approve an application under § 187.5(b), the Commissioner must be satisfied that such methods are adequate for the purpose of carrying out the project.

(20 U.S.C. 887c(f)(3).)

§ 187.10 Indian preference.

(a) In approving applications under this part, the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(b) In approving applications under § 187.5(c), the Commissioner will give preference to those projects which involve the training of Indians. In carrying out an approved project the applicant shall give preference to the training of Indians.

(20 U.S.C. 887c(f).)

§ 187.11 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 887c(f)(4).)

Subpart C—Criteria for Assistance

§ 187.21 Criteria for consideration of applications.

In considering whether to approve applications and in determining the amount of the award under approved applications, the Commissioner will take into account the following general criteria:

(a) The number of Indian children involved in the program or project and number of children that would be affected by a successful outcome of the program or project;

(b) The degree to which the program or project to be assisted addresses the particular educational needs of Indian children;

(c) The relative isolation (geographic or social) of the Indian community which will be served by the program or project;

(d) The degree to which the activities supported under this part will be coordinated with other activities to meet the special educational needs of Indian children (including program supported under part A of the Indian Education Act, the Elementary and Secondary Education Act, and the Vocational Education Act);

(e) The adequacy of the qualifications and experience of the personnel designated to carry out the proposed project;

(f) The adequacy of facilities and other resources;

(g) The reasonableness of the estimated cost in relation to the anticipated results;

(h) The expected potential for utilizing the results of the proposed project in other projects or programs for similar educational purposes;

(i) The sufficiency of the size, scope, quality, and duration of the program or project so as to secure productive results; and

(j) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured or evaluated;

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(3) Where appropriate, provision is made for inservice training connected with project services; and

(4) Provision is made for disseminating the results of the project and for making materials and techniques resulting therefrom available to the general public and those concerned with education of Indian children.

(20 U.S.C. 887c.)

§ 187.22 Additional criteria for projects for improving educational opportunities.

(a) In considering whether to approve applications submitted under § 187.5(a), and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 187.21):

(1) The degree to which the project addresses a demonstrated and substantial educational need of Indian children which is not being adequately met by projects supported with resources under other Federal, State, or local programs;

(2) The degree to which the successful carrying out of the project will measurably contribute to improving the educational opportunities of Indian children throughout the Nation;

(3) The numbers of Indian children who are estimated to require educational or other related services or programs of the kind which will be demonstrated or improved by the proposed project;

(4) In the case of projects which address themselves primarily to academic needs, the degree to which the level of

academic achievement of Indian children is likely to be improved by the carrying out or replication of the results of the proposed project;

(5) The degree of innovation of the proposed project; and

(6) The degree to which the project can be replicated for the purpose of providing educational services or programs for Indian children.

(b) In considering applications under this section priority will be given to projects which will provide models for coordinating the operation, at the local level, of federally assisted programs or projects designed to assist in meeting the educational needs of Indian children.

(20 U.S.C. 887c(b).)

§ 187.23 Additional criteria for educational enrichment and exemplary programs.

(a) In considering whether to approve applications submitted under § 187.5(b) and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 187.21):

(1) The degree to which the application demonstrates that the services to be stimulated by the project are not available in sufficient quantity or quality to the Indian children to be served;

(2) The significance, in terms of long term improvement of the educational opportunities of Indian children, of the provision of the educational service, or the widespread application of the exemplary program, for which assistance is requested;

(3) In the case of an exemplary educational program, the degree to which the application demonstrates that the educational approach, method, or technique involved in the program has not previously been tested or applied in the education of Indian children;

(4) The extent to which the program or project involves Indian parents in the educational process and demonstrates new methods for involving those parents generally in activities to meet the educational needs of Indian children.

(b) In considering applications under § 187.5(b), priority will be given to (1) programs which are directed at meeting the needs of Indian children who are handicapped; (2) programs designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school; and (3) programs designed to assist Indian children to prepare to enter postsecondary or career education programs.

(20 U.S.C. 887c(c).)

§ 187.24 Additional criteria for training programs or projects.

(a) In addition to the criteria set forth in § 187.21, the Commissioner will apply the following criteria in evaluating applications submitted under § 187.5(c):

(1) The need with regard to Indian education for the type of educational or other personnel for which the training is provided;

(2) The likelihood that the training to be assisted will be applied to meet the educational needs of Indian children;

(3) The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children; and

(4) The degree to which the training program focuses on approaches, methods, and techniques which are pertinent to the education of Indian children.

(b)(1) Assistance under § 187.5(c) is available for the establishment of fellowship programs leading to an advanced degree; for institutes and for seminars, symposia, workshops, and conferences which are part of a continuing program.

(2) In providing assistance under § 187.5(c), projects including inservice training for qualified persons already serving in the education of Indian children and projects involving short-term training (6 months or less) will be given special consideration.

(20 U.S.C. 887c(a)(3); 887c(d).)

§ 187.25 Additional criteria for projects for dissemination and evaluation.

In the evaluation of applications for assistance under § 187.5(d), priority will be given to projects involving the dissemination of information and materials relating to, and the evaluation of the effectiveness of, academic programs and educational services which affect academic achievement in basic educational areas (such as reading, language arts, mathematics, and sciences).

(20 U.S.C. 887c(e).)

Subpart D—General Provisions

§ 187.31 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 187.32 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G, 2, attachment C, 1.)

§ 187.33 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or contract or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 887c.)

§ 187.34 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-15169 Filed 7-23-73;8:45 am]

PART 188—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 17, 1973, at 38 FR 12931, setting forth requirements and criteria for the award of financial assistance under section 314 of the Adult Education Act as added by Part C of the Indian Education Act, Title IV of the Education Amendments of 1972, (Public Law 92–318, 86 Stat. 342, 20 U.S.C. 1211a), to State and local educational agencies; Indian tribes, organizations, and institutions; and public agencies and institutions. Funds under the Act are to be used to support planning, pilot, and demonstration projects designed to plan for, and test and demonstrate the effectiveness of, programs for the improvement of educational opportunities for adult Indians.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections regarding the proposed regulation. No comments of a substantive nature were received during this period, and no substantive changes have been made in the proposed regulation. A few minor changes have been made to correct clerical errors.

After consultation with the National Advisory Council on Indian Education as required by § 442(b) of the Indian Education Act, and with the approval of the National Advisory Council, Title 45 of the Code of Federal Regulations is amended by adding a new Part 188 as set forth below.

Federal financial assistance provided pursuant to section 314 of the Adult Education Act is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92–318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Effective date. As appears from the foregoing, the corrections in the text of the regulation do not involve any changes of a substantial nature in the provisions which were published in the FEDERAL REGISTER on May 17, 1973, as proposed rulemaking. Accordingly, this regulation shall be effective on July 24, 1973.

Dated: July 5, 1973.

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

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

Subpart A—Scope; Definitions

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AUTHORITY.—Sec. 314, Public Law 89–750, as amended, 86 Stat. 342 (20 U.S.C. 1211a), unless otherwise noted.

Subpart A—Scope; Definitions

§ 188.1 Scope.

(a) This part governs the provision of assistance to State and local educational agencies, to Indian tribes, institutions, and organizations, and to public agencies and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for adult Indians under section 314 of the Adult Education Act (as added by section 431 of the Indian Education Act, title IV of Public Law 92–318).

(b) Assistance provided under this part is subject to applicable provisions contained in section 303 of the Adult Education Act (20 U.S.C. 1202) and regulations thereunder.

(20 U.S.C. 1211a.)

§ 188.2 Definitions.

"Act" means section 314 of the Adult Education Act (20 U.S.C. 1201).

(20 U.S.C. 1211a.)

"Adult" means any individual who has attained the age of 16.

(20 U.S.C. 1202(a).)

"Adult education" means services or instruction below the college level, for adults who (1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and (2) are not currently required to be enrolled in schools.

(20 U.S.C. 1202(b).)

"Indian" means any individual, living on or off a reservation, who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

Subpart B—Applications for Financial Assistance

§ 188.5 Eligibility for, and nature of, available assistance.

(a) *Planning, pilot, and demonstration projects.*—State educational agencies (as defined in 20 U.S.C. 1202(g)) and local educational agencies (as defined in 20 U.S.C. 1202(e)), and Indian tribes, institutions, and organizations may apply for grants to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians. Such projects may be designed (1) to test and demonstrate the effectiveness of programs to improve employment and educational opportunities; (2) to assist in the establishment and operation of programs designed to stimulate the provision of (i) basic literacy opportunities to all nonliterate Indian adults, and (ii) high school equivalency opportunities in the shortest period of time feasible; (3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals; (4) to provide for basic surveys (and evaluations of such surveys) to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations; and (5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(20 U.S.C. 1211a(a).)

(b) *Dissemination and evaluation projects.*—The Commissioner may also make grants to, and contracts with, public agencies and institutions, and Indian tribes, institutions, and organizations for (1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and (2) the evaluation of the effectiveness of federally assisted programs (in which Indian adults may participate) in achieving their purposes with respect to such adults.

(20 U.S.C. 1211a(b).)

(c) *Special considerations applicable to assistance for fiscal year 1973.*—For fiscal year 1973 it is expected that only a very limited number of grants will be made under the program and that the Commissioner will be unable to make grants in all the categories set forth in paragraphs (a) and (b) of this section. (The fiscal year 1973 appropriation for the program is $500,000.) Under these circumstances the Commissioner will give special consideration to (1) projects to provide a basic survey (and evaluation thereof) designed to define the extent of the problems of adult illiteracy and lack of high school completion on Indian reservations, and (2) demonstration projects to develop model programs for

the achievement of basic literacy or high school equivalency which meet the special needs of Indian adults.

(20 U.S.C. 1211a.)

§ 188.6 Applications.

Any party eligible for assistance under this part may submit an application therefor on such forms as may be prescribed by the Commissioner. Such application shall set forth (a) the problem to be addressed; (b) the overall objectives of the proposed project; (c) the activities to be carried out; (d) the manner in which the proposed project carries out the purpose, as set forth in § 188.5, to which it relates; (e) the type and size of the staff envisioned; (f) the amount of the assistance being requested; and (g) such other information as the Commissioner may require. The description of the proposed project in such application shall also include a specific discussion of the manner in which such project relates to the applicable criteria set forth in subpart C of this part. The application shall also provide for such methods of administration as are necessary for the proper and efficient administration of the project for which assistance is requested.

(20 U.S.C. 1211a(c).)

§ 188.7 Community participation.

Applications submitted under § 188.5 (a) must describe the manner in which individuals to be served and tribal communities (a) participated in the planning and development of the project, and (b) will be actively participating in the further planning, development, operation, and evaluation of the project. (See section 314(c) of the act.)

(20 U.S.C. 1211a(c).)

§ 188.8 Indian preference.

In approving applications under § 188.5(a) the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(20 U.S.C. 1211a(c).)

§ 188.9 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 1211a(c)(2).)

Subpart C—Criteria for Assistance

§ 188.15 General criteria for consideration of applications.

In considering whether to approve applications, and in determining the amount of the award under approved applications, the Commissioner will take into account the following general criteria:

(a) The degree to which the program or project to be assisted will involve the use of innovative methods, systems, materials, or programs which may be of special value in developing effective programs for improving employment and educational opportunities for adult Indians;

(b) The extent to which activities supported under this part will be coordinated with other programs to improve educational and employment opportunities of adult Indians (including programs supported under the Adult Education Act and the Vocational Education Act);

(c) The adequacy of the qualifications and experience of the personnel designated to carry out the proposed projects;

(d) The adequacy of facilities and other resources;

(e) The reasonableness of the estimated cost in relation to the anticipated results; and

(f) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured or evaluated;

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(3) Where appropriate, provision is made for satisfactory inservice training connected with project services; and

(4) Provision is made for disseminating the results of the project and for making materials and techniques resulting therefrom available to the general public and specifically to all those concerned with education of Indian adults.

(20 U.S.C. 1211a.)

§ 188.16 Additional criteria for survey and evaluation projects.

In the evaluation of applications submitted under § 188.5(a)(4) to provide basic surveys and evaluations thereof to define the extent of the problems of illiteracy and lack of completion of high school on Indian reservations, the Commissioner will take into account the following criteria (in addition to those contained in § 188.15):

(a) The adequacy of the survey instrument and data collection system to be used;

(b) The adequacy of the methods proposed for processing, analyzing, and evaluating the data to be obtained, and for making available the results thereof; and

(c) The adequacy of the plan for administration of the survey, including:

(1) The personnel to be used; (2) the comprehensiveness of the survey sample; (3) the number of Indian adults to be surveyed; (4) the practicability of the time schedule to be followed relative to the proposed survey procedures; and (5) the provision for verification by the project director of the validity of the survey.

(20 U.S.C. 1211a(a)(4).)

Subpart D—General Provisions

§ 188.21 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 188.22 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G, 2, attachment C, 1.)

§ 188.23 Limitations on costs.

The amount of the award shall be set forth in the grant award document or

contract. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or contract or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document or contract. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 1211a.)

§ 188.24 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-15170 Filed 7-23-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1134, Amdt. 1]

PART 1033—CAR SERVICE

Lumber and Plywood—Restrictions on Reconsigning

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Service Order No. 1134 (38 FR 12606), and good cause appearing therefor:

It is ordered, That:

§ 1033.1134 *Service Order No. 1134.* (Lumber and plywood—restrictions on reconsigning) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

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

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

By the Commission, Division 3.

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

[FR Docs.73-15161 Filed 7-23-73;8:45 am]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER A—ADMINISTRATION

PART 303—RELEASE OF INFORMATION

PART 304—DELEGATIONS OF AUTHORITY

Fees for Copying Records

The purpose of this publication by the Cost Accounting Standards Board is to modify Part 303, Release of Information, of its rules and regulations by eliminating, for most requests, the fee set forth in § 303.5 for copying Board records. It also adds a delegation of authority to Part 304 of the Board's regulations.

The Board's current fee of ten cents per page was based on the Board's estimates of the probable cost of preparing such copies and on information regarding the fees charged by other agencies. The Board's experience now indicates that the Board will be able to supply without charge most requests for copies of Board records. The Board recognizes that there may be occasions where requests for copying will entail effort beyond that normally involved. Therefore, the Board reserves the right to charge a reasonable fee per page in these instances. This is consistent with the Board's experience and the intent of the Public Information Section of the Administrative Procedure Act.

To facilitate the administration of § 303.5 the Board has delegated authority to the Executive Secretary of the Board at § 304.4 to exercise the Board's authority in any individual cases that may occur.

Section 303.5. *Fees for copying* is revised as follows:

§ 303.5 Fees for copying.

(a) Normally, no fee will be charged for copying Board records; however, the Board reserves the right to charge a reasonable fee per page when in the Board's judgment a request will entail effort beyond that normally involved in supplying copies of records in response to requests from the public.

(b) Where the Board determines a fee is appropriate, the fee shall be paid in advance to the Cost Accounting Standards Board.

(c) There shall be no charge made for search, retrieval, and handling of records.

Part 304 of the Board's rules and regulations is modified by adding a new § 304.4 *Fees for copying records*, to read as follows:

§ 304.4 Fees for copying records.

(a) The Cost Accounting Standards Board hereby delegates to the Executive Secretary of the Board authority to exercise the Board's authority under § 303.5(a), release of information (4 CFR 303.5(a)), of its rules and regulations.

(b) This authority may be redelegated.

(c) This delegation is effective July 25, 1973 and until revoked.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.)

Effective date. These amendments are effective on July 25, 1973.

ARTHUR SCHOENHAUT, *Executive Secretary.*

[FR Doc.73-15270 Filed 7-23-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

FRESH PEACHES GROWN IN COLORADO

Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of fresh peaches by establishing minimum grades and sizes, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of fresh peaches grown in the County of Mesa in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 30, 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 proposed regulation was recommended by the Administrative Committee and it reflects the committee's appraisal of the crop and current and the prospective market conditions. Shipments of peaches from the production area are expected to begin on or about August 4, 1973. The proposed grade and size requirements provided herein are necessary to prevent the handling, on and after August 4, 1973, of any peaches which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers a fair return pursuant to the declared policy of the act. Such proposal reads as follows:

§ 919.314 Peach Regulation 13.

Order. (a) During the period August 4, through September 30, 1973, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* As used herein, "peaches", "handler", "ship", and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1", "diameter", and "count", shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

Dated: July 19, 1973.

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

[FR Doc.73-15183 Filed 7-23-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES

Regulated Commercial Fisheries

At the midyear meeting held in Rome, Italy, January 16–26, 1973, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt revised catch quotas for herring for 1973 in the areas presently regulated by the Commission and to implement annual catch quotas adopted for mackerel, pollock, redfish, and other flounders, except yellowtail flounders, in Subareas 4 and 5.

At the present time, annual catch quotas for herring are published in the FEDERAL REGISTER under Title 50 CFR, Part 242—Herring Fisheries, while other Northwest Atlantic commercial fish species are regulated under Title 50 CFR, Part 240—Groundfish Fisheries. Recognizing that this arrangement may be confusing to fishermen who catch more than one species or change during the year from one fishery to another, it is proposed to transfer the provisions of 50 CFR Part 242 to 50 CFR Part 240 and reserve Part 242 for future use.

Therefore, it is proposed to incorporate the new regulated species into the existing regulations, thereby providing a single document that will provide easier reference. The proposed changes and inclusions are as follows:

1. Change the title of present Part 240 from "Groundfish Fisheries" to "Regulated Commercial Fisheries."

2. Add to § 240.1(c)(5), the new regulated species; pollock, redfish, mackerel, other flounders.

3. In Subpart B—Groundfish Fisheries, it is proposed to include the 1973 catch quotas for pollock and redfish. The 1973 annual catch quota for redfish for vessels under the jurisdiction of the United States in Subarea 5 shall not exceed 24,550 metric tons and for pollock, 11,275 metric tons.

4. In Subpart C—Flatfish Fisheries, it is proposed to include the 1973 catch quota for other flounders. The 1973 annual aggregate catch quota for other flounders, excluding yellowtail flounder, for vessels under the jurisdiction of the United States shall not exceed 21,700 metric tons.

5. It is proposed to add a new Subpart E—Pelagic Fisheries, which would include the regulations for herring presently published under Part 242 and mackerel recently adopted as a regulated species. The 1973 catch quotas for herring for vessels under the jurisdiction of the United States shall be as follows:

Division 5Z of Subarea 5, 5,250 metric tons; Division 5Y of Subarea 5, 19,750 metric tons; and Division 4X and 4W of Subarea 4, 400 metric tons. The 1973 catch quota for mackerel in Subarea 5 is 26,200 metric tons.

6. It is proposed to make other minor editorial changes to provide consistent language within each subpart.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before August 13, 1973.

Issued at Washington, D.C., and dated July 17, 1973.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 240—REGULATED COMMERCIAL FISHERIES

Subpart A—General Provisions

Sec.

AUTHORITY: Subsection (A) of section 7, Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Subpart A—General Provisions

§ 240.1 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude, thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1, as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°40′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 statute miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 statute miles to the point of beginning.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used, it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (american plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical division 3N, 30, and 3P, halibut (*Hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab, *American plaice*) (*Hippoglossoides platessoides* (Fab.)).

(5) *In Subarea 5,* (i) Cod (*Gadua morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).

(iv) Silver hake (*Merluccius bilinearis* (Mitch.)).

(v) Red hake (*Urophycis chuss* (Walb.)).
(vi) Herring (*Clupea harengus* (L)).
(vii) Mackerel (*Scomber scombrus* (L)).
(viii) Pollock (*Pollachius virens* (L)).
(ix) Redfish (*Sebastes marinus* (L)).
(x) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L), dab (American plaice) (*Hippoglossoides platessoides* (Fab) fluke (summer flounder) (*Pcralichthys dentatus* (L), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.).

(d) *Chafer.* A protective covering of canvas, netting, or other material attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size, when measured wet after use, shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the nettings.

(1) *ICNAW chafer.* A chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such width to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* A chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of neeting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* A chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(e) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts specified as incidental fisheries.

(f) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949, and amendments.

(i) *Contracting governments.* Governments party to the Convention.

(j) *Demersal species.* Fishes living at the bottom of the sea.

(k) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) *Fishing.* The catching, taking or fishing for, or the attempted catching, taking, or fishing for any regulated species.

(m) *Incidental fisheries.* The inadvertent taking of regulated species while conducting fishing operations primarily for other species.

(n) *Mesh size.* Any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(o) *License.* A license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, transport, or deliver, by means of any fishing vessel, any regulated species.

(p) *Official or authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or U.S. Bureau of Customs, authorized to enforce this part.

(q) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage, except as otherwise provided in this part.

(r) *Person.* Any owner, master, or operator of a vessel.

(s) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone number: Area code (617) 281-0640.

(t) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(u) *Service Director.* The Director of the National Marine Fisheries Service.

(v) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

(w) *Vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(x) *Trip.* As used in connection with the trip exemption provided in § 240.3(b) means a departure from port, transit to the Convention area, participation in the fisheries, including incidental fisheries, and discharges any part of the catch on board.

§ 240.2 Licensing provisions.

(a) Any person or vessel desiring to fish for any regulated species within the Convention area, or possess, transport, or deliver for sale, any regulated species taken within the Convention area, must first obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on a form supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel and the name, official number, and home port of the vessel. The form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts, who shall grant the requested license, without fee, for the calendar year in which the license is issued. New licenses shall be issued to replace expired, lost, or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention area.

(d) The temporary suspension or modification of the license shall be granted upon either an oral or a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service, or Coast Guard. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Persons and vessels exempted.

(a) *Scientific investigations.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempt from all the requirements of this part.

(b) *Trip exemption.* (1) Any person operating a vessel in the course of fishing for nonregulated species in Subareas 3, 4, and 5, is exempt from the requirements of this part, and may take and possess, on any one trip, an incidental catch of regulated species not to exceed, for each species, 5,000 pounds or 10 percent (10%) by weight of all the fish on board, whichever is greater, taken from the same subarea.

(2) Any person or vessel fishing for regulated species, using gear required for that fishery, may take and possess, on any one trip, other regulated species, not to exceed 5,000 pounds or 10 percent (10%) by weight of all fish on board, whichever is greater: *Provided*, That a valid license issued under the provisions of § 240.2 is in force.

(c) *Annual exemption.* Any person operating a vessel engaged in fishing for nonregulated species within Subarea 3, 4, or 5, who does not take in any period of 12 months more than 10 percent (10%) by weight of regulated species described in the immediately preceding paragraph may avail himself of the exemption provided in this paragraph by obtaining a license for exemption under the provision of § 240.2(a).

§ 240.4 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from other U.S. flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any regulated species taken within the Convention area by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale or within 72 hours after buying or receiving, or upon the vessel's return to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any regulated species in the Convention area for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm or corporation of regulated species which such person, firm, or corporation knows to have been been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 240.2, and fishing for any of the regulated species, the owner or master of vessels of 50 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the estimated weight in pounds of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official in accordance with the ICNAF International Inspection Scheme adopted at the Twenty-first Annual Meeting, May 27–June 4, 1971. At the conclusion of each fishing trip, such logbook shall be delivered to an authorized official of the United States or, if no official is available, such logbook must be mailed in the envelope provided for that purpose. These forms will be furnished without cost by the National Marine Fisheries Service. Such logbooks shall be used for statistical and biological purposes only.

(2) In the case of vessels of less than 50 gross tons licensed under § 240.2, and fishing for any of the regulated species, the owner or master may be required to maintain the logbook for sampling purposes at the option of an appropriate official of the United States.

(3) In the case of vessels desiring to fish for nonregulated species on a trip basis, no reports are required of the owner or master.

Subpart B—Groundfish Fisheries

§ 240.10 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to haddock (*Melanogrammus aeglefinus* (L.)), cod (*Gadus morhua* (L.)), pollock (*Pollachius virens* (L.)), and redfish (ocean perch) (*Sebastes marinus* (L.)).

§ 240.11 Catch quota.

(a) An annual catch limitation is placed upon the quantity of haddock permitted to be taken in Division 4W and 4X of Subarea 4 and Subarea 5. The aggregate catch of haddock during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of haddock by persons or fishing vessels fishing in Division 4W of Subarea 4, in the year 1973, shall not exceed 4,000 metric tons.

(2) The annual catch of haddock by persons or fishing vessels fishing in Division 4X of Subarea 4, in the year 1973, shall not exceed 9,00 metric tons.

(3) The annual catch of haddock by persons or fishing vessels fishing in Subarea 5, shall not exceed 6,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of cod permitted to be taken in Subdivision 4Vs and Division 4W of Subarea 4, Division 5Y of Subarea 5, and Subdivisions 5Ze and 5Zw of Subarea 5. The aggregate catch of cod during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of cod in Subdivision 4Vs and Division 4W of Subarea 4 shall not exceed 1,050 metric tons.

(2) The annual catch of cod in Division 5Y or Subarea 5 shall not exceed 9,400 metric tons.

(3) The annual catch of cod in Subdivision 5Ze and 5Zw of Subarea 5 shall not exceed 19,600 metric tons.

(c) An annual catch limitation is placed upon the quantity of pollock permitted to be taken in Division 4X of Subarea 4 and Subarea 5. The catch of pollock in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 11,275 metric tons.

(d) An annual catch limitation is placed upon the quantity of redfish (ocean perch) permitted to be taken in Subarea 5. The catch of redfish (ocean perch) in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States shall not exceed 24,550 metric tons.

§ 240.12 Open season.

(a) The open season for regulated groundfish species in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the 1st day of January 1973, and terminate at a time and a date to be determine and announced in the FEDERAL REGISTER: *Provided*, That the areas described in § 240.13 shall be closed to any vessel using gear capable of catching demersal species.

§ 240.13 Closed seasons and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishing for regulated groundfish species in Subarea 4 or 5, or any division thereof. The closure is determined in the following manner:

(1) The National Marine Fisheries Service maintains records of the catches of regulated groundfish species, except haddock, made in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4 and Subarea 5, during the open season, by vessels under the jurisdiction of the United States participating in the fishery.

(2) When the accumulative and estimated prospective catch of regulated groundfish species, except haddock in each subarea, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.11, the Director shall promptly publish the notice, in the FEDERAL REGISTER, required in paragraph (a) of this section, and shall notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(b) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of haddock made in Division 4X and Division 4W of Subarea 4 and Subarea 5 during the open season by the vessels of all Contracting Governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of haddock, in each subarea, making allowance for the incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.10, the Executive Secretary shall notify each Contracting Government of that fact.

(2) If, after having given the notification provided in paragraph (b)(1) of this section, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each Contracting Government, stating the number of additional days haddock fishing may be permitted in each subarea.

(3) Within 10 days of the receipt of the notification specified in paragraph (b) (1) or (2) of this section, the Director shall announce by publication in the FEDERAL REGISTER, the time and date for the termination of fishing, or the number of days that a previously announced closure shall be extended, as appropriate.

(c) It shall be unlawful for any person to use, during the period from 0001 hours, March 1, to 2400 hours May 31, 1973, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gillnet, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65°44′W.—42°04′N., 64°30′W.—42°40′N., 64°30′W.—43°00′N., 66°32′W.—43°00′N., 66°32′W.—42°20′N., 66°00′W.—42°20′N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55′W.—42°10′N., 69°10′W.—41°10′N., 68°30′W.—41°35′N., 68°45′W.—41°50′N., 69°00′W.—41°50′N.

(ii) 67°00′W.—42°20′N., 67°00′W.—41°15′N., 65°40′W.—41°15′N., 65°40′W.—42°00′N., 66°00′W.—42°20′N.

(iii) except that vessels using hooks having a gap of not less than 3 cm (1⅛″) may fish in Subarea 5, without restriction.

§ 240.14 Gear restrictions.

(a) In Subareas 1, 2, and 3, no person shall fish for regulated species with a trawl net or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets or parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila trawl net.

(b) In Subareas 4 and 5, except as provided in § 240.23(a), no person shall fish for haddock or cod with a trawl net or nets, parts or nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 4½ inches (114 mm.) or a trawl net or nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manila trawl net.

(c) The use in fishing for haddock or cod within the Regulatory area of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes of the trawl net is prohibited: *Provided*, That an approved chafer described in § 240.1(d) may be used.

§ 240.15 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.13(a), for the closing of the unrestrictive fishing for certain species in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated ground fish species on board such vessel in those areas or to land such regulated ground fish species in those areas in any port or place until the next succeeding fishing season reopens on January 1 next.

(b)(1) Any fishing vessel which had departed port to engage in fishing for regulated groundfish species under the provisions of § 240.2, prior to the date of the closure for such regulated species in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain such species in the Division or Subarea for which the closure has been announced, for a period of time not to exceed 10 days, at which time fishing for such species in the closed Division or Subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period, each such vessel must return to a port or place in the United States, and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel, licensed pursuant to § 240.2, may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of such regulated species in his possession on each trip must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel, which has departed port after the date of closure of unrestrictive fishing for certain regulated groundfish species in Division 4X or 4W in Subarea 4, or Subarea 5, may take, possess on board, and land in any port or place, such regulated species as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3, and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart C—Flatfish Fisheries

§ 240.20 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to American plaice (*Hippoglossoides platessoides* (Fab.)), Yellowtail flounder (*Limanda ferruginea* (Storer)), and other flounders in aggregate grey sole or witch (*Glyptocephalus gynoglossus* (L)), dab or American plaice (*Hippoglossoides platessoides* (Fab.)), fluke or summer flounder (*Paralichthys dentatus* (L)), blackback, lemon sole or winter flounder (*Pseudopleuronectes americanus* (Walb.))

§ 240.21 Catch quota.

(a) An annual catch limitation is placed upon the quantity of American plaice permitted to be taken in Divisions 3L, 3N, and 3O, of Subarea 3. The aggregate catch of American plaice in the above Divisions during 1973, by persons or fishing vessels, under the jurisdiction of the United States, shall not exceed 100 metric tons.

(b) An annual catch limitation is placed on the quantity of yellowtail flounder permitted to be taken in Divisions 3L, 3N, and 3O, in subarea 3, and in the areas east and west of 69° West longitude in Subarea 5, as follows:

(1) The annual catch of yellowtail flounder in Divisions 3L, 3N, and 3O, of Subarea 3, shall not exceed 100 metric tons.

(2) The annual catch of yellowtail flounder in Subarea 5, in the area east of 69° West longitude shall not exceed 15,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1—Mar. 31	2,950	2,950
Apr. 1—June 30	3,850	6,800
July 1—Sept. 30	4,900	11,700
Oct. 1—Dec. 31	3,300	15,000

(3) The annual catch of yellowtail flounder in Subarea 5, in the area west of 69° longitude shall not exceed 9,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1–Mar. 31	2,750	2,750
Apr. 1–June 30	1,500	4,250
July 1–Sept. 30	2,000	6,250
Oct. 1–Dec. 31	2,750	9,000

(c) The Director may adjust the quarterly increments in either area by publication of a notice in the FEDERAL REGISTER

(d) An annual catch limitation is placed upon the aggregate quantity of flounders other than yellowtail flounder, permitted to be taken in Subarea 5. The aggregate catch of flounders, other than yellowtail flounder, in the above Subarea during 1973, by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 21,700 metric tons.

§ 240.22 Open season.

(a) The open season for regulated flatfish species in areas under quota in § 240.21, shall begin at 0001 hours local time on the 1st day of January 1973, and terminate at a time and date to be announced by the Director, by publication of a notice in the FEDERAL REGISTER. In the event of a closure during any quarter, open season fishing for yellowtail flounder shall resume on the first day of the next quarter.

§ 240.23 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for certain regulated flatfish species in Subarea 3, and Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of regulated flatfish species made during the open seasons in those areas under quota limitations specified in § 240.21 by vessels under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated catch of certain regulated flatfish species, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.21, the Director shall promptly notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) Announcement shall also be made by publication of a notice in the FEDERAL REGISTER of the closing time and date of the first, second, and third quarters when the Director has determined, on the basis of catch data and catch rates, that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5, in either area (east or west of 69°00W.), will equal the quarterly quota established in § 240.21(b).

§ 240.24 Gear restrictions.

(a) In Subarea 5, no person shall fish for yellowtail flounder with a net of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila net.

(b) The use in fishing for regulated species within the Regulatory area of any device or method which would have the effect of diminishing the size of said meshes or obstruct the meshes of the trawl net, is prohibited: *Provided*, That an approved chafer, described in § 240.1(d), may be used.

§ 240.25 General restrictions.

(a) Except as provided in paragraphs (a)(1) or (2) and (b) of this section, after the dates announced in the manner provided in § 240.23 for the closing of the fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated flatfish species in the closed Regulatory areas or to land such species taken in those areas in any port or place until the next succeeding open season.

(1) In the event of a closure of any of the first three quarters, as provided under § 240.23(d), any fishing vessel which had departed port to engage in yellowtail flounder fishing in Subarea 5 prior to the date of the closure, may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.23, any fishing vessel which had departed port to engage in fishing for regulated flatfish species in Subarea 5, prior to date of the closure, may continue to take and retain such species in the area subject to the closure, for a period of time not to exceed 10 days, at which time fishing in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10-day or 5-day period, provided under the preceding paragraph, each such vessel much return to a port or place in the United States and the master or person in charge must immediately, on the return, notify any appropriate official of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel which has departed port after the date of closure in Subarea 5, may take, possess on board, and land in any port or place, such regulated flatfish species as may be taken incidentally in such closed area to a fishery for nonregulated species: *Provided*, That the owner or operator of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.13(d).

(1) The provisions of this subpart shall apply to all fishing trips begun during the calendar year 1973, whether completed before January 1, 1974, or not.

Subpart D—Hake Fisheries

§ 240.30 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to silver hake, (*Merluccius bilinearis* (Mitch.)), and red hake, (*Urophycis chuss* (Walb.)).

§ 240.31 Catch quota.

(a) An annual catch limitation is placed the quantity of silver hake permitted to be taken in Division 5Y and Subdivision 5Ze and 5Zw of Subarea 5. The aggregate catch of silver hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of silver hake in Division 5Y of Subarea 5, shall not exceed 9,500 metric tons.

(2) The annual catch of silver hake in Subdivision 5Ze of Subarea 5, shall not exceed 17,000 metric tons.

(3) The annual catch of silver hake in Subdivision 5Zw, shall not exceed 25,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of red hake permitted to be taken in Subdivision 5Zw of Subarea 5. The aggregate catch of red hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area is as follows:

(1) The annual catch of red hake in Subdivision 5Zw of Subarea 5, shall not exceed 15,000 metric tons.

§ 240.32 Open season.

(a) The open season for silver hake fishing in Division 5Y and 5Z of Subarea 5, and red hake fishing in Division 5Z of Subarea 5, shall begin at 0001 hours of the 1st day of January 1973 and terminate at a time and a date to be determined pursuant to § 240.33.

§ 240.33 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for silver hake or red hake in Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of silver hake or red hake made in each Division of Subarea 5 during the open season by vessels, under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated prospective catch of silver hake and red hake in each Division of Subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.31, the Director shall promptly notify the Executive Secretary of the date on which its vessels have ceased a specialized fishery.

(d) It shall be unlawful for any person to conduct a specialized fishery for silver hake or red hake from 0001 hours, April 1 to 2400 hours, April 30, 1973, in the area bounded by 69°00'W., 39°50'N., 71°40'W., and 40°20'N., however, groundfish vessels may be permitted to take on each trip, during this period, in the said area, red and silver hake in amounts not to exceed 10 percent each of the total catch taken in the said area, on that trip.

§ 240.34 Gear restrictions.

There are no gear restrictions regarding fishing for silver or red hake in 1973.

§ 240.35 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.33(a), for the closure of

silver or red hake fishing seasons in Division 5Y or 5Z of Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess silver or red hake on board such vessel in those areas or to land silver or red hake taken in those areas in any port or place until the silver or red hake fishing season reopens on January 1 next, following the close of the season.

(b) (1) Any fishing vessel which had departed port to engage in silver or red hake fishing under the provisions of § 240.2(a), prior to the date of closure of silver or red hake fishing in either Division 5Y or 5Z of Subarea 5, may continue to take and retain silver or red hake in the Divisions for which the closure has been announced for a period of time not to exceed 5 days, at which time fishing for silver or red hake in the closed Division shall be prohibited. Within 48 hours after the expiration of the 5-day period, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any appropriate officer of the National Marine Fisheries Service, U.S. Bureau of Customs, or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel licensed to take silver or red hake from waters of the Convention area may continue to fish after the date of closure in any Subarea or Division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of silver or red hake in his possession must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel which has departed port after the date of closure of silver or red hake fishing in Division 5Y or 5Z of Subarea 5, may take and possess on board, and land in any port or place, such silver or red hake as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart E—Pelagic Fisheries

§ 240.40 Definitions.

(a) Unless otherwise defined herein, the terms used in this Subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this Subpart will apply to herring (*Clupea harengus* (L)), and mackerel (*Scomber scombrus* (L)). (L)).

§ 240.41 Catch quota.

(a) An annual catch limitation is placed upon the quantity of herring permitted to be taken in Division 5Z of Subarea 5 and in the adjacent waters to the west and south from Division 5Y of Subarea 5 and from that portion of Division 4W south of 44°52′ N. latitude and in Division 4X of Subarea 4. The catch of herring during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of herring in Division 5Z of Subarea 5 and in the adjacent waters to the west and south shall not exceed 5,250 metric tons.

(2) The annual catch of herring in Division 5Y of Subarea 5 shall not exceed 19,750 metric tons.

(3) The combined annual catch of herring by member countries in that portion of Division 4W south of 44°52′ N. latitude and in Division 4X of Subarea 4, for which specific allocations have not been assigned, shall not exceed 600 metric tons.

(b) An annual catch limitation is placed upon the quantity of mackerel permitted to be taken in Subarea 5 and in the adjacent waters to the west and south. The catch of mackerel in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 26,200 metric tons.

§ 240.42 Open season.

The open season for herring or mackerel shall begin at 0001 hours of the first day of January each year and terminate in each subarea at a time and date to be determined and announced as provided in § 240.43.

§ 240.43 Closed season and areas.

(a) The Service Director shall maintain records of the catches of herring or mackerel by fishing vessels subject to quota allocations in Subareas 4 and 5, and Statistical Area 6 during the open season. The Service Director shall announce the closure dates for herring or mackerel fishing in Divisions 5Y and 5Z of Subarea 5, when the accumulated catch and estimated catch of herring or mackerel, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

(b) The Executive Secretary shall maintain records of the catches by fishing vessels, of all contracting governments participating in fishing for herring, subject to quota regulations in Subarea 4, during open seasons for which specific allocations have not been assigned. The Executive Secretary shall notify the United States when the accumulated catch and estimated catch of herring in Divisions 4W and 4X of Subarea 4, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. The Service Director shall announce the closure dates for the Divisions 4W and 4X of Subarea 4, herring fishing season, within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

§ 240.44 Gear restrictions.

There are no gear restrictions regarding fishing for herring or mackerel in 1973.

§ 240.45 General restrictions.

(a) Except as provided in § 240.3, and as provided below, after the date announced in manner provided in § 240.43, for the closing of the herring or mackerel fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess herring or mackerel taken in the closed subareas or to land herring taken in those subareas in any port or place until the next succeeding open season for herring or mackerel.

(b) In the event of an annual closure in Division 5Y or 5Z in Subarea 5, as provided in § 240.43(a), any fishing vessel, which had departed port to engage in herring or mackerel fishing in Subarea 5 prior to the date of closure, may continue to take and retain herring or mackerel in that subarea after the closure, for a period of time not to exceed 2 days, at which time fishing for herring or mackerel in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 2-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(c) In the event of an annual closure in Division 4W or 4X in Subarea 4 as provided in § 240.43(b), any fishing vessel, which had departed port to engage in herring fishing in Subarea 4 prior to the date of closure, may continue to take and retain herring in that subarea after the closure, for a period of time not to exceed 4 days, at which time fishing for herring in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 4-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(d) For the purposes of inspection, NMFS officials shall have reasonable access to any area on board a fishing vessel, transport, or shore facility where fish are landed, handled, stored, or processed, and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

§ 240.46 Size limits.

A size limit is placed on the length of herring permitted to be taken by persons or fishing vessels, under the jurisdiction of the United States, in those portions of Division 4W south of 44°52'N. latitude and Division 4X south of 43°50'N. latitude of Subarea 4 and in Subarea 5.

(a) The taking or possession of herring less than 9 inches (22.7 cm), measured from the tip of the snout to the end of the tail, is prohibited except as provided in paragraph (b) of this section.

(b) A person may take herring in any year, less than 9 inches (22.7 cm), measured as specified in paragraph (a) of this section: *Provided*, That the total amount taken does not exceed 10 percent by weight of all herring caught in the areas above, specified by that fishing vessel during such year.

[FR Doc.73-14974 Filed 7-23-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Coverage of Employees of State and Local Governments; Establishment of Filing Dates

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the 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 would provide that in certain cases where materials are received through the mail the filing date may be established up to 2 days earlier than the date of postmark. The amendments would apply to the extension of the time for States to file requests for review or additional information for consideration in review, determining the time limitation for instituting civil actions, and for the allowance of credits or refunds to States.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate 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 23, 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 of sections 205, 218, and 1102 of the Social Security Act as amended; 53 Stat. 1368, as amended; 64 Stat. 514, as amended; 49 Stat. 647 as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 418, and 1102.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Paragraph (a) of § 404.1272 is revised to read as follows:

§ 404.1272 Time for filing request for review.

(a) *In general.* The request for review must be filed by the State with the Secretary or his delegate within 90 days after the date of the notice to the State of the assessment, disallowance or allowance. (A revised notice indicating the correction of a mathematical error (see § 404.1270(f)) shall not be deemed to be a notice for purposes of this section.) The request for review will be deemed to be filed when it is mailed or delivered by other means to the Secretary or his delegate. Normally, the mailing date will be considered as the date of postmark on the envelope in which the request for review is mailed. However, where there is an identifiable delay in the handling of mail by the U.S. Postal Service, a mailing date may be established up to 2 days earlier than the date of postmark. If the established mailing date falls within the prescribed period, the request for review will be considered as timely filed. Where the 90-day period expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), a request mailed on the next following business day will be deemed to be timely filed.

* * * * *

2. Paragraph (a) of § 404.1276 is revised to read as follows:

§ 404.1276 Time for filing civil action.

(a) *In general.* Civil action for a redetermination of the assessment, disallowance or allowance shall be filed before the expiration of 2 years from the date of mailing by the Secretary to the State of the notice of the decision of the Secretary to which the action relates. Where a request for civil action is received through the mail, the filing date may be determined as defined in § 404.1272(a). Where the 2-year period expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), an action filed on the next following business day will be deemed to be timely filed. The date of certification, or registration of the notice of decision by the Secretary as shown on the envelope or wrapper in which such decision is mailed shall be considered as the date of mailing.

* * * * *

3. Paragraph (a) of § 404.1285 is revised to read as follows:

§ 404.1285 Time limitations on credits or refunds.

(a) *In general.* No credit or refund of an overpayment of amounts paid under an agreement pursuant to section 218 of the Act by a State shall be allowed unless a claim for such credit or refund is filed by the State with the Secretary before the expiration of the period of limitation applicable thereto. A claim for credit or refund made by a State in accordance with the applicable provisions of these regulations is deemed to have been filed with the Secretary when delivered to the Secretary or when mailed to the Secretary. Normally, the mailing date will be considered as the date of postmark on the envelope in which such request is mailed. However, where there is an identifiable delay in handling of mail by the U.S. Postal Service, a mailing date may be established up to 2 days earlier than the date of postmark. If the established mailing date falls within the prescribed period, the request for credit or refund will be considered as timely filed. Where a period of limitation expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), a claim filed on the next following business day will be deemed to be timely filed.

* * * * *

[FR Doc.73-15171 Filed 7-23-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NE-23]

TRANSITION AREA

Notice of Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Administration Regulations so as to alter the Laconia, New Hampshire, Transition Area (38 FR 515).

Two new Standard Instrument Approach Procedures for the Laconia Municipal Airport, Laconia, New Hampshire have been established in accordance with the U.S. Standard Terminal Instrument Procedures. This revised procedure will require alteration of the Laconia, New Hampshire, 700-foot transition area in order to provide controlled airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England

Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received by August 23, 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, Operations, Procedures and Airspace Branch, New England 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 persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

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

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Laconia, New Hampshire, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43° 34' 25''N, 71° 25' 22''W. of Laconia Municipal Airport, Laconia, New Hampshire; and within 6.5 miles northwest and 4.5 miles southeast of the 247° bearing and the 067° bearing from the Belmont NDB, 43° 32' 09''N, 71° 32' 09''W., extending from 11.5 miles southwest of the NDB to 5.5 miles northeast of the NDB.

(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 Burlington, Massachusetts, on July 11, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.73-15061 Filed 7-23-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

The Administrator of the Environmental Protection Agency has received requests to exempt certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on a review of the history of use and available information on the chemistry and toxicity of these substances, the Administrator finds that these substances are useful as adjuvants and, when used in accordance with good agricultural practice, will not result in a hazard to the public health.

Therefore, pursuant to provisions of the act (sec. 4408(c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a(c), (e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.001 be amended by (1) revising the items "α-Alkyl (C_{12}–C_{18})-*omega*- * * *" and "Castor oil polyoxyethylated * * *" in the table in paragraph (c), (2) transferring to the table in paragraph (c) from the table in paragraph (d) the items "Propyl *p*-hydroxybenzoate * * *" and "Sorbic acid * * *", (3) revising the items "Locust bean gum * * *" and "Methyl violet 2B * * *" in the table in paragraph (d), (4) revising the item "Mineral oil, U.S.P. * * *" in the table in paragraph (e), and (5) alphabetically inserting new items in the tables in paragraphs (c), (d), and (e), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-Alkyl (C_{12}-C_{18})-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages 3-20 moles.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Ammonium carbamate.	.....	Synergist in aluminum phosphide formulations.
* * *	* * *	* * *
Castor oil, polyoxyethylated; the poly (oxyethylene) content averages 30-54 moles.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Methyl esters of higher fatty acids conforming to Title 21, §121.224.	.....	Antidusting agent.
* * *	* * *	* * *
Polyglycerol esters of fatty acids conforming to Title 21, §121.1120.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Propyl p-hydroxybenzoate.	.....	Preservative for formulations.
* * *	* * *	* * *
Sodium diisobutylnaphthalenesulfonate.	.....	Surfactant, related adjuvants of surfactants.
* * *	* * *	* * *
Sodium isopropylisohexylnaphthalenesulfonate.	.....	Do.
* * *	* * *	* * *
Sorbic acid (and potassium salt).	.....	Preservative for formulations.
* * *	* * *	* * *
Sucrose octaacetate.	.....	Adhesive.
* * *	* * *	* * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Aluminum 2-ethylhexanoate.	Not more than 0.25% of pesticide formulation.	Gelling agent.
* * *	* * *	* * *
N,N-Bis[α-ethyl-*omega*-hydroxypoly(oxyethylene)] alkylamine; the poly(oxyethylene) content averages 3 moles; the alkyl groups(C_{12}-C_{18}) are derived from tallow, or from soybean or cottonseed oil acids.	.....	Surfactant for preemergence use with herbicides on sugarcane only.
* * *	* * *	* * *
Dodecylphenol	Not more than 0.6% of pesticide formulations.	Coupling agent in emulsifier.
* * *	* * *	* * *
Locust bean gum	.....	Adhesive, component of defoamers.
Maleic acid and maleic anhydride.	For pesticide formulations applied to apples with a minimum preharvest interval of 21 days.	Stabilizer.
* * *	* * *	* * *
Methyl isoamyl ketone.	.....	Solvent, cosolvent.
* * *	* * *	* * *
Methyl violet 2B	Not more than 0.02% of pesticide formulation.	Dye.
* * *	* * *	* * *
Oleic acid diester of α-Hydro-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) molecular weight averages 2300.	.....	Surfactant.
* * *	* * *	* * *
Polyvinyl alcohol	Not more than 1% of pesticide formulation.	Binder; water soluble bag-container or filmtape for encapsulating seeds.
* * *	* * *	* * *
Sodium polyflavinoid sulfonate, consisting chiefly of the copolymer of catechin and leucocyanidin.	.....	Sunscreen agent for viral insecticides for use on cotton.
* * *	* * *	* * *
α-[p-(1,1,3,3-Tetramethylbutyl) phenyl]-*omega*-hydroxypoly-(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding sodium salts of the phosphate esters; the poly(oxyethylene) content averages 6 to 10 moles.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *

Iner ingredients	Limits	Uses
Tri-*tert*-butylphenol polyglycol ether (molecular weight 746).	.....	Surfactant for formulations used before corp emerges from soil.
* * *	* * *	* * *

(e) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-Alkyl (C_{12}-C_{18})-*omega*-hydroxypoly-(oxyethylene); the poly(oxyethylene) content averages 3-20 moles.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
n-Butanol	.....	Solvent for blended emulsifiers.
* * *	* * *	* * *
Caster oil, polyoxyethylated; the poly(oxyethylene) content averages 30-54 moles.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
3,6-Dimethyl-4-octyne-3,6-diol.	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
α-(o,p-Dinonyl phenyl)-*omega*-hydroxypoly(oxyethylene), produced by the condensation of 1 mole of dinonylphenol (nonyl group is a propylene trimer isomer) with an average of 4-14 moles of ethylene oxide.	.....	Do.
* * *	* * *	* * *
α-(o,p-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4-14 moles.	.....	Surfactants, related adjuvants of surfactants.
2-Ethyl-1-hexanol	Not more than 2.5% of pesticide formulation.	Solvent, adjuvant of surfactants.
* * *	* * *	* * *
α-Hydro-*omega*-hydropoly(oxypropylene); molecular weight 2,000.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Lignosulfonate; ammonium, calcium, magnesium, potassium, sodium, and zinc salts.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Methyl esters of higher fatty acids conforming to Title 21, § 121.224.	.....	Antidusting agent.
Mineral oil, U.S.P., or conforming to Title 21, § 121.1146 or § 121.2589(a), (b).	.....	Solvent, diluent.
* * *	* * *	* * *
α-(p-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4-14 moles.	.....	Surfactants, related adjuvants of surfactants.
α-(p-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 15 moles of ethylene oxide.	.....	Do.
* * *	* * *	* * *
Polyglycerol esters of fatty acids, conforming to Title 21, §121.1120.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
n-Propanol	.....	Solvent, for blended emulsifiers.
* * *	* * *	* * *
Sodium diisobutylnaphthalenesulfonate.	.....	Surfactants, related adjuvants of surfactants.
Sodium isopropylisohexylnaphthalenesulfonate.	.....	Do.
* * *	* * *	* * *
Sodium monoalkyl and dialkyl (C_3-C_{18}) phenoxybenzenedisulfonate mixtures containing not less than 70% of the monoalkylated product.	.....	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
2,4,7,9-Tetramethyl-5-decyne-4,7-diol.	Not more than 25% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Tri-*tert*-butylphenol polyglycol ether (molecular weight 746).	.....	Dispersing agent.
1,1,1-Trichlorethane	Not more than 25% of pesticide formulation.	Solvent, cosolvent.
* * *	* * *	* * *
Urea	.....	Stabilizer, inhibitor.
* * *	* * *	* * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 23, 1973, that this proposal be referred to an advisory committee in accordance with section 408 (e) of the act.

Interested persons may, on or before August 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: July 18, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-15050 Filed 7-23-73;8:45 am]

[40 CFR Part 167]

PESTICIDE ESTABLISHMENT REGISTRATION, LABELING, AND REPORTING

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the authority of Sections 7 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999), that it is proposed to issue a new Part 167 of Title 40, Code of Federal Regulations, to read as set forth below. Any person may file comments on this proposal within thirty (30) days from the date of publication of this notice in the Federal Register. Such comments should be filed in duplicate and addressed to the Pesticides Enforcement Division, Establishment Registration Section, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All written submissions filed pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours, 8:00–4:30 daily.

Section 7 requires that all establishments in which pesticides, as defined by this Act, and those devices specified by the Administrator pursuant to section 25(c), are produced must be registered with the Administrator, and that all producers submit within thirty days of registration, an annually thereafter, production, sales, and distribution reports. Section 2(q)(1)(D) provides that a pesticide is misbranded if its label does not bear the registration number assigned to the establishment in which it was produced. The regulations proposed herein set forth the procedures to be followed to comply with the provisions of these sections.

The term "establishment" is defined so as to include any site involved in the production of a pesticide. The term "establishment" applies to all domestic sites, including those producing pesticides for export, and foreign sites whose pesticides are imported into the United States. Foreign establishments are included in view of the fact that all pesticides distributed or sold in this country must bear an assigned establishment number. The scope of the term "production" covers the manufacture of technical material; the formulation and reformulation of pesticidal material, including

pesticides produced under an Experimental Use Permit and pesticides used in custom blending; and the repackaging of any pesticide product. However, because pesticide applicators are subject to section 4 and are regulated by the certification provisions, registration of their establishments under section 7 is not deemed necessary at this time. If, however, the pesticide applicator mixes and sells a product for use by others, he becomes a producer and his establishment is subject to this section.

The dates and procedure for applying for establishment registration are proposed in § 167.2 (b), (c), and (d). Although establishments that produce pesticides solely for intrastate commerce are not subject to this Act until two years after enactment, the Agency requests that such establishments make application for establishment registration at any time prior to the required date of submission. Early registration would not require submission of the required reports within thirty days or the establishment number to appear on labels until six months after intrastate establishments are required to be registered.

It should be noted that, although registration is required to engage in pesticide production, registration of the establishment in which a pesticide is produced does not imply that the holder of the registration is in any way qualified to engaged in such activities, nor does it denote Agency approval of the establishment or its products.

Section 167.3 *Duration of Registration*, states that registration remains effective provided the pesticides reports are submitted as required.

Section 167.4 deals with the requirement that each pesticide label must bear the number assigned to the establishment in which it was produced. Because of the difficulty, in many cases, of affixing the number to the actual label, it is proposed that establishments be permitted to place the number, preceded by "EPA Est.", in any location on the label or immediate exterior of the container: provided, however, that it must also appear on the outside container or wrapper of the package if there be one through which the EPA Establishment Number on the immediate container cannot be clearly read. The proposed dates for requiring products to bear this number are believed to provide the industry sufficient time within which to comply.

The terms pertinent to production, sales, and distribution reporting are dealt with in §§ 167.1 and 167.5. It is believed that the submission dates recommended provide the industry sufficient time in which to compile the data.

Dated: July 18, 1973.

JOHN QUARLES,
For Acting Administrator.

PART 167—REGISTRATION OF PESTICIDE-PRODUCING ESTABLISHMENTS, SUBMISSION OF PESTICIDES REPORTS, AND LABELING

Sec.
167.1 Definitions.
167.2 Registration procedures.
167.3 Duration of registration.
167.4 Labeling requirements.
167.5 Pesticides reports.

AUTHORITY: Secs. 7 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999).

§ 167.1 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Act. In addition, as used in this part, the following terms shall have the meanings stated below:

(a) *Act.* As used in this part, the term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999).

(b) *Establishment.* The term "establishment", for purposes of this part, means each site where a pesticide, as defined by this Act, or a device determined by the Administrator to be subject to any provisions of Section 7, is produced, regardless of whether such site it independently owned or operated and regardless of whether such site is domestic and producing any pesticide or device for export only or whether the site is foreign and producing any pesticide or device for import into the United States.

(c) *Produce.* The term "produce" means to manufacture, prepare, propagate, compound, or process any pesticide, including any pesticide produced pursuant to section 5, or device, or to repackage or otherwise change the container of any pesticide or device.

(d) *Producer.* The term "producer" means any person, as defined by the Act, who produces any pesticide or device.

(e) *Pesticides report.* The term "pesticides report" means information showing the types and amounts of pesticides or devices which are being produced in the current calendar year, have been produced in the past calender year, and which have been sold or distributed in the past calendar year.

(f) *Current production.* The term "current production" means volume of planned production in the calendar year in which the pesticides report is submitted, including new products not previously sold or distributed.

(g) *Past year.* The term "past year" means the calendar year immediately prior to that in which the report is submitted.

(h) *Sold or distributed.* The term "sold or distributed" means those products sold or distributed in channels of trade by the establishment in which the pesticide or device was produced.

(i) *Type of pesticide.* The term "type of pesticide" refers to the formulation of each individual product as identified by the product name; EPA Registration Number (permit number if the pesticide is produced under an Experimental Use Permit); production type (technical, formulation, reformulation, repackaging, etc.); and class (fungicide, insecticide, herbicide, etc.), except where such pesticide is produced for export only, in which case the term shall include the product name and chemical formulation. For planned products, the term means proposed product name and EPA File Symbol, if any.

(j) *Amount of pesticide.* The term "amount of pesticide" means quantity, or volume of the formulation, and is to be expressed in pounds for solid or semi-solid products and gallons for liquid products.

(k) *Device.* The term "device" means any device or class of devices as defined by the Act and determined by the Administrator pursuant to section 25(c) to be subject to the provisions of section 7 of the Act.

§ 167.2 Registration procedures.

(a) *Who must register.* All establishments, as defined in this part, which manufacture, prepare, compound, propagate or process any pesticide or device or repackage or otherwise change the container of a pesticide or device, subject to the provisions of this section must be registered pursuant to the requirements of these regulations: *Provided, however,* That those persons who produce pesticides solely for application by themselves are not required to be registered.

(b) *Information required.* Application for registration, to be made on the EPA Application for Registration of Pesticide-Producing Establishment form, requires the name and address of the company; the type of ownership (individual, partnership, cooperative association, corporation, or any organized group of persons whether incorporated or not); and the name and address of the producing establishment. Applications are obtainable on request from the Environmental Protection Agency, Pesticides Enforcement Division, Washington, D.C. 20460 or from one of the EPA Regional Offices. Addresses of the Regional Offices may be obtained from the Environmental Protection Agency, Washington, D.C. 20460.

(c) *Submission of application.* The completed application shall be submitted to the Regional Office having jurisdiction over the State in which the headquarters of the company is located, provided, however, that foreign companies shall submit their applications to the Environmental Protection Agency, Pesticides Enforcement Division, Washington, D.C. 20460 U.S.A.

(d) *Times for registration.* Applications for registration of all establishments producing pesticides or devices distributed in interstate commerce, or produced for export, or imported into the United States must be submitted by December 24, 1973. Applications for registration of all establishments producing solely for intrastate commerce must be submitted by October 21, 1974.

(e) *Notification of establishment registration number.* The Agency will provide to the company a validated copy of the EPA Application for Registration of Pesticide-Producing Establishment containing the registration number assigned to each establishment registered in accordance with these regulations.

(f) *Amendments to registration.* Any changes in type of ownership or address shall be submitted on the EPA Amendment to Registration of Pesticide-

Producing Establishment form within five days of such changes to the appropriate Regional Office of the Agency.

§ 167.3 **Duration of registration.**

Establishment registration will remain effective provided annual pesticides reports are submitted on a timely basis pursuant to this section. Failure to submit a report may result in termination of establishment registration.

§ 167.4 **Labeling requirements.**

(a) *Placement.* For purposes of this part, the Establishment Registration Number may appear in any location on the label or immediate container and must also appear on the outside container or wrapper of the package if there be one through which the EPA Establishment Registration Number on the immediate container cannot be clearly read.

(b) *Designation.* The Establishment Registration Number shall be preceded by "EPA Est."

(c) *Deadline for labeling.* Those products produced by establishments whose applications are due by December 24, 1973, must bear the EPA Establishment Registration Number by October 21, 1974. Products produced by those establishments whose applications are due by October 21, 1974, must bear the Establishment Registration Number within six months of registration. New products and products of those establishments entering into pesticides production for the first time must bear the Establishment Registration Number from the outset of production.

§ 167.5 **Pesticides reports.**

(a) *Information required.* The pesticides report, to be submitted on the EPA Pesticides Report form, shall include the name and address of the establishment; the types of pesticides produced (identified by EPA product registration number, permit number, or EPA File Symbol; product name; class; and production type); the past year's volume of production, sales, and distribution of each product; and the planned volume of production of each product for the current year. This report does not cover those pesticides or devices sold or distributed but not produced by the reporting establishment. Reports submitted by foreign producers shall cover those pesticide products or devices exported to the United States.

(b) *Submission of report.* All reports shall be submitted to the Regional Office having jurisdiction over the State in which the establishment is located. Reports from foreign establishments shall be submitted to the Environmental Protection Agency, Pesticides Enforcement Division, Washington, D.C. 20460, U.S.A.

(c) *When to report.* Within 30 days of notification of registration of an establishment the producer of the establishment shall file with the Agency a pesticides report. Thereafter reports are required to be filed on or before February 1 of each year.

(d) *Confidentiality of information.* Any information submitted in the pesticides report shall be considered confidential and subject to the provisions of section 10.

[FR Doc.73-15192 Filed 7-23-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19690]

FM BROADCAST STATIONS IN LOUISIANA

Proposed Table of Assignments; Extension of Time for Filing Comments

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Wilmington, Ill.; *Many, La.;* Moyock, N.C.; Lake Providence, La.; Newton, Miss.; Bay Springs, Miss.; York, Ala.; Rehoboth Beach, Del.; Canton, Tex.; Brandon, Miss.; Southport, N.C.; Harrison, Mich.; Greenfield, Mo.; Belhaven, N.C.; *Ruston, La.; Shreveport, La.;* and Bethany Beach, Del.), Docket No. 19690, RM-2003, RM-2059, *RM-2027,* RM-2062, RM-2046, RM-2068, RM-2051, RM-2085, RM-2054, RM-2097, RM-2057, RM-2098, RM-2058, RM-2100, *RM-2144, RM-2002,* RM-2160.

1. On May 16, 1973, a further notice of proposed rulemaking was adopted in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 24, 1973, 38 FR 13658. The date for filing reply comments is presently July 24, 1973.

2. Counsel for Ruston Broadcasting Company, Inc., on July 12, 1973, filed a request for additional time in which to file reply comments, to and including August 7, 1973. Counsel states that the requested extension is necessary in order to complete the preparation of replies to pleadings filed by other parties in this proceeding.

3. We feel that the additional time is warranted and would serve the public interest. *Therefore, it is ordered,* That the time for filing reply comments in this proceeding is extended to and including August 7, 1973.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 13, 1973.

Released: July 16, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73-15160 Filed 7-23-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELEMENTAL SULPHUR FROM CANADA

Antidumping; Determination of Sales at Less Than Fair Value

JULY 20, 1973.

Information was received on January 21, 1972, that sulphur 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 on February 24, 1972, on page 3922. An amendment to this notice was published in the FEDERAL REGISTER of April 19, 1972, on pages 7717 and 7718, for the purpose of restricting the application of the notice to elemental sulphur from Canada.

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of April 23, 1973 (38 FR 10026).

I hereby determine that for the reasons stated below, elemental sulphur from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau of Customs reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as applicable, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the delivered buyer's plant price or f.o.b. seller's plant price, as appropriate. Deductions were made for United States and Canadian freight and related charges, brokerage charges, car heel allowances, plant conversion costs and discounts, as appropriate.

Exporter's sales price was calculated on the basis of a delivered United States customer's premises price with deductions for United States and Canadian freight charges, brokerage expenses and selling expenses.

The adjusted home market price was based on the delivered buyer's plant price or f.o.b. seller's plant price of such or similar merchandise sold in Canada with deductions for Canadian freight and related charges, plant conversion costs, car heel allowances and discounts, as appropriate. Adjustments were made for differences in commissions and selling expenses, as appropriate.

Using the above criteria, purchase price and exporter's sales price were found to be lower than the adjusted home market price of such or similar merchandise.

Elemental sulphur produced and sold by Texasgulf Inc. (formerly Texas Gulf Inc.) and Canadian Occidental Petroleum Ltd., is excluded from the withholding of appraisement ordered in this case and this determination of sales at less than fair value since 100 percent of the export sales to the United States by both companies during the period under consideration were examined and the adjusted home market prices of each company were found to be lower than the appropriate purchase price in every instance.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations.

JULY 20, 1973.

[FR Doc.73-15272 Filed 7-23-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

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 Naval Research Advisory Committee will be held July 26-27, 1973, at the Naval Air Test Center, Patuxent River, Maryland.

The agenda for these meetings includes classified information concerning aircraft.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.

JULY 19, 1973.

[FR Doc.73-15245 Filed 7-23-73;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, August 7, 1973
Tuesday, August 14, 1973
Tuesday, August 21, 1973
Tuesday, August 28, 1973

These meetings will convene at 9:30 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 USC 552(b)(2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D. C.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

JULY 19, 1973.

[FR Doc.73-15091 Filed 7-23-73;8:45 am]

INDUSTRY ADVISORY COMMITTEE ON MARITIME POLICY

Cancellation and Notice of Meeting

Reference FR Doc. 73-14402, appearing at page 18916 in the issue for Monday, July 16, 1973, the meeting of the Industry Advisory Committee on Maritime Policy scheduled for July 25, 1973, is cancelled.

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that the Industry Advisory Committee on Maritime Policy will meet in open session at 9:30 am, on August 7, 1973, in Room IE 801, Pentagon, Washington, D.C. 20301.

The meeting will be devoted to a discussion of the quantitative justification for and structure of an ocean cargo allocation system.

With respect to public participation the following requirements shall apply:

(a) Individuals desiring to submit written statements may do so by mailing ten copies thereof no later than July 30, 1973, if possible, to the Recorder, Industry Advisory Committee on Maritime Policy, Office of the Assistant Secretary of Defense (Installations and Logistics), Washington, D.C. 20301. The minutes will be kept open for ten days for the receipt of written statements for the record.

(b) Those individuals submitting a written statement in accordance with (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement.

(c) Requests for the purpose of making an oral statement shall be ruled on by the Chairman of the Committee who is empowered to apportion the time available during a period of not more than 30 minutes between 11 a.m. and 12 Noon. Information concerning the Chairman's ruling on requests for the opportunity to make an oral statement can be obtained by a prepaid telephone call to the Recorder of the Committee (202-697-1903) between 9 a.m. and 5 p.m. Eastern Time, on August 3, 1973.

(d) Questions may be asked only by members of the Committee and staff.

(e) Seating for the public is limited and will be available on a first-come-first-served basis. Because of building security requirements, anyone wishing to attend the meeting must advise the Recorder of the Committee in advance of the meeting at telephone 202-697-1903.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

JULY 19, 1973.

[FR Doc.73-15090 Filed 7-23-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

AMISTAD RECREATION AREA

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 1, 1973, the Department of the Interior, through the Superintendent, Amistad Recreation Area, proposes to issue concession permits in the name of Gus Carey, Del Rio, Tx.; in the name of David Crawley, Del Rio, Tx.; in the name of W. P. Fisher, Del Rio, Tx.; in the name of Glenn McGonagill, Del Rio, Tx.; in the name of Charles E. Morgan, Del Rio, Tx.; in the name of Joe R. Morgan, Del Rio, Tx.; in the name of Jerry L. Rust, Del Rio, Tx., and Jack Skipworth, Del Rio, Tx., authorizing them to provide fishing guide service for the public at Amistad Recreation Area for the period September 1, 1973 through August 31, 1977.

The foregoing concessioners have performed their obligations under existing permits to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the issuance of new permits. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 31, 1973.

Interested parties should contact the Superintendent, Amistad Recreation Area, Post Office Box 1463, Del Rio, Texas 78840, for information as to the requirements of the proposed permits.

Dated: June 26, 1973.

COLEMAN C. NEWMAN,
Superintendent, Amistad Recreation Area.

[FR Doc.73-15118 Filed 7-23-73;8:45 am]

HONOKOHAU STUDY ADVISORY COMMISSION

Notice of Meetings

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Honokohau Study Advisory Commission will be held on July 28, 1973, on the Island of Maui, August 4, 1973, on the Island of Kauai, and August 11, 1973, on the Island of Molokai.

The purpose of the Honokohau Study Advisory Commission is to provide advice to the Secretary of the Interior on matters relating to the making of a study of the feasibility and desirability of establishing as a part of the National Park System an area comprising the site of Honokohau National Historic Landmark.

The members of the Commission are as follows:

Colonel Arthur Chun, Kailua-Kona (Chairman); Rev. Henry K. Boshard, Kailua-Kona; Ms. Nani Mary Bowman, Honolulu; Mr. Fred Cachola, Waianae; Mr. Alika Cooper, Hilo; Dr. Kenneth P. Emory, Honolulu; Mr. Homer K. Hayes, Honolulu; Mr. Kwai Wah Lee, Hilo; Ms. Iolani Luahine, Kailua-Kona; Mr. George Naope, Hilo; Mrs. Abbie Napeahi, Hilo; Mr. George Pinehaka, Honaunau Kona; Mr. David K. Roy, Kailua-Kona; Mr. Philipo Springer, Holualoa; and Mrs. Emily Kaai Thomas, Honolulu.

The matters to be considered at these meetings are:

1. Review of basic data gathered to date;
2. Review of outline of report;
3. Gathering of supplemental data and ideas from interested persons, agencies, and organizations;
4. Inspection of comparative areas which afford insight into Hawaiian cultural practices and resource uses, and park plans.

The first meeting will be held from 9:00 a.m. to 1:00 p.m., July 28, in the Kahului Library, Kahului, Maui, Hawaii. On July 29 the Commission will inspect the Seven Pools section of Haleakala National Park.

The second meeting will be held from 8:00 a.m. to noon, August 4, in the Lihue Library, Lihue, Kauai, Hawaii. On August 5, the Commission will inspect park areas involving elements of Hawaiian culture on Kauai.

The third meeting will be held from 9:00 a.m. to 1:00 p.m., August 11, in the Molokai Community Center, Kaunakakai, Molokai, Hawaii. On August 12 the Commission will inspect fishponds and other Hawaiian cultural elements on Molokai.

The meetings will be open to the public, and participation is encouraged. Transportation will not be provided for members of the public for the field inspections. However, members of the public may participate in these inspections by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meetings, or who wish to submit written statements, may contact Robert L. Barrel, State Director, Hawaii, National Park Service, 677 Ala Moana Boulevard, Suite 512, Honolulu, Hawaii 96813.

Minutes of the meetings will be available for public inspection four weeks after each meeting at the Office of the State Director, Hawaii, and the Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Date: July 16, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-15071 Filed 7-23-73;8:45 am]

Office of the Secretary

JUNEAU AREA

Change of Agency Jurisdictions

This notice is published in exercise of the authority delegated by the Secretary of the Interior to the Assistant to the Secretary for Indian Affairs in Amendment 2 to Secretarial Order 2950.

By village resolution, certain Alaska Native villages have requested to be transferred from the jurisdiction of one Bureau of Indian Affairs' Agency to another in order to conform to the boundaries of the Regional Corporations. Therefore, effective July 1, 1973, the following villages are hereby transferred from the Bethel Agency to the Fairbanks Agency:

1. Anvik
2. Grayling
3. Shageluk
4. Holy Cross
5. McGrath
6. Nikolai
7. Medfra
8. Telida
9. Takotna

Also effective July 1, 1973, the Alaska Native village of Mentasta is hereby transferred from the Fairbanks Agency to the Anchorage Agency.

This notice revises any previous notices concerning the jurisdictions of

Agencies under the Juneau Area Office of the Bureau of Indian Affairs.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

JULY 18, 1973.

[FR Doc.73-15067 Filed 7-23-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GUNNISON NATIONAL FOREST AND GRAND MESA-UNCOMPAHGRE NATIONAL FORESTS MULTIPLE USE ADVISORY COMMITTEES

Notice of Meeting

The Gunnison National Forest and Grand Mesa-Uncompahgre National Forests Multiple Use Advisory Committees will meet at 9:00 a.m., August 4, 1973 at the Forest Service office at 216 North Colorado, Gunnison, Colorado for the beginning of a two-day summer field trip.

The purpose of this summer trip is to make an on-the-ground review of land use planning and related activities in the vicinity of Crested Butte.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor John T. Minow, P.O. Box 138, Delta, Colorado 81416 (Phone 303-874-4411). Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. A member of the public wishing to attend and participate in the summer field trip should notify Forest Supervisor John T. Minow at least five days prior to the trip.

2. Any member of the public may be permitted to participate and present oral statements during the field trip by the committee chairman to the extent that time permits.

Dated: July 16, 1973.

JOHN T. MINOW,
Forest Supervisor, Grand Mesa-Uncompahgre National Forests, Acting Forest Supervisor Gunnison National Forest.

[FR Doc.73-15072 Filed 7-23-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration Bureau of East-West Trade

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet August 1, 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 systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Report on the work program.
4. Discussion of other necessary work assignments.
5. Executive Session:
   Discussion of, and progress report on, the work program:
   a. Foreign availability
   b. Performance characteristics
   c. Safeguards
6. Adjournment.

The Computer Systems Technical Advisory Committee 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 1-4, 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 (5), "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. 20230 (A/C 202 + 967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: July 19, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-15297 Filed 7-23-73;8:56 am]

Maritime Administration

NORTHERN TRUST CO.

Approval as Trustee

Notice is hereby given that The Northern Trust Company, with offices at 50 South LaSalle Street, Chicago, Illinois, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: July 12, 1973.

BURT KYLE,
Chief, Office of Domestic Shipping.

[FR Doc.73-15181 Filed 7-23-73;8:45 am]

[Docket No. S-371]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before July 30, 1973, notify the Board's 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 Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., July 31, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: July 20, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

Name of applicant	Vessel names	Type of ship
Blackships, Inc.	Gulfking	Tanker.
	Gulfqueen	Do.
	Gulfprince	Do.
	Gulfknight	Do.
Hudson Waterways Corp.	SS Transerie	Do.
	SS Transpanama	Do.
	SS Transsuperior	Do.
Manhattan Tankers Co., Inc.	SS Manhattan	Do.
Transeastern Shipping Corp.	SS Transeastern	Do.

[FR Doc.73-15289 Filed 7-23-73;8:45 am]

[Docket No. S-372]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for extension of operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the applicants listed in Appendix A and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

Said applicants have requested written permission involving the domestic, intercoastal or coastwise services likewise described in Appendix A.

Said applicants have previously been granted written permission with respect to such services in fiscal year 1973.

Interested parties may inspect these applications in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any 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 30, 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. Further, each petition shall identify the applicant or applicants against which the intervention is lodged.

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 commencing at 10 a.m., July 31, 1973 and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805 (a) relative to whether the proposed operations (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. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

Dated: July 20, 1973.

By Order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

I. *Name of applicants.* Manhattan Tankers Company, Inc. (Manhattan); Transeastern Shipping Corporation (Transeastern); Hudson Waterways Corporation (Hudson).

Description of domestic service and vessels. The applicants, Manhattan, Transeastern and Hudson, are all affiliated with each other and with Seatrain Lines, Inc. (Seatrain), and Seatrain and its affiliates have engaged in the domestic trades shown below, and each applicant has requested written permission for the continuance, by Seatrain and other affiliated companies, of those services, as well as the right to move any vessel listed below from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s) within the fiscal year period of the proposed operating-differential subsidy agreement. All of the vessels listed have coastwise privileges. The following are the vessels by type and an indication of those currently in the domestic trades:

Ship	Type	Current service
Seatrain Puerto Rico.	Dry cargo (military).	MSC.[1]
Seatrain Carolina.	Dry cargo (military).	MSC.
Seatrain Florida.	Dry cargo (military).	MSC.
Seatrain Maryland.	Dry cargo (military).	MSC.
Seatrain Maine.	Dry cargo (military).	MSC.
Seatrain Washington.	Dry cargo (military).	MSC.
Seatrain Ohio.	Dry cargo (military).	MSC.
Transcolorado	Dry cargo (heavy type).	MSC.
Transcolumbia	Dry cargo (heavy type).	MSC.
Transpacific	C4 Conventional	MSC.
Transeastern	Tanker	
Erna Elizabeth	Tanker	Time charter (MSC).[1]
Transhuron	Tanker	Time charter (MSC).
Transidaho	Container C4	U.S. E.C./ Puerto Rico.
Transoregon	Container C4	U.S. E.C./ Puerto Rico.
Transhawaii	Container C4	U.S. E.C./ Puerto Rico.
Seatrain San Juan.	Container T2	U.S. E.C./ Puerto Rico.
Seatrain Delaware.	Container T2	U.S. E.C./ Puerto Rico.
Transindiana	Container T2	U.S. Pac. Coast/Hawaii.
Transchamplain	Container mission tanker.	U.S. Pac. Coast/Hawaii.
Transoneida	Container T2	
Transontario	Container T2	
Seatrain Georgia	Container T2	
Seatrain Louisiana.	Container T2	
Manhattan	Tanker	
Transglobe	Ro/Ro	
Transerie	Tanker	
Transpanama	Tanker	
Transsuperior	Tanker	

[1] The vessels chartered to MSC are presently under contract to MSC for periods of up to five years and their operations are consequently not under the control of their owners.

Written permission is now required by the applicants (Manhattan, Transeastern and Hudson) notwithstanding that a voyage in

the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

II. *Name of applicant.* Blackships, Inc.

Description of domestic service and vessels. The applicant, Blackships, Inc. acting by and through Gulf Oil Corporation, requests permission to continue operation of the following listed vessels in domestic intercoastal or coastwise service, as well as permission for all other vessels owned and/or operated by Gulf Oil and other related companies to continue operation in domestic intercoastal or coastwise service.

Gulf Deer	Gulf Knight
Gulf Lion	Gulf Crest
Gulf Tiger	Gulf Pride
Gulf King	Gulf Solar
Gulf Queen	Gulf Oil
Gulf Prince	

Written permission is now required by the applicant, Blackships, Inc., notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

[FR Doc.73-15290 Filed 7-23-73;8:45 am]

National Bureau of Standards

NUMERIC DATA

Notice of Proposed Federal Information Processing Standard

Under the provisions of Public Law 89-306, the Secretary of Commerce is authorized to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards. Effective May 9, 1973, Executive Order 11717 transferred to the Secretary of Commerce all functions being performed in the Office of Management and Budget relating to the establishment of government-wide automatic data processing standards, including the function of approving standards on behalf of the President pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended.

A proposed standard for Representations of Numeric Data in Dense Forms for Information Interchange has been developed by the National Bureau of Standards. This proposed standard, which provides specifications for three dense forms of numeric data, was developed by the NBS Institute for Computer Sciences and Technology. It will be promulgated as a Federal Information Processing Standard at such time as it may be approved by the Secretary of Commerce, on behalf of the President.

This notice solicits views of manufacturers, the public, and state and local governments prior to final drafting and formal coordination with departments and agencies of the Federal Government.

Federal Information Processing Standards contain two basic sections: (1) an announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which details the technical requirements of the standard.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before September 24, 1973.

Dated: July 17, 1973.

RICHARD W. ROBERTS,
Director.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION ____

(Date) ____

Announcing the Standard for

REPRESENTATIONS OF NUMERIC DATA IN DENSE FORMS FOR INFORMATION INTERCHANGE

Federal Information Processing Standards Publications are issued by the National Bureau of Standards under the provisions of Public Law 89-306 and Executive Order 11717.

Name of Standard. Representations of Numeric Data in Dense Forms for Information Interchange.

Category of Standard. Hardware Standard, Interchange Codes and Media.

Explanation. This FIPS PUB provides standard representations for three dense forms of numeric data. This FIPS PUB applies only to defined numeric fields in formatted data. The dense forms which are defined are:

a. Packed decimal numeric data, two digits per 8-bit octet, with algebraic signs and fillers.

b. [1] Packed Floating Point Decimal Data, with digits, fillers, algebraic signs and separator each represented in 4-bit form.

c. Straight binary data, up to 8 bits per octet with an algebraic sign bit and fill bits.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. a. FIPS PUB 1, Code for Information Interchange.

b. FIPS PUB 3-1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI).

c. FIPS PUB 7, Implementation of the Code for Information Interchange and Related Media Standards.

d. FIPS PUB 15, Subsets of the Standard Code for Information Interchange.

e. FIPS PUB 20, Guidelines for Describing Information Interchange Formats.

f. FIPS PUB __, (Magnetic Tape Cassettes).

g. FIPS PUB __, (ANSI X3/SSC/AHCC/050) Representation of Numeric Values in Character-Strings for Information Interchange.

h. FIPS PUB __ (ANSI X3.27-1969) American National Standard Magnetic Tape Labels for Information Interchange.

i. ANSI Z39.2-1971, American National Standard for Bibliographic Information Interchange on Magnetic Tape.

Objectives. The principal objective of this FIPS PUB is to provide the combined benefits of a standard representation, the effective use of recording medium, and higher transfer rates for data in those situations for which interchangeable magnetic media are used to transfer large data files that are predominantly numeric, but which may also contain some non-numeric ASCII or extended ASCII character-oriented information.

Applicability. This standard is applicable in those interchange environments having eight or more bits per information character (i.e., 9 track tape, disk, and cassettes).

This Federal standard will be used whenever packed decimal, floating point decimal or binary data forms are used in magnetic tape reels, disks, or magnetic tape cassettes. It may also be used in internal computer representations, and in non-interchangeable media, but such use is not prescribed by this standard.

It will not be used in data communication systems that monitor bit patterns in search of communication control characters.

Implementation Schedule. (To be determined).

Waiver Procedure. (To be determined).

Specifications. Federal Information Processing Standard __ (FIPS __), Representations of Numeric Data in Dense Forms for Information Interchange, (Date) (affixed).

Qualifications. This numeric data standard does not specify a Data Descriptive Language (DDL), a Data Management Language (DML) nor does it specify the use of machine-sensible labels or the structure of any optional label blocks to define field boundaries, field types, ranges of values, or scaling factors, all of which must be supplied in adequate documentation, such as is provided in FIPS PUB 20, Guidelines for Describing Information Interchange Formats.

Four-bit patterns corresponding to decimal values 12 and 15 and hence to the graphic symbols Comma and Slant of the 16-character subset of FIPS 15, may be used in packed decimal forms along with the 14 defined packed characters, but no meaning is ascribed to those two 4-bit patterns.

The form of packed decimal numerics specified by this FIPS PUB may or may not be a "computational form" for use in internal computer processing. Only a storage form for use in magnetic tape, disk packs, or cassettes is specified. If any different packed numeric forms are used for computation, internal representation, variable-field storage, or other purpose, then a transformation will be required in passing data to or from the storage form specified by this FIPS PUB.

Special Information. Unpacked character-oriented information used in fields other than packed fields on magnetic tapes, disk packs, or cassettes should conform to the standard recording conventions of FIPS 3, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI) whether or not a different density or recording technique is employed.

The following table may be helpful, although the EBCDIC bit patterns are not part of any Federal or other non-commercial standard:

[1] May be changed to Floating Point Binary Data.

RELATIONSHIPS IN 9-TRACK MAGNETIC TAPE

Track No.	4	7	6	5	3	9	1	8	2
ASCII (FIPS 1) Bits	P	"b_8"	b_7	b_6	b_5	b_4	b_3	b_2	b_1
IBM EBCDIC Bit Numbers	P	0	1	2	3	4	5	6	7
Binary Weight (Unpacked)	P	2^8	2^6	2^5	2^4	2^3	2^2	2^1	2^0
Binary Weight (Packed)	P	2^8	2^7	2^6	2^5	2^4	2^3	2^2	2^1
Packed Numeric Order	P		High				Low		

Note: "P" is an odd parity bit.

Where to Obtain Copies of the Standard. Copies of this publication are for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Price ____ cents a copy; SD Catalog Number _____.) There is a 25 percent discount on quantities of 100 or more. When ordering, specify document number, title, and SD Catalog Number or Accession Number.

FEDERAL INFORMATION PROCESSING STANDARD _____

(Date) _____

Specifications for

REPRESENTATIONS OF NUMERIC DATA IN DENSE FORMS FOR INFORMATION INTERCHANGE

1. *Name of Standard.* Representations of Numeric Data in Dense Forms for Information Interchange.

2. *Category of Standard.* Hardware Standard, Interchange Codes and Media.

3. *Specifications.* This specification provides a standard method of recording three different dense numeric data forms on interchangeable media that are oriented to handling 8-bit "octets" of information. These three dense forms supplement the standard representation in 8-bits of the FIPS 1 (ASCII) numeric characters and the other characters of FIPS 1. The three dense numeric forms are:

a. Packed Decimal Numeric Data
b. Packed Floating Point Decimal Data
c. Binary Numeric Data

Unpacked fields are specified to be standard FIPS 1 (ASCII) characters represented in the standard 8-bit format of FIPS 3 magnetic tape, in which the high order bit (b_8) is set to "zero" for the 128 characters defined in FIPS 1 (ASCII), and is set to "one" for the remaining 128 characters that are not defined by FIPS 1 (ASCII). This specification applies only to defined numeric fields in formatted data.

In standard 9-track magnetic tape, or on standard serial-by-bit magnetic tape cassettes, or on magnetic disks, if the eight information bits are designated as E_1 to E_8, low-order to high-order bit, then the following relationships apply to this standard:

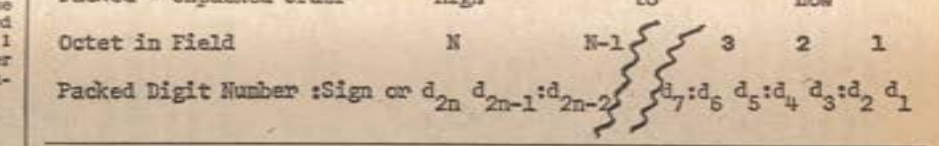
Bit-Positions in Unpacked Byte	E_8	E_7	E_6	E_5	E_4	E_3	E_2	E_1
Binary Weight, Unpacked	2^7	2^6	2^5	2^4	2^3	2^2	2^1	2^0
Binary Weight, Packed	2^3	2^2	2^1	2^0	2^3	2^2	2^1	2^0
Bits of the Packed Form	b_4	b_3	b_2	b_1	b_4	b_3	b_2	b_1
Packed Numeric Order		High			Low			

The 4-bit patterns of the packed form are related to the four low-order bits of the 16-character subset of FIPS PUB 15 in accordance with the following table:

FIPS 1 ASCII Row No.	Bit and Value b_4 2^3	b_3 2^2	b_2 2^1	b_1 2^0	Graphic Symbol	Symbol Name
0	0	0	0	0	0	Zero
1	0	0	0	1	1	One
2	0	0	1	0	2	Two
3	0	0	1	1	3	Three
4	0	1	0	0	4	Four
5	0	1	0	1	5	Five
6	0	1	1	0	6	Six
7	0	1	1	1	7	Seven
8	1	0	0	0	8	Eight
9	1	0	0	1	9	Nine
10	1	0	1	0	*	Asterisk
11	1	0	1	1	+	Plus
12	1	1	0	0	,	Comma
13	1	1	0	1	−	Minus
14	1	1	1	0	.	Decimal Point
15	1	1	1	1	/	Slant

Bit patterns corresponding to Row Numbers 12 and 15 may appear in the packed forms of this FIPS, but no meaning is ascribed to those two values. When packed, or when unpacked, the preferred graphic symbols for all 16 of the 4-bit patterns are as shown in the above table.

3.1 *Packed Decimal Numeric Data.* Two formats for packed decimal numeric fields are specified: signed and unsigned. Both formats are shown by the layout:



NOTE: Octet boundaries are illustrated by Colon (:) but these are not used in the bit structure.

Any "d" can represent a decimal digit or the decimal point. If no explicit decimal point is included, it is assumed to be to the right of d_1 and the decimal number has an integer value. If no sign is included, the numeric value is assumed to be positive or zero.

The lowest-order packed decimal digit (d_1) is located in the right-hand side of the lowest-order octet. Packed decimal digits of ascending order are placed in adjacent half-octets in order of ascending significance, as shown. The digit zero, bit pattern 0000, is used to fill all half-octets to the left of the most significant packed decimal digit. If algebraic signs (+ or −) are used, the position of the 4-bit sign pattern is at the high-order half of the highest-order octet. The value 11 (bit pattern 1011) represents positive (+) and the value 13 (bit pattern 1101) represents negative (−). Algebraic signs must never be located in other positions. If all numeric bits in a packed decimal field are "zero" and a signed representation is required, then the sign pattern for "Positive" (Plus Sign, bit pattern 1011) must be used. Thus the value "Minus Zero" is not allowed in packed decimal representations.

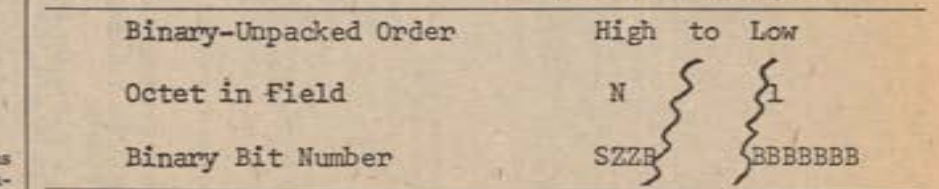
3.2 *Packed Floating Point Decimal Data.*[1] One format is specified for floating point decimal representations. The structure employs two algebraic signs, one decimal point, any number of digits, and a separator, each represented by 4 bits in accordance with the table below. The Asterisk, bit pattern 1010, separates the significand from the exrad, a power of ten. The structure is:

Sign Digits Point Digits	*Asterisk Sign Digits*
Significand	Exrad

The same number of octets must be used for each occurrence of a given field. The significand sign must be present, must be + or −, and must be located in the high-order half of the highest order octet. If fill digits are required, then the bit pattern for Zero, 0000, must be used as fill. The decimal point must be present and it must occupy the same position for each occurrence of a given field. The Asterisk must be present and it must occupy the same position for each occurrence of a given field. The exrad sign must be present, must be + or −, and must occupy the same position for each occurrence of the field. The same number of exrad digits must be used for each occurrence of a field, and the lowest order digit of the exrad must occupy the lowest order position of the entire field. Zero must be used as fill digits if fill is required. The exrad decimal point does not appear but it is assumed to be to the right of the lowest order exrad digit. External scaling factors may be used for the significand or exrad, or both.

[1] This section may be changed to Floating Point Binary.

3.3 *Binary Numeric Data.* One format is specified for binary representation of numeric values, as shown by the layout:



Where S is a sign bit, Z is a Zero fill bit, and B is a value bit. The number of bits in an externally recorded binary field is always a multiple of 8 bits. The lowest order bit is "right justified" in the lowest order bit position of the lowest order octet. The other binary value bits are packed adjacent to this low order bit in ascending order up to the

highest value bit. The sign bit (S) is "left justified" in the highest order position of the highest order octet. A "zero" sign bit denotes "Positive" and a "one" bit denotes "Negative". The symbol "Z" denotes a fill or padding bit used, if necessary, to fill up unused bit positions between the sign bit and the highest order binary value bit. The bit value of "Z" is always "zero". If all other bits in a field are "zero" bits then the sign bit "S" must also be "zero". Thus the value "Minus zero" is not allowed in binary representations. The smallest (nearest to zero) negative value has a "one" bit at the extreme left end of the field, for the negative sign, and a "one" bit at the extreme right end of the field for the lowest permissible binary value. This standard binary representation does not employ "complemented bits" to represent negative values. The progression of values is shown by the following table:

S								
0	1	1	1	1	1	1	1	Largest Positive
0	0	0	0	0	0	0	1	Smallest Positive
0	0	0	0	0	0	0	0	Zero
1	0	0	0	0	0	0	0	Not Allowed
1	0	0	0	0	0	0	1	Smallest Negative
1	1	1	1	1	1	1	1	Largest Negative

No explicit location of the "binary point" is specified in the binary field structure. The location of the "binary point" is always in the same implied position for each occurrence of a given binary field.

[FR Doc.73-15028 Filed 7-23-73;8:45 am]

PORCELAIN-ENAMELED STEEL UTENSILS

Notice of Intent To Withdraw Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 100-47, "Porcelain-Enameled Steel Utensils." It has been tentatively determined that this standard is no longer in general use and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 23, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15119 Filed 7-23-73;8:45 am]

PINE OIL DISINFECTANT AND PENTACHLOROPHENOL CONCENTRATE

Notice of Intent To Withdraw Voluntary Product Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standards CS 69-38, "Pine Oil Disinfectant" and CS 194-53, "Pentachlorophenol Concentrate for Wood Preservation and Soil Poisoning." It has been tentatively determined that these standards are no longer technically adequate and revisions would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 23, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15120 Filed 7-23-73;8:45 am]

ENAMELED CAST IRON PLUMBING FIXTURES

Notice of Action on Voluntary Product Standard Withdrawal

In accordance with § 10.12 of the Department's Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 77-63, "Enameled Cast Iron Plumbing Fixtures."

Public notice of the Department's intention to withdraw this standard was published in the FEDERAL REGISTER on May 18, 1973 (38 FR 13044). No objections to the Department's intention of withdrawing this standard have been received by the National Bureau of Standards.

The effective date for the withdrawal of this standard will be on or before September 24, 1973. This withdrawal action terminates the authority to refer to this standard as a Voluntary Product Standard developed under the Department of Commerce Procedures.

Dated: July 19, 1973.

RICHARD W. RICHARDS,
Director.

[FR Doc.73-15122 Filed 7-23-73;8:45 am]

HOUSEHOLD INSECTICIDE

Notice of Intent To Withdraw Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 72-54, "Household Insecticide (Liquid Space Spray Type for Flying Insects)." It has been tentatively determined that this standard is no longer technically adequate and in view of the current publications of the Chemical Specialties Manufacturers Association which establish standards for the subject products revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 23, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15121 Filed 7-23-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-50]

AMERICAN STERN TRAWLERS, INC.

Order Terminating Proceedings

In the matter of the application of American Stern Trawlers, Inc. for transfer of fishery for the vessel Seafreeze Pacific, Docket No. Sub-B-50.

Upon consideration of the withdrawal of the application by counsel for the Applicant on the ground that the vessel, Seafreeze Pacific, has been sold by the Applicant to a person not a party to this proceeding, and since the National Oceanic and Atmospheric Administration, through counsel, stated it had no objection to the withdrawal of the application, and no prejudice to the interests of intervenors appears,

Now therefore, *It is ordered*, That withdrawal of the application is allowed, proceedings in this matter are terminated and, accordingly, notice is given that the matter is closed.

JOHN J. MCCARTHY,
Administrative Law Judge.

[FR Doc.73-15168 Filed 7-23-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OPHTHALMIC DRUGS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Ophthalmic Drugs Advisory Committee.	Aug. 6 and 7, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open August 6, closed August 7. William E. Gilbertson, Pharm. D., Room 12B-25, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of diseases and disorders of the eye.

Agenda. The agenda will cover consideration and discussion of a recent subcommittee proposal to establish criteria for clinical testing to determine the effectiveness and safety of steroid-anti-infective fixed dosage combination drugs.

The public is invited to comment on the proposal in the open session of the meeting on August 6. Requests for time to participate in the open session should be made in advance through the contact person shown above. A copy of the proposal may be obtained from the contact person.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: July 18, 1973.

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

[FR Doc.73-15111 Filed 7-23-73;8:45 am]

[CAP 9C0092]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC., ET AL.

Notice of Filing of Petition Regarding Carbon Black

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 9C0092) has been filed by Cosmetic, Toiletry and Fragrance Association, Inc., National Confectioners Association, and Pharmaceutical Manufacturers Association, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22206, proposing the issuance of color additive regulations (21 CFR Part 8) to provide for the safe use and certification of carbon black (all-gas channel black) as a color additive in foods, drugs, and cosmetics, including cosmetics for application in the area of the eye.

Dated: April 19, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15112 Filed 7-23-73;8:45 am]

[GRASP 3G0028]

FAIRMONT FOODS CO.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786; 21 U.S.C. 321(s), 348, 371(a)

and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 F.R. 25705), notice is given that a petition (GRASP 3G0028) has been filed by Fairmont Foods Co., 3201 Farnam St., PO Box 1191, Omaha, NB 68131, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that ethyl alcohol is generally recognized as safe (GRAS) for use in the manufacture of pizza crusts to extend the handling and storage life thereof.

Interested persons may, on or before September 24, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–15113 Filed 7–23–73;8:45 am]

[GRASP 3G0014]

PFIZER, INC.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 F.R. 25705), notice is given that a petition (GRASP 3G0014) has been filed by Pfizer, Inc., 235 East 42d St., New York, NY 10017, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that citric acid, derived from yeast-straight chain paraffin fermentation, is generally recognized as safe (GRAS) for use in foods.

Interested persons may, on or before September 24, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–15114 Filed 7–23–73;8:45 am]

[FAP 2M2815]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), PPG Industries, Inc., Drawer A, Delaware, OH 43015, has withdrawn its petition (FAP 2M2815), notice of which was published in the FEDERAL REGISTER of July 26, 1972 (37 FR 14900), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use in contact with food of an electron-beam cured coating, prepared with spermaceti wax, acrylic acid, butyl acrylate, ethyl acrylate, hydroxyethyl acrylate, methacrylic acid, methyl methacrylate, and pentaerythritol tetraacrylate.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–15115 Filed 7–23–73;8:45 am]

[GRASP 3G0029]

SWIFT AND CO.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0029) has been filed by Swift and Co., 1919 Swift Dr., Oak Brook, IL 60521, and placed on puplic display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that chlorine in an aqueous solution (up to 200 p.p.m. available chlorine) is generally recognized as safe (GRAS) for use as an intermittent spray for hog, beef, and lamb carcasses during the cooler-chilling process.

Interested person may, on or before September 24, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–15116 Filed 7–23–73;8:45 am]

[CAP 8C0069]

REVLON, INC.

Notice of Filing of Petition Regarding Disodium EDTA-Copper

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 8C0069) has been filed by Revlon, Inc., c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22046, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of disodium EDTA-copper, the disodium salt of [(ethylenedinitrilo)tetraacetato (2-)]copper, as a color additive in externally-applied cosmetics.

Dated: April 19, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–15117 Filed 7–23–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–111]

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated April 20, 1973, and published April 26, 1973 (38 FR 10334); amended April 27, 1973, and published May 3, 1973 (38 FR 11014); amended May 16, 1973, and published May 22, 1973 (38 FR 13512); and amended June 6, 1973, and published June 13, 1973 (38 FR 15552), is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 1973:

The counties of:

Howell Oregon

Dated: July 18, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73–15108 Filed 7–23–73;8:45 am]

[Docket No. NFD–110]

PENNSYLVANIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on July 17, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Pennsylvania from severe storms and flooding beginning on or about June 27, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Pennsylvania. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Alfred A. Hahn, HUD Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Pennsylvania to have been adversely affected by this declared major disaster:

The counties of:

Berks	Lancaster
Bucks	Monroe
Chester	Montgomery
Delaware	Wayne

Dated: July 18, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-15106 Filed 7-23-73;8:45 am]

[Docket No. NFD-112]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated June 29, 1973, and published July 5, 1973 (38 FR 17885) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 28, 1973:

The counties of:

Overton	White

Dated: July 18, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-15107 Filed 7-23-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

STEERING COMMITTEE, CABLE TELEVISION OF THE FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Notice of Meeting

JULY 18, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on July 30 and 31, 1973, at 9:30 a.m. The meetings will be held in Room 6331 of the Cable Television Bureau offices located at 2025 M Street, N.W., Washington D.C.

The agenda for the meeting will be a discussion on the following subjects:

Issue #4—Jurisdiction for Technical Performance Standards
Issue #6—Jurisdiction for Cross-Ownership Requirements
Issue #12—Construction and System Extension and Part II of the Report.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15159 Filed 7-23-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-304]

COMMONWEALTH EDISON CO.

Order Extending Completion Date

Commonwealth Edison Company is the holder of Provisional Construction Permit No. CPPR-59 issued by the Commission on December 26, 1968, for the construction of the Zion Station, Unit 2, a 3250 megawatt (thermal) pressurized water nuclear reactor presently under construction at the Company's site on the west shore of Lake Michigan in Zion, Lake County, Illinois.

On May 17, 1973, the Company filed a request for an extension of the completion date because construction has been delayed due to (i) a construction schedule which gave precedence to Unit 1 construction, (ii) a determination that certain modifications in plant design for both units were desirable to increase the assurance that adequate margins of safety exist which required additional construction time, and (iii) time loss due to late delivery of essential components. The Director of regulation having determined that this action involves no significant hazards considerations, and good cause having been shown, the bases for which are set forth in a memorandum dated June 20, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered, That the latest completion date for CPPR-59 is extended from July 1, 1973 to April 1, 1974.

Date of Issuance: July 13, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects Directorate of Licensing.

[FR Doc.73-15086 Filed 7-23-73;8:45 am]

[Source Material License SUB-1010]

KERR-McGEE CORP.

Notice and Order for Prehearing Conference, and Evidentiary Hearing

In the matter of Kerr-McGee Corporation Kerr-McGee Building Oklahoma City, Oklahoma.

On July 10, 1973, the Atomic Energy Commission issued a notice of hearing, published in the FEDERAL REGISTER (38 FR 18921), directing that a hearing be held to consider the May 10, 1972, application by the Kerr-McGee Corporation for amendment of its Source Material License Number SUB-1010. The amendment would authorize subsurface disposal of certain liquid radioactive wastes. The Deputy Director for Fuels and Materials has advised the Applicant that its amendment request has been denied. This Board has been established to hear and resolve the issue.

Take notice, pursuant to said Commission notice, a Prehearing Conference will be held at 10:00 am, local time, on August 14, 1973, at the U.S. Tax Court, Courtroom Number 1 (Room Number 2132), 1111 Constitution Avenue, NW, Washington, D.C. 20044, in preparation for an Evidentiary Hearing hereby scheduled to commence at 1:30 pm, local time, on August 27, 1973, at the U.S. Tax Court, Courtroom Number 2 (Room 2142), 1111 Constitution Avenue, NW, Washington, D.C. 20044.

Issued at Washington, D.C., this 19th day of July 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-15153 Filed 7-23-73;8:45 am]

LMFBR DEMONSTRATION PROJECT

Determination Pending Preparation of NEPA Impact Statement

On June 12, 1973, the U.S. Court of Appeals for the District of Columbia Circuit held in Scientists Institute for Public Information, Inc. v. AEC that present preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The Commission, on June 14, 1973, determined that preparation of an environmental impact statement on the LMFBR program will immediately be initiated pursuant to the Court's decision. The Commission has already prepared and issued section 102(2)(C) impact statements on a hypothetical LMFBR demonstration plant and on the Fast Flux Test Facility. In addition to these statements and the overall statement called for by the Court's decision, the Commission will issue further environmental impact statements in connection with any licensing of construction and operation of the actual Demonstration Plant as provided for in AEC regulations (10 CFR Part 50, Appendix D). It is presently estimated that a NEPA impact statement on the LMFBR program will require approximately 8 months to complete.

By letter dated June 19, 1973, the Joint Committee on Atomic Energy ad-

vised the Commission that, subject to a contractual revision (which the parties have agreed to), the Joint Committee "will interpose no objection to the execution of the proposed contracts (for the LMFBR Demonstration Plant), and the parties could proceed without further delay."[1]

The opinion of the Court of Appeals in the above referenced litigation noted that an injunction against continuation of the program pending completion of an impact statement had not been sought in this case and the Court accordingly intimated no views concerning such relief. The Court's opinion also stated that "there is no indication that, aside from not preparing an impact statement, the AEC has given insufficient weight to environmental values in charting the LMFBR program's present course." On July 11, 1973, following a remand of the case to the District Court "for the entry of appropriate declaratory relief," plaintiffs (Scientists' Institute for Public Information, Inc.) moved to enjoin the Commission from, inter alia, executing the LMFBR Demonstration project contracts and implementing same during the NEPA review period. The District Court denied the requested injunctive relief and entered a final declaratory order providing for completion of the LMFBR program impact statement within twelve months from June 14, 1973. Plaintiffs have appealed that order to the Court of Appeals.

Notwithstanding the absence of any legal bar to execution of the LMFBR Demonstration Plant contracts and implementation thereof during the period of preparation of a NEPA impact statement on the LMFBR program, the Commission has determined that an examination should be made as to whether such actions would be inconsistent with its NEPA responsibilities in regard to environmental protection, or would prejudice its ability to make the required NEPA review and take whatever action may be appropriate in light thereof.

In undertaking this interim NEPA examination, the Commission has utilized factors analogous to those developed for determinations in regard to whether to suspend certain reactor construction permits and operating licenses pending completion of the section 102(2)(C) reviews required as a result of the decision of the Court of Appeals for the District of Columbia Circuit in the Calvert Cliffs' litigation.[2] These factors are set forth in 10 CFR Part 50, Appendix D, Section E.2. An additional factor has been added to recognize the subsequent decision of the Court of Appeals for the District of Columbia Circuit in Coalition For Safe Nuclear Power v. AEC, et al. (463 F.2d 954), which involved judicial review of the interim NEPA review approach.

As applied to the present matter, the Commission, in making the determination at hand, has considered and balanced the following factors:

1. Whether it is likely that execution of the LMFBR Demonstration project contracts and implementation thereof during the prospective review period will give rise to a significant adverse impact on the environment, the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of project activities result from the ongoing NEPA environmental review.

2. Whether execution of the LMFBR project contracts and implementation thereof during the prospective review period would foreclose subsequent adoption of alternatives of the type that could result from the ongoing NEPA review.

3. The effect of delay in executing and implementing the LMFBR project contracts upon the public interest.

4. Whether the additional irretrievable commitment of resources if these contracts are executed and implemented during the limited time involved might affect the eventual decision reached on the NEPA review.

To assist the Commission in its consideration of the foregoing factors the Commission published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17263) its proposed determination with a request that interested persons who desire to submit written comments or suggestions for Commission consideration do so on or before July 14, 1973.

As of the close of business on July 18, 1973, comments were received from fifteen organizations and persons, including other LMFBR Demonstration plant project participants and the Scientists' Institute for Public Information (SIPI).[3] In response to SIPI's request, a meeting took place between Commissioner William E. Kriegsman and SIPI officials on July 6 for the purpose of receiving SIPI's views through direct communication. A transcript of that meeting (on file in the Commission's Public Document Room) was considered together with all written comments received in making this Determination.

All respondents except Mr. Russell M. Bimber, Painesville, Ohio, and SIPI and two other groups—Environmental Action and Friends of the Earth—supported the Commission's proposed determination. Mr. Bimber submits that "continuing LMFBR activities at this time will buy support for decisions which may seem unwise when the final environmental statement becomes available." The thrust of the comments of the latter three groups is that execution of contractual agreements by the Commission and the other participants, the ensuing expenditure of funds during the period of the NEPA program review, and the accumulation of further technological and managerial expertise and attendant project momentum during that review period would effectively prevent AEC from making a determination other than to proceed with LMFBR program implementation at the conclusion of the review period, thereby foreclosing consideration of other energy options.

In assessing the four factors enumerated earlier, and in making its consequent Determination, the Commission has carefully considered all comments received. It is appropriate, however, to take special note of those comments which were adverse to this Determination. The purport of the adverse comments is summarized above; it lacks validity, we believe, for several reasons. First, the existing technological base for the LMFBR program represents an investment of more than $1 billion over the past 20 years, and the monies projected to be expended on the overall program during the course of completion of the Demonstration project are $3–4 billion. By any objective standard, the incremental expenditures of $18 million during the eight (8) month NEPA review period (or $27 million should the review extend to 12 months) will not represent a commitment of such magnitude or nature as to foreclose any Commission options at the conclusion of the NEPA review. Federal Government Fiscal Year 1974 funds allocated to energy research and development is estimated to be $772 million. AEC's portion of this is $574 million. Of that amount about $255 million is assigned to energy R&D in other than LMFBR development. This is an increase of over $30 million by comparison with the FY 1973 budget for AEC R&D on energy systems other than LMFBR. Moreover, pursuant to the President's 1973 Energy Message to the Congress, the Commission is currently exploring ways of increasing the funding for other energy concepts (non-nuclear as well as nuclear).

Finally, it should be emphasized that execution of the Demonstration project contracts and their limited implementation during the period of the NEPA program review by no means constitutes an "irrevocable commitment" by AEC and the other participants of the project. Continuing AEC participation is, of course, subject to compliance with applicable laws; and the project contract makes specific that this includes compliance with "the provisions and policies of applicable laws in respect to the protection of the environment" (para. 5 and 11, AT(49–18)–12). Funds are expended by each of the participants at the financial risk that the outcome of the NEPA review of the program may require some alternative course, including project termination. Cf: Coalition for Safe Nuclear Power v. AEC, et al. (supra).

The results of the Commission's examination of this matter in the light of

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[1] The following contracts to be executed by AEC provide the framework for participation in the project by the several parties involved: AT(49–18)–12 (AEC-Commonwealth Edison-Tennessee Valley Authority and Project Management Corporation; and AT(49–18)–14 (AEC and Breeder Reactor Corporation).

[2] Calvert Cliffs' Coordinating Committee, Inc. v. Atomic Energy Commission, 449 F.2d 1109 (DC Cir. 1971)

[3] A list of those organizations and persons is attached to the Commission's Findings (see infra). Copies of all comments received are on file in the Commission's Public Document Room, 1717 H Street, Washington, D.C. and are available upon request.

all comments received are set forth in a document entitled, "Findings Supporting Determination in Regard to LMFBR Demonstration Project Pending Preparation of a section 102(2) (C) NEPA Impact Statement on the LMFBR Program." Copies of this document are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Copies may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: General Manager.

Based on the results of the foregoing examination, the Commission has determined that the LMFBR Demonstration project contracts may be executed and thereafter implemented during the limited period of the ongoing NEPA review of the LMFBR program. More specifically, the Commission has determined that:

1. Execution of the proposed contracts and the limited implementing actions to be taken by the AEC and the other project participants during the period of preparation of the NEPA impact statement on the LMFBR program will not give rise to any significant adverse impact on the environment; and that such limited impact as may occur will readily be redressable should the NEPA review of the program result in a different course of action.

2. Subsequent adoption of project alternatives—including cessation of the project itself, or other alternative approaches—would not be foreclosed by execution of the project contracts and implementation thereof during the limited period of the ongoing NEPA review of the program.

3. Delay in execution and implementation of the project contracts until the NEPA review of the LMFBR program is completed would adversely affect the public interest. In terms of immediate impact, delay would risk loss of key management and engineering personnel in the many organizations involved, thus compromising project viability or, at the least, giving rise to further appreciable delays. Delay would additionally result in a significant increase in project costs. Moreover, of longer range importance, should continuation of the LMFBR Demonstration project be consistent with the outcome of the NEPA program review, a present suspension of project activity would delay availability of a key energy option for the Nation with the potential for significant adverse consequences.

4. The expenditure of resources by the AEC and the other project participants for the LMFBR Demonstration Plant program ($22 million) comprises $18 million to be expended during the limited period of the ongoing NEPA review of the program and $4 million in costs incurred prior to June 30, 1973. This expenditure will not be of such magnitude, taken in relationship to monies already expended on the LMFBR program ($1 billion) or monies projected to be expended on the overall program during the course of completion of the LMFBR Demonstration project (possibly $3-4 billion), as to affect the eventual decision on the NEPA review of the LMFBR program.

Dated at Germantown, Maryland, this 20th day of July, 1973.

For the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-15316 Filed 7-23-73;8:45 am]

[Docket No. 50-219, etc.]

CERTAIN BOILING WATER REACTORS

Petition for Immediate Derating; Request for Comments

In the matter of Friends of the Earth's "Petition for Immediate Derating of Certain Boiling Water Reactors and for Issuance of a Show Cause Order Why the Authorization to Operate These Plants Should Not be Suspended". Dockets Nos. 50-219, 50-237, 249, 254, 265, 50-220, 50-245, 50-263, 50-293.

Notice

On July 12, 1973, Friends of the Earth filed with the Commission the above-styled petition seeking the emergency derating, to an unspecified extent, of nine licensed nuclear power plants identified as follows:

Pilgrim ----------	Boston Edison Company
Dresden 2 & 3-----	Commonwealth Edison Company
Quad-Cities 1 & 2-	Commonwealth Edison Company
Oyster Creek 1----	Jersey Central Power & Light Co.
Millstone 1-------	Millstone Point Company
Nine Mile Point 1-	Niagara Mohawk Power Corporation
Monticello -------	Northern States Power Company

Comments on the legal and substantive safety matters covered by the petition, including the need, if any, for emergency action, are requested from the affected licensees and the Regulatory Staff by July 31, 1973. Any other interested person may submit comments by the same date. All such comments should be addressed to: Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

A copy of the petition is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Rules and Proceedings Branch, Office of Administration Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, this 20th day of July 1973.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-15315 Filed 7-23-73;8:45 am]

[Docket No. 50-206, etc.]

SHUTDOWN OF TWENTY NUCLEAR POWER PLANTS

Petition; Request for Comments

In the matter of Ralph Nader and Friends of the Earth's "Petition with Respect to Shut Down of Twenty Nuclear Power Plants". Dockets Nos. 50-206, 50-263, 50-254, 50-213, 50-266, 50-265, 50-219, 50-245, 50-281, 50-220, 50-249, 50-269, 50-244, 50-280, 50-309, 50-237, 50-250, 50-251, 50-261, 50-255.

On July 16, 1973, Ralph Nader and Friends of the Earth filed with the Commission the above-styled petition seeking the shut-down of twenty licensed nuclear power plants identified by cross reference to a suit pending in the United States Court of Appeals for the District of Columbia Circuit (Nader, et al. v. Ray, et al., CA No. 73-1733).

Comments on the legal and substantive safety matters covered by the petition, including the need, if any, for emergency action, are requested from the affected licensees and the Regulatory Staff by July 31, 1973. Any other interested person may submit comments by the same date. All such comments should be addressed to: Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

A copy of the petition is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Rules and Proceedings Branch, Office of Administration Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, this 20th day of July 1973.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-15314 Filed 7-23-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25137]

ALLEGHENY AIRLINES, INC.

Notice of Hearing Regarding Service to Glen Falls, NY

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on August 14, 1973, at 10:00 a.m. (local time) in the Supreme Court Room, Warren County Municipal Center, Town of Queensbury, Warren County, New York, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 15, 1973, the supplemental prehearing conference report served July 16, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 18, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73-15172 Filed 7-23-73;8:45 am]

FRONTIER AIRLINES, INC.

Notice of Application for Certificate of Public Convenience and Necessity

JULY 18, 1973.

Notice is hereby given that the Civil Aeronautics Board on July 18, 1973, received an application, Docket 25713, from Frontier Airlines, Inc. for amendment of its certificate of public convenience and necessity to provide nonstop service between Colorado Springs, Colorado and Tucson, Arizona.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15173 Filed 7-23-73;8:45 am]

[Docket No. 25310; Order 73-6-92]

HUGHES AIRWEST

Order To Show Cause Regarding Application for Deletion of San Luis Obispo/Paso Robles, California

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of June 1973.

By application filed on March 13, 1973, Hughes Airwest (Airwest) has requested amendment of its certificate of public convenience and necessity for Route 76 so as to delete San Luis Obispo/Paso Robles,[1] (Paso Robles) California there from. On the same date Airwest filed a motion for expedited hearing of its application.

No answers in opposition were filed in response to the application.

Upon consideration of Airwest's request and all the relevant facts, we have decided to issue an order to show cause which proposes to grant the requested deletion. We tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate so as to delete Paso Robles therefrom.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Airwest's service at Paso Robles has been characterized by declining traffic and excessive costs and is not likely to become economically sound in the future. In 1972, only 3,915 passengers or 3.99 per departure were enplaned at Paso Robles, in contrast to 1969 levels of 9,000 and 4.85, respectively. Contributing factors to this decline have been the geographic proximity of San Luis Obispo, the dominant population base, to the Santa Maria airport,[2] which is served by both Airwest and Swift Aire Lines (Swift), a commuter carrier, and the establishment of service at the Paso Robles and San Luis Obispo airports by Swift in 1969.

Paso Robles is now provided with direct air service by Swift to Los Angeles and San Francisco, through its own airport and the San Luis Obispo airport 33 miles away. In addition, service at Santa Maria, approximately 63 miles south of Paso Robles, is provided by both Swift and Airwest[4] to these two major communities of interest.[5] Moreover, suspension of the current operations at Paso Robles would eliminate an annual subsidy need in excess of $80,000. Under these circumstances, and in the absence of any civic opposition, we find that deletion of the intermediate point San Luis Obispo-Paso Robles from Airwest's certificate is in the public interest.[6]

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Hughes Airwest for Route 76 so as to delete San Luis Obispo/Paso Robles, California, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The motion for expedited hearing of Hughes Airwest be and is hereby denied; and

6. A copy of this order shall be served upon Hughes Airwest; District Attorney, County of San Luis Obispo; Mayors, Cities of El Paso de Robles, San Luis Obispo, Santa Maria, Oxnard and Ventura, California; Governor, State of California; California Public Utilities Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15174 Filed 7-23-73;8:45 am]

REEVE ALEUTIAN AIRWAYS, INC.

Order To Show Cause and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1973.

Application of Reeve Aleutian Airways, Inc., for an amendment of its certificate of public convenience and necessity for route 127, Docket 25493; application of Reeve Aleutian Airways, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958,

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[1] Both communities are served by Airwest through the airport five miles northeast of Paso Robles.

[2] An answer in opposition was initially filed by the County of San Luis Obispo but was subsequently withdrawn pursuant to a resolution of the County Board of Supervisors, which stated, *inter alia*, that adequate air service would still be provided to Paso Robles in the event that it was deleted from Airwest's certificate.

[3] Both the Paso Robles and Santa Maria airports are 33 miles away from San Luis Obispo.

[4] Excluding Airwest's service at Paso Robles, there are currently: (a) 24 round trips per week between San Luis Obispo airport and Los Angeles, and 44 between that airport and San Francisco; (b) 13 weekly round trips between Santa Maria and San Francisco, and 39 between that airport and Los Angeles (plus five additional northbound Los Angeles-Santa Maria flights); and (c) seven weekly round trips between Paso Robles and Los Angeles and fourteen between Paso Robles and San Francisco. OAG, May 15, 1973.

[5] Moreover, Paso Robles is located on U.S. Highway 101, a multilane superhighway which connects it with San Francisco, San Jose, and Salinas to the north and San Luis Obispo, Santa Maria, Oxnard and Los Angeles to the south. There is frequent Greyhound service to cities on U.S. 101. The estimated driving time between Paso Robles and Santa Maria is approximately 70 minutes and between Paso Robles and San Luis Obispo approximately half that time.

[6] We further tentatively find that Airwest is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

Docket 25494; application of Reeve Aleutian Airways, Inc., for an amendment of its certificate of public convenience and necessity for route 127 by show cause procedures, Docket 25495.

By application dated May 2, 1973, Reeve Aleutian Airways, Inc. (Reeve) seeks (1) an amendment of its certificate of public convenience and necessity for route 127 so as to add Amchitka Island as an intermediate point on segment 1 thereof; (2) the grant of the above authority by means of show-cause procedures; and (3) a temporary exemption to serve Amchitka pending effectuation of the requested certificate amendment. No answers to Reeve's application have been received.

Upon consideration of the applications and all relevant circumstances we have tentatively determined that the grant of the requested certificate amendment would serve the public convenience and necessity, and are hereby issuing this order requesting any interested persons to show cause why our tentative determinations should not be made final. Also, we find that enforcement of the certification provisions of the Act (to the extent that they would preclude Reeve's operations at Amchitka pending effectuation of the certificate amendment) would not be in the public interest and would be an undue burden on Reeve by reason of the limited extent of, and unusual circumstances affecting, the operations of the carrier, and we will accordingly grant a temporary exemption from section 401. In support of our actions herein, we tentatively find the facts to be as detailed below.[1]

Amchitka is an island in the Aleutian chain located about 1,400 miles from Anchorage, Alaska, between the islands of Adak and Shemya, both of which are intermediate points on segment 1 of Reeve's route 127. Amchitka was at one time an intermediate point on Reeve's route but was deleted from its certificate in 1959 because of minimal demand.[2] However, in 1965 the Department of Defense began preparations for underground nuclear experiments at Amchitka, and the Board on the basis of the renewed and immediate need for air service involving national defense considerations, granted Reeve a temporary two-year exemption to reinstitute scheduled services to the island.[3] Reeve has continued to serve Amchitka with scheduled services up to the present time.[4]

Reeve states that since the initial DOD experiment, the facilities at Amchitka have been expanded and now house a permanent—but fluctuating—population in furtherance of various research projects of both the DOD and the Atomic Energy Commission (AEC). The population, which has varied from 175 to 750 residents, has generated revenues which, by Alaskan standards, suggest a possible need for scheduled air service. Reeve's actual operating results in terms of passengers, mail, and cargo carried over the last three years on its twice-weekly round trips with large aircraft (currently Lockheed Electras), bears out our tentative conclusion that a need for the services provided exists.[5] Moreover, the national defense considerations which, in part, prompted the Board to grant exemption authority to Reeve in 1965, continue to be characteristic of Amchitka's air service requirements.

Reeve does not receive federal subsidy for its services along the Aleutian archipelago, nor should it require subsidy for the services at Amchitka. In fact, it appears that Reeve's Amchitka services have contributed to its overall system revenues without requiring an expansion of its regular scheduled frequencies, by filling in existing unused capacity on Reeve's regularly scheduled round trips operating between Anchorage and Sheyma and Attu.[6] The carrier estimates that the circuity attributable to serving Amchitka involves direct aircraft operating expenses of $350 per departure. We find this estimate reasonable.[7] On this basis, Reeve's expense at Amchitka in 1972 is estimated at about $60,000 against revenues of $543,000. Thus, service to Amchitka provides a substantial net contribution to Reeve's system without placing any additional burden upon the Federal Treasury.

Finally, there do not appear to be any competitive or diversionary considerations involved here, for Reeve is the only scheduled carrier serving the Aleutian chain and no other carrier has opposed the instant applications or expressed any desire to provide service to Amchitka.

In light of all of the above considerations, we tentatively find that the amendment of Reeve's certificate for route 127 so as to add Amchitka as an intermediate point on segment 1 thereof is required by the public convenience and necessity. We further tentatively find that Reeve is a citizen of the United States within the meaning of the Act and is fit, willing and able to perform such transportation properly and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board promulgated thereunder.

Interested persons will be given thirty days following service of this order to show cause why the tentative findings and conclusions set forth above should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. Gen-

[1] Our findings are tentative only with respect to the requested certificate amendment. They are final in connection with the temporary exemption, subject, of course, to the possibility of reconsideration in accordance with the Board's procedural rules, 14 C.F.R. 302.27.

[2] Order E–13376 (January 14, 1959).

[3] Order E–22274 (June 7, 1965).

[4] Reeve's exemption expired by its terms in 1967, and no further authority was requested until the filing of the instant applications. Accordingly, neither section 9(b) of the Administrative Procedure Act, nor, apparently, any other authority for scheduled operations after 1967 exists. Reeve admits that it has been remiss in not previously seeking certification or renewal of its exemption authority, but represents that its failure to do so was an inadvertent oversight, and that Reeve has made no secret of its continued regular service to Amchitka, as evidenced by its filings since 1967—tariffs, schedules, reports, etc.—with the Board. While the Board is not prepared to condone this type of omission by a carrier, we tentatively find, in the circumstances of this case, that Reeve's apparent violation of the Act should not be a bar to the grant of the authority sought. Reeve is the only scheduled carrier operating in the area and the only carrier expressing an interest in providing services which are, as we tentatively find below, required by the public convenience and necessity. Moreover, Reeve's action does not appear intentional and we do not believe it is indicative of Reeve's disposition to comply with the provisions of the Act and the Board's regulations, which otherwise has been, as far as the Board's records indicate, satisfactory.

[5] According to information supplied by the carrier, service at Amchitka in 1970 accounted for 944 passengers, 41.4 tons of mail, and 22.0 tons of freight, and estimated revenues of $206,300. By 1972, Amchitka services had expanded to encompass 2,260 passengers, 89.7 tons of mail, and 143.1 tons of freight, with estimated revenues of $543,600.

[6] Amchitka is served as an additional stop between Adak and Sheyma.

[7] Reeve states that it has no investment in facilities in Amchitka, and pays only nominal ground servicing charges.

eral, vague, or unsupported objections will not be entertained.[9]

Turning to Reeve's request for an exemption pursuant to section 416(b) of the Act pending the effectuation of the certificate authority sought here, we note first of all that even though we are acting upon the certificate amendment by expedited procedures, the population of Amchitka, and the DOD and AEC programs conducted on the island, have a clear and present interim need for air transportation which Reeve has been meeting, albeit without apparent authority. In view of the remoteness of the island, the lack of suitable alternative transportation, and the immediate need for the continuation of Reeve's services, we find that the enforcement of section 401 of the Act, to the extent that it would preclude Reeve's operations at Amchitka pending certificate amendment, would not be in the public interest. We further find that enforcement of section 401 would be an undue burden upon Reeve in that Reeve would be deprived of the revenues attendant upon serving Amchitka in the interim,[9] a burden rendered undue (in the strong public interest circumstances of this case) by the limited extent of Reeve's operations,[10] as well as by the unusual circumstances affecting its operations.[11] Thus, we will grant Reeve's application for a *pendente lite* exemption, effective from the date of this order and continuing until such time as the applications in Dockets 25493 and 25495 are finally decided.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of Reeve Aleutian Airways, Inc. for route 127 so as to add Amchitka Island, Alaska, as an intermediate point (between Adak and Sheyma Island) on segment 1 thereof;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 8 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[12]

3. If timely and properly supported objections are filed, full consideration will be accorded the matter and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Reeve Aleutian Airways, Inc., be and it hereby is exempted from the provisions of section 401 of the Act insofar as it would otherwise be precluded from serving Amchitka Island on route 127, segment 1 pending the effective date of the final decision in Dockets 25493 and 25495;

6. Ordering paragraph 5 of this order may be amended or revoked at any time at the discretion of the Board without hearing;

7. Except to the extent granted herein the application of Reeve Aleutian Airways, Inc., in Docket 25494, be and it hereby is denied;

8. A copy of this order shall be served upon the Governor, State of Alaska; the Alaska Transportation Commission; the Postmaster General (attention: Assistant General Counsel of Transportation), Post Office Department; the Department of Defense; the Atomic Energy Commission; and all air carriers certificated pursuant to the Act to serve a point or points in the State of Alaska.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15175 Filed 7-23-73;8:45 am]

[Docket Nos. 25252, 25253; Order 73-6-81]

TEXAS INTERNATIONAL AIRLINES, INC.

Order Denying Temporary Suspension and Petition for Order To Show Cause and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of June 1973.

In the matter of the application of Texas International Airlines, Inc. under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of the certificate of public convenience and necessity for route 82 so as to delete Lufkin, Texas from segment 4, Dockets 25252 and 25253.

On February 27, 1973, Texas International Airlines, Inc. (TXI) filed an application for an amendment of its certificate of public convenience and necessity for route 82 so as to delete Lufkin, Texas, as an intermediate point on segment 4 thereof.[1] Concurrently therewith, the carrier filed in Docket 25253 an application, pursuant to Part 205 of the Board's Economic Regulations, requesting that it be permitted to suspend service temporarily at Lufkin until 30 days after Board action on its application for certificate amendment; and, a petition requesting the Board to process the deletion application by show cause procedures.

In support of its filings TXI has alleged, inter alia, that Lufkin is a marginal point which cannot be economically served, due in part to the proximity of the Houston Intercontinental Airport where far superior air service is available.[2] The carrier further alleges that the forecast subsidy payments per passenger for service to Lufkin are not justified because Lufkin is not isolated.[3]

An answer in opposition to TXI's application to temporarily suspend service at Lufkin was filed jointly by the Angelina County Chamber of Commerce, the Mayor of the City of Lufkin, and the Angelina County Airport Board (hereinafter referred to as the civic parties). The civic parties allege, *inter alia*, that notwithstanding complaints that have been "passed on to TXI" concerning inadequate scheduling, little has been done to improve the scheduling; that bus transportation to Dallas (about five hours) is not a viable substitute for air service and that no direct bus service is provided from Lufkin to the Houston airport; and, that TXI has failed to advertise and market the airline's service to Lufkin.

TXI did not file a reply to the answer.

Upon consideration of the pleadings and all of the relevant facts, we have decided to deny TXI's application for a temporary suspension and petition for an order to show cause, and to set for hearing TXI's application for an amendment of its certificate so as to delete Lufkin therefrom.

We note that in the absence of replacement service, Lufkin will be without air transportation and, under all the circumstances, we find it is appropriate to

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[9] In light of the circumstances that Reeve has been operating the proposed service, albeit without apparent authority, we will not require the carrier to estimate the annual gross transport revenues for the future year for purposes of computing the license fee pursuant to section 389.25(a)(2) of the Board's regulations. Rather, the fee will be computed on the basis of the revenues of Reeve's last full calendar year of operations at Amchitka (1972) as estimated in Exhibit C of its application in Docket 25495.

[9] Amchitka services accounted for about 9 percent of Reeve's system revenues in 1972.

[10] Reeve's system operations are limited in extent in comparison to other Alaskan certificated carriers. Thus, it enplaned 8 percent and 13 percent of the total passengers enplaned by Alaska Airlines and Wien Consolidated Airlines, respectively (12 months ending March 31, 1973). Moreover, the exempted services are also limited in extent, involving only one point, no additional frequencies, and a circuity from the nonstop Adak-Sheyma flight pattern of only 22 miles.

[11] The unusual circumstances include the facts that Reeve is the sole certificated scheduled carrier operating or willing to operate in the area, that Amchitka is remote from all other air carrier routes save Reeve's, and that Reeve can consequently provide the interim service needed with minimal monetary outlay and no competitive impact upon other carriers.

[12] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Filed in Docket 25252.

[2] Houston Intercontinental Airport is 100 miles from Lufkin and driving time is 1 hour and 40 minutes.

[3] The average number of passengers enplaned per day at Lufkin has declined from a high of 11.2 per day in 1969 to 6.5 per day in 1972.

consider in an evidentiary record the conflicting contentions of the parties.[4]

Accordingly, it is ordered, That:

1. The application of Texas International Airlines, Inc. in Docket 25253 for a temporary suspension of service be and it hereby is denied;

2. The petition of Texas International Airlines, Inc. in Docket 25253 for an order to show cause be and it hereby it is denied;

3. The application of Texas International Airlines, Inc. in Docket 25252 be and it hereby is set for hearing at a time and place to be hereafter designated;[5] and

4. A copy of this order shall be served upon Texas International Airlines, Inc.; Mayor, City of Lufkin; Director, Texas Aeronautics Commission; Manager, Lufkin Airport; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15176 Filed 7-23-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Housing Research, Assistant Secretary for Policy Development and Research.

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

[FR Doc.73-15155 Filed 7-23-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Subsidized Housing Programs, Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Administration.

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

[FR Doc.73-15156 Filed 7-23-73;8:45 am]

[4] See *e.g.*, Order 70-11-72, November 18, 1970, and Order 71-12-68, December 16, 1971.

[5] As as alternative to deletion, we shall place in issue whether the public interest requires the temporary suspension of service by Texas International, with or without conditions.

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, August 1, 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 20, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-15261 Filed 7-20-73;3:46 pm]

ENVIRONMENTAL PROTECTION AGENCY

2,4,5-TRICHLOROPHENOXYACETIC ACID

Statement of Issues

Pursuant to the accompanying notice of intent to hold a hearing, it is hereby ordered that the following issues be addressed by such hearing together with any other issues which the Administrative Law Judge deems relevant, namely:

I. Whether 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) products presently registered, or other material submitted in support of these registrations, complies with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended; and

II. Whether 2,4,5-T will perform its intended function without unreasonable adverse effects on the environment.

III. Whether, when used in accordance with widespread and commonly recognized practice, 2,4,5-T generally causes unreasonable adverse effects on the environment, as defined by the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

IV. Whether the registrations of 2,4,5-T should be cancelled or its classification changed.

V. The answers to these issues should relate to the following subsidiary questions, as well as to the ten issues delineated in the 2,4,5-T Orders of the Administrator of November 4, 1971 and April 13, 1972; (I. F. & R. Docket No. 42 and No. 44) and to such additional questions as the Administrative Law Judge finds relevant, namely:

A. The health hazards to man and to other animals which may be caused by 2,4,5-T and/or its extremely toxic contaminant, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), with emphasis on the following:

1. Is 2,4,5-T or TCDD a teratogen?
2. Does 2,4,5-T or TCDD induce other adverse reproductive effects?
3. Is 2,4,5-T or TCDD a mutagen?
4. Is 2,4,5-T or TCDD a carcinogen?
5. Can exposure to 2,4,5-T or TCDD induce sub-lethal chronic health effects?
6. Can chronic, low-level exposure to 2,4,5-T and/or TCDD cause delayed lethality?

B. The extent of the health risk for man and other animals posed by 2,4,5-T and TCDD, with emphasis on the following conditions:

1. Can additional TCDD be generated in the environment by the thermal stress of 2,4,5-T or its metabolites?
2. Can 2,4,5-T or TCDD persist and bioaccumulate in the environment?
3. What are the avenues of human and animal exposure to 2,4,5-T and TCDD? For example, can aerial drift or water transport of 2,4,5-T or TCDD cause movement of these compounds away from the site of application?
4. Are 2,4,5-T or TCDD residues being stored and accumulated in the human food supply and in human and animal tissue, including humans and wildlife directly exposed to 2,4,5-T?
5. Are other dioxins and similar contaminants, besides TCDD, present in 2,4,5-T and, if so, what risks to health do they constitute?
6. What are other environmental sources of dioxins particularly TCDD, and do these sources enhance the total dioxin body burden and exacerbate the health risks raised by 2,4,5-T and related TCDD?
7. What are the current levels of dioxins in registered 2,4,5-T products and in technical material used to formulate these products?
8. Do the current methods of manufacture of 2,4,5-T provide for consistently low levels of dioxins in the final technical product and what are the quality control measures used to minimize dioxin levels?

C. The necessity for the continuation of the registered uses of 2,4,5-T, with emphasis on the following:

1. What are the pests which each registered use is intended to control and the degree of control achieved by each use?
2. What is the cost, timing, and rate of application of 2,4,5-T for each use?

3. What alternative controls exist for each registered use and what is the cost and effectiveness of each alternative.

4. Do alternative pesticide products cause adverse environmental effects?

5. What are the economic implications of these alternatives, including that of no control?

Done this 19th day of July 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-15190 Filed 7-23-73;8:45 am]

[I. F. & R. Docket No. 295]

2,4,5-TRICHLOROPHENOXYACETIC ACID

Intent To Hold Hearing

Please take notice that pursuant to the authority vested in me by section 6(b)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, I hereby issue a notice of my intention to hold a hearing on all registered uses of 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) other than on the use for rice which was was cancelled on May 1, 1970 (USDA-PRD 70-13), as reaffirmed by Order of August 6, 1971 (36 FR 1477, Aug. 11, 1971). It is my intention that the public hearing concerning the use on rice, (I. F. & R. Consolidated Docket Nos. 42, 44, 45 & 48) be consolidated with the hearing I have called today for all other uses and that all hearings commence in April, 1974. The start of the hearing is being delayed until then to permit the Agency to complete an environmental and human monitoring project on the presence of the tetrachlorodioxin impurity found in 2,4,5-T and the extent to which the dioxin may adversely affect human and animal health.

Please take further notice that any person wishing to become a party to this hearing called by me today on all other uses of 2,4,5-T shall file a response to the accompanying statement of issues, published herewith, with the Hearing Clerk, Environmental Protection Agency, Waterside Mall, Washington, D.C. 20460, on or before August 23, 1973.

Done this 19th day of July 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-15189 Filed 7-23-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 160]

LSM CORP.

Notice of Receipt of Application for Permission To Acquire Control of Eastland Savings and Loan Association

JULY 18, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from LSM Corporation, Minneapolis, Minnesota, for approval of acquisition of control of the Eastland Savings and Loan Association, Anaheim, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of stock of Eastland 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 23, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-15187 Filed 7-23-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-5]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 5, 1973, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74-5 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 synthetic natural gas (SNG) in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern). Applicant's natural gas supplier, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Commission's Opinion No. 637 issued on December 7, 1972, in Docket Nos. CP72-35, *et al.*, authorized its subsidiary, Algonquin SNG, Inc., to sell the entire output of its SNG plant at Freetown, Massachusetts, 120,000 Mcf per day, to Applicant for resale to its existing customers during the winter period from October 16 through April 15. Applicant estimates that the requirements of its customers during that period will not exceed the maximum daily capacity of the plant in the foreseeable future.

Applicant proposes to sell for ten years the balance of the SNG plant's output not required by its existing customers to Texas Eastern on a daily basis. This is expected to consist of almost all of the plant's summertime output, 110,000 to 120,000 Mcf of SNG per day, and a portion of the wintertime output, estimated to be 28,539 Mcf of SNG per day in 1973-74, 23,439 Mcf per day in 1974-75, and 18,819 Mcf per day in 1975-76, subject to Applicant's customers' periodic revision of their gas requirements. It is stated that deliveries will be made by means of a displacement arrangement whereby Applicant "backs off" on its takes from Texas Eastern at the existing delivery points. Applicant proposes to charge Texas Eastern under its existing SNG-1 Rate Schedule, FPC Gas Tariff, Original Volume No. 1, for the winter sales an estimated average rate of $1.9814 per Mcf of SNG and under its proposed SNG-2 Rate Schedule, FPC Gas Tariff, Original Volume No. 1, for summer sales an average rate of $1.3802 per Mcf of SNG. These rates are predicated on a naptha and propane commodity rate of $1.2443 per Mcf and will vary with the feedstock cost to Algonquin SNG. If Applicant's contract with its feedstock supplies permit, Texas Eastern has the right to substitute its own feedstock at prices not in excess of that available to Applicant under contract.

The stated purpose of the proposed sale is to help alleviate the burden of expected curtailments of deliveries, estimated to be in the neighborhood of 17 percent in the coming year, by Texas Eastern upon its customers. Also, it is stated that operation of the SNG plant during the entire year will make a substantial contribution toward recovering Algonquin SNG's fixed cost at a time when Applicant is incurring other large costs in mounting the SNG project and the proposed LNG project (Docket Nos. CP73-139 and CP73-197).

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 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 P. PLUMB,
Secretary.

[FR Doc.73-15124 Filed 7-23-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Motion To Dismiss Proceeding

JULY 16, 1973.

Take notice that on July 10, 1973, the cities of Danville, Bedford, Martinsville,

Salem, Radford and Virginia Polytechnic Institute and State University, intervenors in the docket number above (Intervenors) filed a motion to dismiss the proceeding instituted under section 206 of the Federal Power Act in this action.

Intervenors state that the section 206 proceeding was instituted by the Commission's order of December 15, 1972 which accepted in part and rejected in part the application of Appalachian Power Company (Appalachian) filed September 21, 1972, for a rate increase under Section 205. The rejected portion of the section 205 application was reinstated by the Commission as a section 206 proceeding and set jointly with the accepted section 205 proceeding for hearing.

Intervenors assert their motion to dismiss is predicated upon (1) Appalachian's failure to prosecute the section 206 proceeding; (2) Appalachian's election to seek judicial review of the Commission's December 15, 1972, order rather than pursue the section 206 question in hearing; (3) Appalachian's failure to meet its burden of proof under Section 206, and, (4) the rates are actually discriminatory against the Intervenors rather than Appalachian as section 206 requires.

Appalachian's response to the motion may be filed with the Federal Power Commission, 825 North Capitol St., NE, Washington, D.C. 20426 on or before July 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15127 Filed 7-23-73 8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Complaint of Unlawful and Discriminatory Rates

JULY 16, 1973.

Take notice that on July 10, 1973, the town of Richlands, Virginia, and the city of Martinsville, Virginia, tendered for filing a complaint charging that the rates of Appalachian Power Company (Appalachian) were discriminatory with respect to those two cities.

Richlands and Martinsville assert that their contracts with Appalachian specify that the rates charged to them are to be equivalent with the rates Appalachian charges its large industrial customers. Further, both Richlands and Martinsville state that since March 23, 1973, Appalachian has been charging a different, higher rate to the two cities than it charges the large industrial customers in violation of the aforementioned contracts.

The rates in question were first proposed by Appalachian in an application to the Commission on September 21, 1972. The Commission suspended the rates for the five month statutory period by order on October 20, 1973. The rates were allowed to go into effect on March 23, 1973, subject to refund. A hearing in the proceeding is pending.

The company's response to the complaint may be filed with the Federal Power Commission, 825 North Capitol St., NE., Washington, D.C. 20426 on or before July 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15126 Filed 7-23-73;8:45 am]

[Docket No. E-8250]

ARKANSAS POWER & LIGHT CO.

Extension of Time

JULY 16, 1973.

On July 6, 1973, Arkansas Power and Light Company filed a motion for an extension of time to respond to the Protest, Motion to Reject, and Petition to Intervene filed by publicly-owned wholesale customers on June 28, 1973, and amended on July 2, 1973.

Upon consideration, notice is hereby given that an extension is granted to and including July 23, 1973, within which answers may be filed to the above-mentioned protest and petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15125 Filed 7-23-73;8:45 am]

[Docket No. CI74-12]

AUBREY C. BLACK (OPERATOR), ET AL.

Notice of Application

JULY 18, 1973.

Take notice that on July 9, 1973, Aubrey C. Black (Applicant), 1012 Republic National Bank Tower, Dallas, Texas 75201, filed in Docket No. CI74-12 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 Applicant's interest in the No. 3-23 Weaver Well, in the Milder Field, Ellis 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 to sell an average daily quantity of 3,000 Mcf of gas for one year at 46.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from 930 Btu per cubic foot and reimbursement for all new and existing taxes, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates that initial upward Btu adjustment will be 6.68 cents per Mcf and initial tax reimbursement will be 3.684 cents per Mcf.

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 30, 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 Commission's rules of practice and procedure, a hearing will be held without further notice before the Commisison 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 apppear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15079 Filed 7-23-73;8:45 am]

[Docket No. CI74-17]

BROWN & McKENZIE, INC.

Notice of Application

JULY 18, 1973.

Take notice that on July 12, 1973, Brown & McKenzie, Inc. (Applicant), 1120 Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI74-17 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from the East Ramsey Field Area, Colorado 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 July 3, 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 30,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to 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 protests with reference to said application should on or before July 30, 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 Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petiton 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.73-15123 Filed 7-23-73;8:45 am]

[Docket No. CI74-13]

CAPITAL RESOURCES, INC. (OPERATOR), ET AL.

Notice of Application

JULY 18, 1973.

Take notice that on July 9, 1973, Capital Resources, Inc. (Applicant), 2020 NBC Building, San Antonio, Texas 78205, filed in Docket No. CI74-13 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Benavides Field, Duval 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 approximately 105,000 Mcf of gas per month for two years at 50.0 cents per Mcf at 14.65 psia, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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.73-15080 Filed 7-23-73;8:45 am]

[Docket No. E-7925]

CINCINNATI GAS AND ELECTRIC CO.

Extension of Time

JULY 16, 1973.

On July 12, 1973, Staff Counsel filed a motion for a postponement of the procedural dates established by the order issued March 1, 1973. The motion states that Cincinnati Gas and Electric Company and Union Light, Heat and Power Co. have no objection to the motion.

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

Staff's testimony and exhibits service date.	July 31, 1973
Interveners' testimony and exhibits service date.	August 14, 1973
Cincinnati's rebuttal service date.	August 28, 1973
Prehearing conference.	August 30, 1973 (10:00 a.m., EDT)
Hearing.	September 27, 1973 (10:00 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15130 Filed 7-23-73;8:45 am]

[Docket No. CP74-6]

CITIES SERVICE GAS CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 9, 1973, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-6 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of replacement pipeline facilities and for permission and approval to abandon in place pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place two segments, one of approximately 3.9 miles and the other approximately 3.3 miles in length, of its existing 8-inch Valley Falls pipeline in Jefferson County, Kansas, and to replace them with equivalent segments of 6-inch pipeline. It is stated that the facilities to be abandoned and replaced are operationally obsolete and can no longer be economically maintained and operated. Because of the deterioration on the two segments to be abandoned, Applicant states that there is a high risk of further outages and interruption of services to its customers. The total cost of the proposed facilities is $200,000, which will be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 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 section 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.73-15131 Filed 7-23-73;8:45 am]

[Docket No. CP74-4]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

JULY 13, 1973.

Take notice that on July 5, 1973, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE, Charleston, West Virginia 25314, filed in Docket No. CP74-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas for synthetic gas (SG), as mixed with natural gas, with the Columbia LNG Corporation (Columbia LNG) and the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver to Columbia LNG, its affiliate, at Columbia LNG's Reforming Plant near Green Springs, Ohio, approximately 300,000 Mcf of gas in daily increments of up to 10,000 Mcf beginning September 1, 1973. It is stated that Columbia LNG will redeliver like volumes of SG, as mixed with natural gas, at a rate of 30,000 to 50,000 Mcf per day prior to January 1, 1974.

The purpose of the proposed exchange is to enable Columbia LNG to prepare for commencement of deliveries of SG from its Reforming Plant now under construction on or about January 1, 1974, pursuant to the terms and conditions of Applicant's proposed SG Exchange Service currently pending Commission determination in Docket No. CP73-223. It is stated that the gas delivered to Columbia LNG will be used for fuel, as a drying agent and as a source of hydrogen during the commissioning period.

Applicant also proposes to construct and operate the necessary connecting facilities adjacent to the Reforming Plant to facilitate the proposed exchange. Applicant further requests authorization for the permanent operation of the proposed facilities in order to accept deliveries of SG, as mixed with natural gas, as requested in the application now pending in Docket No. CP73-223. The cost of the proposed facilities is $66,000 which will be financed from cash on hand.

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.73-15132 Filed 7-23-73;8:45 am]

[Docket No. CP74-9]

CONSOLIDATED GAS SUPPLY CORP., ET AL.

Notice of Application

JULY 17, 1973.

Consolidated Gas Supply Corporation, Columbia Gas Transmission Corporation, The Sylvania Corporation, Texas Eastern Transmission Corporation.

Take notice that on July 10, 1973, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, Columbia Gas Transmission Corporation (Columbia), 1700 McCorkle Avenue, SE, Charleston, West Virginia 25314, The Sylvania Corporation (Sylvania), 308 Seneca Street, Oil City, Pennsylvania 16301, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-9 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated and Sylvania propose, pursuant to an agreement between all Applicants dated February 7, 1973, to deliver up to 25,000 Mcf of gas per day for three years produced from the newly discovered Pineton Field in Indiana and Cambria Counties, Pennsylvania, to Columbia for redelivery through the proposed facilities to Columbia's No. 1711 16-inch transmission line. Columbia will return equivalent volumes of gas to Consolidated and Sylvania by displacement through Texas Eastern's pipeline facilities in Texas Eastern's Zone C in Pennsylvania. Consolidated will redeliver Sylvania's share to Sylvania's affiliate, United Natural Gas Company, for Sylvania's account. Applicants state that the proposed deliveries are intended to be uniform and balanced on a daily basis, but any of the parties can require a balancing once every three months. Applicants also state that if the proposed exchange is authorized the exchange agreement of February 7, 1973, will be filed as a rate schedule in each Applicant's respective FPC Gas Tariff, Volume No. 2.

To facilitate the exchange, Columbia proposes to construct and operate approximately 3.9 miles of 8-inch pipeline and appurtenant measuring facilities extending from a point in the Pineton Field to Columbia's No. 1711 16-inch transmission line. It is stated that the construction, operation, and maintenance costs of the proposed facilities and the ownership thereof will be shared by the Applicants in the following proportions: Columbia 37.57 percent, Consolidated 55.05 percent, and Sylvania 7.38 percent. The total cost of the proposed facilities is $295,800 which will be financed by Columbia, Consolidated and Sylvania from funds generated by internal sources. In addition, Columbia states that it also intends to transport through the proposed facilities up to 15,000 Mcf of gas per day purchased from Felmont Oil Corporation from production in the Pineton Field.

The purpose of the proposed exchange of gas and pipeline construction is to enable new supplies of gas to become available to Applicants without the necessity of constructing duplicate facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 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 inter-

vene 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.73-15133 Filed 7-23-73;8:45 am]

[Docket No. CP69-23]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JULY 16, 1973.

Take notice that on July 5, 1973, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP69-23 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize a change in Petitioner's delivery obligation for the City of Spur, Texas (Spur), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner was authorized by the Commission's order of August 21, 1969, in said docket (42 FPC 562), as amended March 29, 1970 and December 27, 1972, among other things, to sell and deliver up to 1,720 Mcf of gas per day to Cap Rock Gas Co., Inc. (Cap Rock), for resale and distribution in the City of Spur, Texas, pursuant to a contract dated December 31, 1965, which comprises Petitioner's FS-2 Rate Schedule, FPC Gas Tariff, Original Volume No. 2A. Petitioner was advised that, effective May 1, 1973, Spur acquired from Cap Rock all the distribution facilities serving the city and Petitioner subsequently entered into a gas sales contract with Spur dated May 1, 1973. Petitioner now proposes to sell for ten years up to 900 Mcf of gas per day to Spur and its environs in accordance with its X-1 Rate Schedule, FPC Gas Tariff, Original Volume No. 1 and cancel its FS-2 Rate Schedule. Petitioner states that the reduction in its delivery obligation to Spur will not result in any curtailment of service as it more accurately reflects Spur's actual requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 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 Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15134 Filed 7-23-73;8:45 am]

[Docket No. CP74-11]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 10, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-11 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain tap facilities in place, by salvage and by removal and natural gas service to Southern Union Gas Company (Southern Union) and Arizona Public Service Company (APS) from said taps on Applicant's Southern Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued on August 21, 1969, in Docket No. CP69-23 (42 FPC 562), Applicant was authorized, among other things, to continue service to Southern Union through two taps in San Juan County, New Mexico: the Halliburton Shop Tap and the R. D. Golding Tap. It is stated that a third tap, the Charles A. Moore Tap, therein used, in Valencia County, New Mexico, was installed in 1959 without certificate authorization. It is further stated that the W. B. Swallen Tap and the James R. Burger Tap in Maricopa County, Arizona, used to serve APS, were installed in 1951 and 1956, respectively, without certificate authorization.

Applicant proposes to abandon the three taps serving Southern Union pursuant to letter agreements dated April 5, 1973, March 22, 1973, and February 1, 1973. It is stated that service to the customers previously served by the three taps is now being rendered by Southern Union through its own system. Applicant also proposes to abandon the two taps in Maricopa County serving APS pursuant to letter agreements dated December 1, 1972, and February 6, 1973. It is stated that the customer served by the W. B. Swallen Tap is now being served by APS through its own system and the customer served by the James R. Burger Tap has requested discontinuance of said service.

Applicant further proposes to abandon by removal all surface materials of the five taps, except for the materials at the Halliburton Shop Tap which will be salvaged, and to abandon in place all the subsurface materials of the five taps. The total cost of the proposed abandonments is $775.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 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 of no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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.73-15135 Filed 7-23-73;8:45 am]

[Docket No. CI74-5]

GAS GATHERING CORP.

Notice of Application

JULY 13, 1973.

Take notice that on July 2, 1973, Gas Gathering Corporation (Applicant), P.O. Box 519, Hammond, Louisiana 70401, filed in Docket No. CI74-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Texaco Inc. from the tailgate of Anchor Gasoline Corporation's East Krotz Springs plant in Pointe Coupee Parish, Louisiana, to Transcontinental Gas Pipe Line Corporation's Sherburne Meter Station in Pointe Coupee Parish, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport approximately 240,000 Mcf of gas per month at 2.5 cents per Mcf at 15.025 psia, plus 0.25 cent per Mcf facility charge. On April 16, 1973, Texaco Inc. filed in

Docket No. CI73-696 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 Transcontinental Gas Pipe Line Corporation for one year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 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 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.73-15123 Filed 7-23-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Notice Deferring Procedural Dates

JULY 17, 1973.

By notice issued April 18, 1973, the procedural dates, the prehearing conference and the hearing were postponed. On June 8, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement in the above-designated matter. On July 16, 1973, Great Lakes Gas Transmission Company filed a motion for postponement of the procedural dates pending Commission action on the proposed settlement.

Upon consideration, notice is hereby given that the procedural dates in the above matter are postponed pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15136 Filed 7-23-73;8:45 am]

[Docket No. CP73-327]

JUPITER CORP.

Notice of Application

JULY 16, 1973.

Take notice that on June 1, 1973, The Jupiter Corporation (Applicant), 400 East Randolph Street, Chicago, Illinois 60601, filed in Docket No. CP73-327 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Transcontinental Gas Pipeline Corporation (Transco) from the Mula Pasture Field, McMullen 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 abandon, due to depletion of reserves, the sale of natural gas authorized in Docket No. CI62-1153 to be made pursuant to its FPC Gas Rate Schedule No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 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 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.73-15137 Filed 7-23-73;8:45 am]

[Docket No. CP74-8]

LOUISIANA-NEVADA TRANSIT CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 9, 1973, Louisiana-Nevada Transit Company (Applicant), 821 17th Street, Denver, Colorado 80202, filed in Docket No. CP74-8 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 (United) from acreage in the Shongaloo Field, Webster Parish, Louisiana, and delivery of said gas to United at the Beacon Gasoline Company plant in Webster Parish, 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 has been advised by its supplier-producers that beginning next winter they will begin recycling operations and within a few months thereafter all gas deliveries from the Walker Creek Field, Lafayette and Columbia Counties, Arkansas, will cease for several years. Applicant has acquired additional supplies of gas from the Shongaloo Field in Webster Parish from Crystal Oil Company (Crystal). In order to secure the gas reserves from Crystal, Applicant began taking the reserves prior to the loss of its Walker Creek supply. Crystal commenced the sale on June 15, 1973, to Applicant of up to 10,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia with deliveries through Beacon Gasoline Company's plant in Webster Parish, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29). Crystal has filed in Docket No. CI73-914 an application for a certificate authorizing said sale to Applicant for two years 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 states that the purchase from Crystal will exceed its gas requirements during the interim period until the gas deliveries cease from the Walker Creek Field.

Applicant states that it commenced the sale of gas to United on June 15, 1973, within the contemplation of Section 157.22 of the Regulations and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of section 2.70 of the Commission's General Policy and Interpretations. Applicant proposes to sell such volumes of gas that exceed its needs up to 10,000 Mcf per day, at 45.0 cents per Mcf at 15.025 psia. The stated purpose of said sale is to help alleviate the shortage on United's system while insuring that Applicant can maintain adequate service to its customers upon the closing of the Walker Creek Field.

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 desir-

ing to be heard or to make any protest with reference to said application should on or before August 7, 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 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.73-15138 Filed 7-23-73;8:45 am]

[Docket Nos. CI73-723 CI73-724 CI73-732]

THE PETROLEUM CORP. OF DELAWARE, ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedure

JULY 16, 1973.

The Petroleum Corporation of Delaware Hanover Planning Company, Inc. Florida Gas Exploration Company

On April 27 and April 30, 1973, Florida Gas Exploration Company (Florida Gas Exploration) in Docket No. CI73-732, The Petroleum Corporation of Delaware (Petroleum Corporation) in Docket No. CI73-723, and Hanover Planning Company, Inc. (Hanover) in Docket No. CI73-724 filed applications requesting issuance of limited term certificates of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Florida Gas Transmission Company (Florida Gas Transmission) from acreage in the North Chacahoula Field, Assumption and Lafourche Parishes, South Louisiana.

Specifically, all three applicants hold oil and gas leases, or interests thereof, covering lands in the North Chacahoula Field. The Petroleum Corporation of Delaware owns and purposes to sell to Florida Gas Transmission 50 percent of the production available from this acreage which amounts to approximately 180,000 Mcf per month. Hanover and Florida Gas Exploration each own and propose to sell to Florida Gas Transmission their 25 percent of the production which amounts to approximately 90,000 Mcf per month each. The proposed rate is 50¢ per Mcf, subject to upward and downward Btu adjustment plus 1.0¢ for tax reimbursement.

All three Applicants have requested that the intermediate decision be omitted, that oral hearing be waived and that the applications be heard under the shortened procedure afforded by section 1.32 of the Commission's rules of practice and procedure.

The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificates on the terms proposed in these applications.

A late petition to intervene in each of the above applications was filed by Florida Gas Transmission on May 29, 1973.

The Commission finds:

(1) Docket Nos. CI73-723, CI73-724 and CI73-732 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Florida Gas Transmission in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) The Applicants' request that the intermediate decision be omitted, that oral hearing be waived and that the applications be heard under the shortened procedure afforded by section 1.32 of the Commission's rules of practice and procedure is not in the public interest and is hereby denied.

(C) Florida Gas Transmission is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervener 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 said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 15, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by the applicants.

(E) On or before July 30, 1973, The Petroleum Corporation of Delaware, Florida Gas Exploration, Hanover and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5 (d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15139 Filed 7-23-73;8:45 am]

[Docket No. CI74-14]

MARTIN EXPLORATION CORP.

Notice of Application

JULY 18, 1973.

Take notice that on July 10, 1973, Martin Exploration Corporation (Applicant), 4900 Veterans Boulevard, Suite 216, Metairie, Louisiana 70002, filed in Docket No. CI74-14 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Wildcat Bayou Field, Terrebonne Parish, Louisiana, 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 July 3, 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 three years 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 pro-

poses to sell up to 3,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment. Estimated upward Btu adjustment is 3.375 cents per Mcf. Initial deliveries are expected to be approximately 45,000 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 30, 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 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.73-15078 Filed 7-23-73;8:45 am]

THE MONTANA POWER CO.

[Project No. 2301]

Proposed Determination of "Fair Value" of Constructed Project

JULY 18, 1973.

Notice is hereby given that the staff of the Federal Power Commission proposes to recommend to the Commission that it determine the "fair value" of the constructed Mystic Lake Project (Project) of The Montana Power Company (Company or Licensee), designated in the Commission's records as Project No. 2301, to be $4,350,000 as of December 1, 1961, the effective date of the original license for the Project, all within the meaning and subject to the requirements of Article 19 of such original license, as modified on February 17, 1965 (33 FPC 234, 235) and section 23(a) of the Federal Power Act (49 Stat. 846; 16 U.S.C. 816). See also sections 4.10 through 4.14 of Part 4 of the Commission's regulations under the Act (18 CFR 4.10–4.14) and section 1.32(a) of the Commission's rules of practice and procedure (18 CFR 1.32(a)).

Article 19 of the original license for the Project as modified on February 17, 1965, referred to above, provides as follows:

The fair value of the project shall be determined in accordance with section 23(a) of the Act and the rules and regulations of the Commission, and the Licensee hereby agrees to accept such fair value so determined as being the net investment in the project as of the effective date of the license.

Licensee filed with the Commission on October 6, 1965 a statement claiming an estimated "fair value" of $5,333,995 for the Project as of December 1, 1961.

The Project is a hydroelectric development which includes a 10,000 kilowatt generating plant and which is located on Mystic Lake and West Rosebud Creek, a tributary of the Stillwater River, in Stillwater County, Montana. The Project occupies lands of the United States within Custer National Forest. The output of the Project is fed into the Company's electric transmission system for sale and delivery to its customers.

The original license authorizing the operation and maintenance of the Project under Part I of the Federal Power Act expired by its terms on December 31, 1969. Since that date the Project has been operated and maintained under various annual licenses issued by the Commisison under section 15(a) of the Act to the Company. An application for a new license for the Project filed by the Company on December 23, 1968 and subsequently amended, pursuant to said section 15(a), is currently being processed by the Commission's staff.

The valuation of $4,350,000, referred to above, was arrived at as the result of conferences between the Commission's staff and Licensee's representatives, who are in agreement that such amount should be adopted by the Commission as the "fair value" of the Project as of the effective date of the original license for the Project. The conferences were held after Licensee filed its claimed "fair value" statement referred to above.

The Public Service Commisison of Montana, by letter filed on June 9, 1967, indicated that it has no objections to the proposed "fair value" determination for the Project as described above.

Any person desiring to be heard or to make any protest with reference to the determination of the "fair value" of Project No. 2301 as proposed by the Commission's staff, as described above, should on or before August 10, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15141 Filed 7-23-73;8:45 am]

[Docket Nos. CP72-233, CP73-15, CI72-677 and CI73-231]

NATURAL GAS PIPELINE CO. OF AMERICA AND TEXACO INC.

Order Providing for Prehearing Conference

JULY 13, 1973.

By order of May 23, 1973, the Commission granted certificates to Natural Gas Pipeline Company of America (Natural) and to Texaco Inc. for the construction of facilities and the sale of gas to be produced offshore Texas. 80 percent of the gas was to be sold by Texaco to Natural at 24.0 cents per Mcf. The remaining 20 percent was to be sold by Texaco to Natural at 35.0 cents per Mcf for one year from the date of initial deliveries or until April 1, 1974, whichever is earlier. Texaco had entered into an agreement with Natural by which Natural was to transport this 20 percent of the gas for Texaco's own use at its refinery in Illinois. The interim sale approved by the Commission is to permit resolution of the issues relating to the transportation of Texaco's gas in these proceedings. The Commission provided for a hearing on June 19, 1973, and prescribed a schedule for the filing of evidence.

On May 29, 1973, Natural and Texaco filed a joint motion requesting that a prehearing conference be convened for the purpose of narrowing the issues, rescheduling the various procedural dates, and examining the possibility of continuance of this proceeding pending resolution of the policy issues in Tennessee Gas Pipeline Co., Docket Nos. CP72-6, *et al.*, in which an initial decision was issued July 5, 1973. Natural and Texaco contend there is no apparent need for undue expedition of this proceeding, for certificates for the construction of all facilities and the sale of all gas have or will be accepted, thereby assuring service to the public. If a prehearing conference is denied, they ask for an extension of the procedural dates. Counsel stated that the Public Service Commission of New York, Consolidated Edison Company of New York, Mobil Oil Corporation and Northern Illinois Gas Company support the convening of a prehearing conference and the continuance of the procedural dates. By letter of May 30, 1973, Associated Gas Distributors expressed the same view.

In an answer filed May 31, 1973, Commission Staff opposed any delay in the hearing, arguing that it was in violation of Commission policy, and objected to a prehearing conference, contending that this was dilatory. By notice of June 13, 1973, the Secretary of the Commission

extended the service dates and the date for the commencement of the hearing to July 17, 1973. He stated that action on the request for a prehearing conference would be by subsequent order. By telegram filed June 8, 1973, Texaco replied to certain allegations of the Staff.

On June 19, 1973, the Staff filed a response to the motion of Natural and Texaco. Staff argues that Texaco has no present need for the gas and the proposed transportation arrangement may be considered a device for the production of gas at 35 cents per Mcf rather than at the area rate of 24 cents. Staff recommends that the request for a prehearing conference be denied and the hearing date be set on July 9, rather than on July 17, as provided by the Secretary in his notice of June 13, 1973. By notices the Secretary again extended the dates for the service of evidence by applicants and persons in support of the application until July 17, 1973, answering evidence until July 27, 1973, and the commencement of the hearing until August 7, 1973.

In our opinion this proceeding should go forward as long as it would serve a useful purpose. However, we recognize that the Tennessee case, supra, raises a similar issue with respect to the transportation of natural gas from the Federal domain offshore Louisiana to certain refineries and chemical plants in the Gulf Coast area. We shall therefore grant the motion of Natural and Texaco for a prehearing conference. At the conference the Administrative Law Judge and the parties should endeavor to find the issues that may be determined in a hearing while deferring the policy questions relating to the transportation of gas by a pipeline for a producer to its chemical plants and refineries until a determination has been made in Tennessee. If there are such issues, the hearing should go forward. If not, further application should be made to us to defer the hearing pending a determination in Tennessee.

The Commission orders:

(A) A prehearing conference shall be held on August 7, 1973, at 10:00 a.m. (e.d.t.) at the Offices of the Federal Power Commission, 825 North Capitol St., NE, Washington, D.C., 20426, for the purpose of (1) narrowing the issues, and (2) finding which issues may usefully be considered in a hearing while deferring the policy questions with respect to the transportation of gas until a determination is made in Tennessee, supra.

(B) If there are issues that in the opinion of the Administrative Law Judge may usefully be the subject of a hearing pending Tennessee, he should hold a hearing commencing as soon after the prehearing conference as possible taking into account the prehearing conference and the needs of all the parties.

By the Commission.

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

[FR Doc.73-15142 Filed 7-23-73;8:45 am]

[Docket No. CP74-1]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-1 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 of additional volumes of natural gas to its customers pursuant to its proposed Rate Schedule PS-2, the realignment of firm services for certain customers, by community, and the relocation of a compressor unit, 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 was authorized by the Commission's order of December 19, 1972, as amended February 20, 1973, in Docket No. CP73-29 to sell up to 45,000 Mcf of temporary winter period service gas per day for one year to its customers and to store and exchange gas with Michigan Wisconsin Pipeline Company and Great Lakes Transmission Company to facilitate said sale. On April 4, 1973, Applicant filed in said docket a petition to amend the Commission's order of December 19, 1972, so as to authorize the continuation for an additional year said service and storage and exchange arrangements. It is stated that on April 23, 1973, Applicant filed in Docket No. CP73-286 an application requesting authorization to deliver up to 10,800,000 Mcf of gas during the summer of 1973 to, and reduce its deliveries by 3,600,000 Mcf during the 1973-74 heating season at a daily rate of 40,000 Mcf of gas from Northern Illinois Gas Company. It is stated that the above proposals will permit Applicant to provide its customers with approximately 6,400 million Mcf of gas during the 1973-74 heating season.

Applicant proposes to sell to its customers up to 105,000 per day for 20 days out of every 30 days of firm peak service demand gas during the period of November 27, 1973, through February 26, 1974, according to the terms and conditions of its proposed Rate Schedule PS-2 to its FPC Gas Tariff, Third Revised Volume No. 1. This additional gas will be available to existing contract demand customers now being served under the CD or PL Rate Schedules in volumes according to an executed PS-2 Service Agreement. Applicant states that should customers' requests for this new service exceed the amount of available gas, it will allocate the gas pursuant to Paragraph 17.4 of the General Terms and Conditions of its FPC Gas Tariff proposed in Docket No. RP71-107. Applicant proposes to charge its customers in accordance with Sheet 4(a) of its FPC Gas Tariff, Third Revised Volume No. 1. The purpose of this proposed new gas sale is to augment Applicant's ability to provide reliable and adequate service to its customers in order to meet their high priority requirements during the 1973-74 heating season.

Applicant also proposes to realign, by community, its firm gas sales to six customers now receiving gas under its CD, PC, WPS-1, PS-1, or SS-1 Rate Schedules beginning October 7, 1973, in order to permit maximum utilization of available supplies of gas for the needs of high priority consumers. It is stated that the proposed realignment will not result in any change in the presently authorized total firm commitments to the respective customers.

Applicant states that as a result of the increase in gas volumes it will be transporting through its system during the 1973-74 heating season, additional compressor horsepower must be provided at its Owatonna, Minnesota, Compressor Station. Accordingly, Applicant proposes to relocate a 5,300 horsepower portable compressor unit from its Glennwood, Iowa Midpoint Station to Owatonna during the 1973-74 heating season. Applicant states that the compressor unit was originally authorized for permanent installation at Owatonna, and that there is now pending in Docket No. CP73-96 an application for authorization to relocate the unit permanently at Glennwood. The purpose of the proposed relocation is to provide greater assurance of continuity of service by guarding against any loss of throughput due to a compressor unit outage. Applicant states that the use of the unit at Owatonna has no effect on the necessity of relocating the unit permanently at Glennwood.

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 pub-

lic 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.73-15143 Filed 7-23-73;8:45 am]

[Project 2241]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASHINGTON

Application for Withdrawal of Application

JULY 16, 1973.

Public notice is hereby given that an application was filed April 20, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Public Utility District No. 1 of Klickitat County, Washington (Correspondence to: Mr. Henry A. Miller, President, Public Utility District No. 1 of Klickitat County, Goldendale, Washington 98620) for approval of withdrawal of application for license for the White Salmon River Project, on White Salmon River, Green Canyon Creek, Ninefoot Creek and Trout Lake Creek, in Skamania and Klickitat Counties, Washington. The project affects lands of the United States within the Gifford Pinchot National Forest.

The District is presently considering alternate plans involving a pumped storage project in lieu of its original proposal set forth in the application for license filed October 2, 1961.

As proposed, the original project consists of: Ninefoot Creek dam on the White Salmon River, a concrete gravity diversion dam 100 feet high; an open diversion canal about 7,500 feet long to the Green Canyon Reservoir; Green Canyon Reservoir with storage capacity of 6,400 acre-feet and surface area of 153 acres, formed by an earthfill dam (on Green Canyon Creek), about 6,000 feet long with maximum height of about 100 feet; a steel penstock 3,350 feet long; Trout Creek Powerhouse an outdoor type structure containing two units with total installed capacity of 40,000 kilowatts; a tailrace leading to a re-regulating reservoir having an earth-fill dam 0.5 mile long with a maximum height of 40 feet; a 115 kilovolt transmission line 28 miles long to the substation and a connection with the Bonneville Power Administration lines; and appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before September 3, 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 shall 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.73-15144 Filed 7-23-73;8:45 am]

[Project 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for Change in Land Rights

JULY 16, 1973.

Public notice is hereby given that application was filed May 16, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the South Carolina Electric & Gas Company (Correspondence to: Richard M. Merriman, Esquire, Reid and Priest, 1701 K Street, NW Washington, D. C. 20006, and George H. Fischer, III, Esquire, Vice President and General Counsel, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29202) for change in land rights for constructed Project No. 516, known as the Saluda Project, located on the Saluda River in Lexington, Newberry, Richland, and Saluda Counties, South Carolina.

South Carolina Electric & Gas Company, Licensee for the Saluda Project No. 516, requests Commission approval of a lease of 349 acres of project lands to the South Carolina Department of Parks, Recreation and Tourism to be used for state park and public recreation complex purposes. The lease would also permit: (1) The development and construction of piers, marinas, boat ramps, breakwaters, docks, beaches and utilities on project lands adjacent to the areas included in the lease, below contour elevation 360.0 feet m.s.l.; and (2) the construction of causeways and bridges between the islands included in the lease and the mainland as may be required to permit public vehicular access to the state park and recreation areas.

The land involved is commonly known as "Billy Dreher Island" lying within the boundary of Project No. 516 above elevation 360.0 feet m.s.l. and is located in Newberry County, School District No. 1, within Lake Murray and between the forks of the Saluda River and Camping Creek.

Any person desiring to be heard or to make protest with reference to said application should on or before August 27, 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.73-15145 Filed 7-23-73;8:45 am]

[Docket No. CP74-7]

SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 9, 1973, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP 74-7 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of measuring stations and for permission and approval of the abandonment of pipeline and appurtenant facilities by sale to Atlanta Gas Light Company (Atlanta Gas) and certain measuring facilities by removal and retirement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale to Atlanta Gas approximately 43.279 miles of its Macon Branch line between its Bass Junction and Milledgeville Measuring Stations which consists of:

Approximately 22.927 miles of its 10-inch pipeline beginning at its Bass Junction Measuring Station and including the three 8-inch lines at the Ocmulgee River Crossing,

Approximately 2.003 miles of its 12-inch Macon Branch Loop line beginning at the Bass Junction Measuring Station,

Approximately 69 feet of the 12-inch Macon Tap line in Bibb County, Georgia,

Approximately 11.932 miles of its 8-inch Macon Branch line beginning at its Gordon Junction measuring station and terminating at its Milledgeville meter station, and

Approximately 6.417 miles of the 8-inch Macon Loop line in Baldwin County, Georgia.

Applicant also proposes to abandon by sale to Atlanta Gas:

0.185 acre of land and the General Refractories Measuring Station thereon,

0.835 acre of land and the Gordon Junction Measuring Station thereon,

0.264 acre of land and the Milledgeville Measuring Station thereon, and

The Macon Measuring and Tap Line Regulation Stations. Applicant further proposes to abandon by removal and retirement the Bass Junction South Measuring and Regulation Station and appurtenant facilities, the Milledgeville Crossover Regulator Station, and the Brunswick-Macon line Regulator Station. It is stated that Applicant and Atlanta Gas have agreed for the sale of the

proposed-to-be-abandoned facilities at a price of $373,052.17, exclusive of the proposed construction.

Applicant also proposes to construct, operate and own two measuring stations, one to be located at the beginning of the Macon Branch line to be abandoned in Bibb County, Georgia, and the other located adjacent to its South Main line in Baldwin County, Georgia. The total cost of these facilities is $126,000 which will be reimbursed by Atlanta Gas.

The purpose of the proposed abandonment is to eliminate Applicant's increased costs in maintaining the 43.279 miles of older pipeline and to enable Atlanta Gas to use the facilities to accommodate a proposed satellite liquefied natural gas peak-shaving plant to be located on the Macon Branch line: The purpose of the proposed construction is to replace the four measuring stations proposed to be abandoned and to control more easily the flow of gas through the pipeline proposed to be abandoned to Atlanta Gas. Applicant states that no service will be discontinued or diminished by reason of the proposed construction and abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 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 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.73-15146 Filed 7-23-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Proposed Changes in Rates and Charges

JULY 16, 1973.

Take notice that on July 2, 1973, The Sylvania Corporation (Sylvania) tendered for filing Substitute Original Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. I, proposed to become effective as of June 11, 1973, to coincide with the effective date of Sylvania's revised tariff filed on April 26, 1973, or the earliest date after June 11, 1973, permitted under Executive Order No. 11723 or any other orders or regulations promulgated pursuant to the Economic Stabilization Act of 1970, as amended.

Sylvania states that, as a result of a mathematical error in computation, Original Sheet No. 4, as filed on April 26, reflects an incorrect rate of 46.55 cents per Mcf, whereas the correct rate that should have appeared on the tariff sheet is 58.74 cents per Mcf. Similarly, Sylvania states, Sheet 1 of Schedule N-10 of the April 26 filing, as well as the Statement of the Reasons and Basis for the Proposed Changes, incorrectly states the revenue deficiency for the test period to be $338,069, while the correct figure is $666,161. Accordingly, Sylvania's new filing contains revised statements in support of the substitute tariff sheets.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15154 Filed 7-23-73:45 am]

[Docket No. RF72-64]

TEXAS GAS TRANSMISSION CORP.

Extension of Time

JULY 16, 1973.

On July 6, 1973, Texas Gas Transmission Corporation filed a motion for an extension of time to submit end use data in compliance with ordering Paragraph (C) of the order issued June 15, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including November 5, 1973, within which Texas Gas Transmission Corporation shall submit end use data and serve it on all interveners.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15147 Filed 7-23-73;8:45 am]

[Docket No. CI74-18]

ALLIED CHEMICAL CORP.

Notice of Application

JULY 18, 1973.

Take notice that on July 10, 1973, Union Texas Petroleum, a Division of Allied Chemical Corporation (Applicant), P.O. Box 2120, Houston, Texas 77001, filed in Docket No. CI74-18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from acreage in Coke 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 intends to commence the sale of natural gas on August 1, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for three years 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 5,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial deliveries are estimated at 40,000 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 30, 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 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.73-15082 Filed 7-23-73;8:45 am]

[Docket No. CI74-15]

W. H. HUNT (OPERATOR), ET AL.

Notice of Application

JULY 18, 1973.

Take notice that on July 9, 1973, W. H. Hunt (Applicant), 1401 Elm Street, Dallas, Texas 75202, filed in Docket No. CI74-15 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 Texas Gas Transmission Corporation from the Walker Creek Field, Columbia County, Arkansas, and delivery of said gas at Beacon Gasoline Company's Blackburn Plant in Webster Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on June 29, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the first day of the month next following the month in which Applicant commenced deliveries within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per month at 35.0 cents per Mcf at 15.025 psia, subject to 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 30, 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 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.73-15081 Filed 7-23-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Notice and Agenda of Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission offices 825 North Capitol Street, NE Washington, D.C. August 1, 1973 9:30 a.m., e.d.t. Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   A. Approval of minutes of May 31, 1973 meeting.
   B. Report on June 26 Coordinating Committee and June 27 Executive Advisory Committee meetings.
   C. Further report of Task Force on Future Financial Requirements and discussion of write-up of Task Force model.
   D. Further report on future financial requirements of the public and cooperative sectors.
   E. Reports on other assignments.
   F. Review of proposed outline of final report.
   G. Discussion of draft material for final Committee report.
   H. Other business.
   I. Date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15084 Filed 7-23-73;8:45 am]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Exchange Agreement

JULY 16, 1973.

Take notice that on July 9, 1973, Mississippi River Transmission Corporation (Mississippi) tendered for filing amendments to Mississippi FPC Gas Tariff, Original Volume 2, to wit:

1. Third Revised Sheet No. 1, being a new table of contents for Volume No. 2.
2. Original Sheet Nos. 19-27, constituting Rate Schedule X-4.

The amendments are to be effective on August 10, 1973.

Mississippi states that the reason for the amendments is to incorporate into its gas tariff an agreement, dated September 22, 1972, between Mississippi and Mid Louisiana Gas Company (MLGC) providing for exchange service between the two companies. Mississippi asserts that the agreement and the certificate of convenience and necessity with respect thereto were authorized by Commission order on June 1, 1973 in Docket No. CP73-83.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 31, 1973. Protest 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15140 Filed 7-23-73;8:45 am]

[Docket No. CP73-115]

TENNESSEE GAS PIPELINE CO.

Notice Deferring Procedural Dates

JULY 17, 1973.

On June 29, 1973, an order was issued granting rehearing for purposes of further consideration in the above-designated matter. On July 2, 1973, a notice was issued further postponing the procedural dates as set by the notice issued May 21, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15150 Filed 7-23-73;8:45 am]

[Docket Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JULY 16, 1973.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), on May 31, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes revise section 12 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff which contains procedures to be followed whenever it is necessary to curtail deliveries of natural gas to its jurisdictional customers.

Texas Eastern states that it is submitting these changes at this time to comply with the Commission's Order issued January 24, 1973, in Docket Nos. RP71-130 and RP72-58. In addition, it states that it is incorporating into its curtailment procedures the nine priorities of service set forth in the Commission's statements of policy in Order Nos. 467, 467-A and 467-B (Docket No. R-469).

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 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. 73-15148 Filed 7-23-73;8:45 am]

[Docket No. CP74-2]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 16, 1973.

Take notice that on July 3, 1973, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP74-2 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the direct service to an industrial customer, along with facilities for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The service proposed to be abandoned was authorized by the Commission's order of December 30, 1960, in Docket No. G-18444 (24 FPC 1222). Said order authorizes Applicant deliver up to 1,000 Mcf of gas per day to Ayer-McCarel Clay Company, Inc. (Ayer-McCarel), for consumption at the latter's plant near Brazil, Indiana, pursuant to a service agreement of April 1, 1959.

Applicant states that the plant site was purchased by Marion Brick Corp. (Marion), which became successor-in-interest to the service agreement but never requested any deliveries of gas be made. As the plant has been closed, Applicant, Ayer-McCarel, and Marion have agreed to terminate and cancel the service agreement.

Applicant states that the proposed abandonment of service will not render idle the 4-inch pipeline used to serve Ayer-McCarel as it will be used to serve other customers in the area. The only facility to be abandoned is a meter station which was constructed at a cost of $2,653.91 and will be removed at a cost of $640.

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 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 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.73-15151 Filed 7-23-73;8:45 am]

[Docket No. CP74-12]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 17, 1973.

Take notice that on July 11, 1973, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 12, 1973, and operation of facilities to take into its certificated pipeline system additional natural gas supplies to be purchased from fields in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in the various producing areas coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7,000,000, with no single onshore project costing in excess of $1,000,000 and no single offshore project costing in excess of $1,750,000. Applicant proposes to finance the facilities initially with temporary bank loans and company funds and permanently through an overall financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 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.73-15152 Filed 7-23-73;8:45 am]

[Docket No. E-8215]

UNION ELECTRIC CO.

Order Accepting Revised Tariff Sheets

JULY 16, 1973.

Union Electric Company (Union) on May 18, 1973, tendered for filing proposed changes in its FPC Electric Tariff W-2: Second Revised Sheet No. 6 and Third Revised Sheets No. 5 and 7. Union also tendered for filing an Amendment to the Electric Service Agreement (FPC Rate Schedule No. 49) between Union and Missouri Power and Light Company (Missouri). The proposed change in the W-2 tariff would increase Union's revenues from jurisdictional sales and service by approximately $4,513,723 annually while the proposed amendment to Tariff No. 49 would increase Union's revenue by approximately $5,504,498 annually. Both increases are based upon estimated sales and revenues for calendar year 1973. The proposed effective date of the changes is July 17, 1973.

Union states that the proposed changes include a modification in the fuel cost base, used in computing the amount of its fuel adjustment, to $.36 per million BTU and an increase in the minimum charge rate. Further, Union proposes to modify the voltage discount provision of the W-2 tariff so as to clarify the intent that the discount is based on the demand which occurs at the time the customer's total monthly peak billing demand is established The proposed change in FPC No. 49 is a change in the demand change from $1.50/kw to $2.70/kw.

Public notice of this filing was issued on June 18, 1973, which required that protests or petitions to intervene be filed by July 5, 1973. Petitions to intervene were timely filed by Arkansas-Missouri Power Company and Sho-Me Power Corporation.

On July 3, 1973, the Secretary of the Army filed a protest wherein it is asserted that any increase in rates on July 17, 1973, the proposed effective date, would violate Executive Order No. 11723 and our Order No. 437-B issued June 19, 1973. Since we are suspending the rate increase for five months, the proposed rates will not be made effective, subject to refund until December 12, 1973. Therefore, there is no conflict with Executive Order No. 11723 nor with our Order No. 437-B issued June 19, 1973. Moreover, the authority and responsibility for administering the Economic Stabilization Program rests with the Cost of Living Council and we have clearly indicated below that Union's proposed increase in rates is subject to Executive Order 11723.

On July 5, 1973, City of Kirkwood, Missouri, and the Citizens Electric Corporation jointly filed a petition to intervene and inter alia, a motion to reject. Action on this pleading will be deferred until all parties have an opportunity to answer as provided by § 1.8(e) of the Commission's rules of practice and procedures.

In support of its filing, Union asserts that costs have continued to increase since its last wholesale rate increase in 1970 and despite all efforts, the increased costs have made it impossible to maintain its earnings at a level allowing a fair rate of return. Union avers a reasonable prospect of a fair return is necessary in order to meet the capital needs of a five year building program calling for expenditures of approximately $840 million.

Review of the rate filing and the pleadings indicates that issues are raised which require development in an evidentiary hearing. The proposed increase 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 five month statutory period.

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 Union's FPC Electric Tariffs W-2 and No. 49 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 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 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on December 4, 1973, at 10:00 A.M., EST, 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 Union's FPC Electric Tariffs W-2 and No. 49 as proposed to be revised herein.

(B) Pending hearing and a final decision in this proceeding, Union's proposed revised tariff sheets, tendered on May 18, 1973, are hereby accepted for filing, suspended and the use thereof deferred until December 17, 1973.

(C) At the prehearing conference on December 4, 1973, Union's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate actions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of Sections 1.18 and 2.59 of the Commission's rules of practice.

(D) On or before October 30, 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 13, 1973. Any rebuttal evidence by Union shall be served on or before November 27, 1973. Cross-examination of the evidence will commence on December 11, 1973, at 10:00 A.M., e.s.t.

(E) 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.

(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, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, may 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 92015, 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.73-15149 Filed 7-23-73;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL TEXAS FINANCIAL CORP.

Formation of Bank Holding Company

Central Texas Financial Corporation, Brownwood, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1832(a)(1) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank in Brownwood, Brownwood, Texas. 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 Dallas. 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 3, 1973.

Board of Governors of the Federal Reserve System, July 17, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15092 Filed 7-23-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (exclusive of directors' qualifying shares) of the successor by merger to Southwest Bank and Trust Company, Irving, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. Time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

By order dated November 2, 1972, the Board approved the formation of Applicant[1] and stated:

First National [Bank in Dallas, Applicant's lead bank] now holds certain minority interests in fourteen banks ("Other Banks") located in Dallas County, Texas, as follows: 24 per cent of the shares of American Bank and Trust Company; 21.34 per cent of the shares of Citizens State Bank, Irving; 20 per cent of the shares of The Dallas County State Bank, Carrollton; 24.76 per cent of the shares of DeSoto State Bank; 24.52 per cent of the shares of East Dallas Bank & Trust Company, 24 per cent of the shares of First National Bank of Richardson; 24 per cent of the shares of Grove State Bank; 22.42 per cent of the shares of North Dallas Bank and Trust Company; 24.9 per cent of the shares of Northpark National Bank; 19.47 per cent of the shares of Park City's Bank and Trust Company; 24.5 per cent of the shares of Southwest Bank and Trust Company, Irving; 24 per cent of the shares of Texas National Bank; 10.67 per cent of the shares of White Rock National Bank, and 26.41 per cent of the shares of Guaranty Bank, formerly South Oak Cliff Bank.

Board approval of Applicant's proposal to become a bank holding company does not signify Board approval of the retention or acquisition of the above-referred to minority interests in Other Banks. It is the Board's understanding, from representations by Applicant, that Applicant will file separate applications for prior approval by the Board for each of such minority holdings it seeks to retain and cause its minority interests in all Other Banks, other than those for which such applications are filed, to be completely and permanently divested by it. It is further understood that in this manner any such applications so filed by Applicant will be subject to the ordinary regulatory and legal process, subject to statutory standards as set forth in both section 3 of the Bank Holding Company Act and section 7 of the Clayton Act.

This application has been filed pursuant to that understanding but encompasses all of the voting shares of Bank rather than Applicant's presently existing minority interest in Bank. Similar applications have been filed to acquire shares of Grove State Bank, Park Cities Bank & Trust Company, and American Bank & Trust Company. The Board understands that an application will be filed promptly, but, in any event, not later than August 1, 1973, for shares of The Dallas County State Bank and further understands that Applicant's indirect minority interest in Guaranty Bank, formerly South Oak Cliff Bank, was completely and permanently divested by sale on January 9, 1973. The Board further understands and expects that Applicant's indirect minority interests in the eight other banks mentioned above will be completely and permanently divested as noted in the Board's earlier Statement.

Applicant controls two banks with aggregate deposits of $1.7 billion, representing 5.6 per cent of the total deposits in commercial banks in Texas, and is the largest bank holding company in the State.[2] Consummation of the proposed acquisition of Bank, with deposits of $40.4 million, would neither significantly increase Applicant's share of commercial bank deposits in the State nor result in a significant increase in the concentration of banking resources in any section of Texas.

Bank is the nineteenth largest of 110 commercial banks in the Dallas banking market which is approximated by the Dallas Ranally Metropolitan Area ("RMA"), controlling 0.6 per cent of the total deposits in commercial banks in that market. Applicant's lead bank is the second largest bank in the Dallas RMA holding 23.4 per cent of market deposits. Upon consummation of the four pending acquisitions referred to above, Applicant's subsidiaries would hold 25.5 per cent of the total deposits in commercial banks in the Dallas market. Should the Board approve the forthcoming application by Applicant to acquire shares of The Dallas County State Bank, Applicant would control 25.9 per cent of total deposits in that market. The eight banks in which Applicant's minority interests will be divested have a combined market share of 1.7 per cent of the Dallas market. However, no meaningful existing competition between Bank and Applicant's lead bank would be eliminated by consummation of the proposed transaction in view of the close relationship between the two. Bank was organized in 1955, its principal organizer then being a director of Applicant's lead bank. Since 1964, a trusteed affiliate of the bank has held 24.5 per cent of the outstanding shares of Bank. Additional shares of Bank are held by Applicant's shareholders. It appears unlikely that any significant competition would develop between Applicant's lead bank and Bank in the future, due to the described relationship and the absence of any evidence indicating a probability that the relationship will not continue indefinitely. Irrespective of the affiliation of Bank with Applicant, consummation of the proposed transaction is unlikely to have a significant adverse effect on existing or future competition in the Dallas market in view of the small size of Bank's market share and the difference in principal functions between Bank and Applicant's lead bank, the former serving primarily as a source of individual or retail banking services, the latter as a source of corporate or wholesale banking services. The Board concludes that consummation of the proposal would not eliminate any significant existing or future competition.

It has been suggested by a competitor of Bank that consummation of the proposed transaction may enable Bank to lower interest rates on loans to "unfairly attract customers" from that competitor, through the use of loan participations. However, there is no evidence in the record suggesting that the proposed transaction represents an attempt to monopolize and, absent such evidence, the Board concludes that such a possibility, rather than constituting an unfair means of attracting customers, represents a legitimate method of competition among banks, and would therefore even favor the convenience and needs of the community to be served. The same competitor also suggests that consummation of the proposed transaction may result in "political and economic power which may tend to defeat legitimate attempts by independent banks to survive and prosper", citing as an example the opposition before the State Banking Department, expressed by Bank and a bank in which Applicant has a minority interest, to an attempt by the competitor to re-locate its office. However, within certain limits,[3] apparently not exceeded in this case, the legality of Bank's conduct, at least insofar as that conduct was directed toward obtaining governmental action, is not at all affected by any anti-competitive purpose it may have had, its right to petition its government being constitutionally protected.[4]

The financial and managerial resources of Applicant, its subsidiaries and Bank are generally satisfactory and consistent with approval of the application, particularly in view of Applicant's plans to increase Bank's capital in the near future. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It

[1] 1972 Fed. Res. Bulletin 1028.

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through March 23, 1973, other than those subject to possible litigation.

[3] See California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972).

[4] Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc., 365 U.S. 127, 140 (1961).

is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 16, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15093 Filed 7-23-73;8:45 am]

ORBANCO, INC.

Order Approving Acquisition of Far West Securities Co.

Orbanco, Inc., Portland, Oregon, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire (through its wholly owned subsidiary, Columbia Mortgage Co., Portland, Oregon) the insurance agency business of Far West Securities Co., Spokane, Washington ("Company"), and thereby to engage in the activities of acting as an insurance agent or broker with respect to credit life insurance, credit accident and health insurance and mortgage redemption insurance, all directly related to extensions of credit by Company. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 24390). The time for filing comments and views has expired, and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, a one bank holding company, controls The Oregon Bank, Portland, Oregon, the third largest banking organization in Oregon with deposits of $209.3 million, representing 4 per cent of total deposits in commercial banks in the State.[1] (The two largest banking organizations in Oregon together control approximately 78 per cent of all commercial bank deposits.) Applicant controls seven nonbanking subsidiaries which engage, respectively, in the following activities: capital goods financing, data processing services, mortgage banking, registered investment advisory services, operating a small business investment company, operating an industrial bank, and holding title to bank premises.

Applicant's acquisition of Company, which is engaged in mortgage banking activities, was approved by the Board on April 26, 1973 (38 FR 11136; May 4, 1973).[2] Applicant proposes to acquire the insurance agency business formerly conducted by Company which consists of acting as agent or broker with respect to credit life insurance, credit accident and health insurance, and mortgage redemption insurance, all sold in connection with extensions of credit by Company. Due to the limited nature and scope of the insurance activities, it appears that Applicant's acquisition of the insurance agency business formerly conducted by Company would not have an adverse effect on either existing or potential competition in any relevant area.

It is anticipated that the provision of credit-related insurance by Company will provide greater convenience for its customers. There is no evidence in the record indicating that consummation of the proposed transaction would result in an undue concentration of resources, unfair competition, conflict of interests, unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) of the Act is favorable. Accordingly, the application is hereby approved subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be consummated not later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 16, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15094 Filed 7-23-73;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[1] All banking data are as of December 31, 1972.

[2] In its original application, Applicant sought to acquire the mortgage banking activities of Company as well as its insurance agency activities directly related to those extensions of credit. However, in light of certain objections to the insurance activities, Applicant requested that the Board split the application into two separate parts; subsequently, the Board ordered a hearing on the insurance activities and approved the acquisition of Company's mortgage banking activities. Thereafter, Applicant amended its application limiting its proposed insurance activities as described herein. The objections were withdrawn and the Hearing Officer dismissed the matter from the hearing docket on May 23, 1973 and returned it to the Board for further processing.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-186]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Nevada Public Service Commission in a proceeding involving the application of the Nevada Power Company for rate increases (Docket No. 7776).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON, *Administrator of General Services.*

JULY 17, 1973.

[FR Doc.73-15103 Filed 7-23-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

FELLOWSHIPS FOR THE PROFESSIONS PANEL

Notice of Meeting

JULY 19, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Fellowships for the Professions Panel will take place in Washington, D.C. on August 9, 1973.

The purpose of the meeting is to examine dossiers of individuals recom-

[3] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Mitchell.

mended to the Endowment as possible seminar directors in the Legal Professions Program.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-15167 Filed 7-23-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 19, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on Monday, July 30, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the fields of art and music submitted to the Endowment for individual fellowship grants.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-15166 Filed 7-23-73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

RECREATION SUPPORT PROGRAM

Designation of Special Program

Pursuant to the authority in section 222(a) of the Economic Opportunity Act of 1964, I hereby designate as a Special Program a program to be known as the Recreation Support Program.

Throughout the Nation there are urban communities having areas of concentrated poverty in which there are youth from low-income families who are too young to obtain employment and who do not have access to adequate summer recreational opportunities. It is the purpose of this program to improve and expand the summer recreational opportunities available to such persons.

Assistance under this program shall be provided through grants or contracts to public or private nonprofit agencies. In addition to general playground activities, organized sports and games, and arts and crafts, local projects initiated under this program may include such activities as local informational tours, local cultural field trips, instruction in creative arts, and special events.

I hereby determine that the objectives sought cannot be effectively achieved through the use of authorities under section 221 of the Act. The Recreation Support Program, which is designed to deal with the specific problems of disadvantaged urban youth, cannot have maximum impact in dealing with those problems unless its operation on a nation-wide basis and in areas of critical need can be assured. The authorities of section 221 of the Act preclude the establishment of a binding national priority of this type and are in general insufficient for the accomplishment of the goals of this program.

Dated: June 27, 1973.

ALVIN J. ARNETT,
Director Designate, Office of Economic Opportunity.

[FR Doc.73-15095 Filed 7-23-73;8:45 am]

[DOA 73-9]

RANDAL TEAGUE

Authority To Make or Reject Grant to United Migrants for Opportunity, Inc.

1. *Authority delegated.* I hereby delegate to Randal Teague, authority to make or reject a grant to the United Migrants for Opportunity, Inc., and to hold meetings or hearings as may be appropriate in his judgment with respect to the issues involved in the event that a tentative decision not to fund such grantee shall have been made after and pursuant to the District Court's Order in the litigation relating to the above grantee.

2. *Redelegation authority.* The authority herein may not be further redelegated.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73-15096 Filed 7-23-73;8:45 am]

[DOA 73-12]

RANDAL C. TEAGUE ET AL.

Delegation of Authority To Make Personnel Appointments and To Approve Official Travel

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunty by the Economic Opportunity Act of 1964, (78 Stat. 508), as amended, I hereby delegate to the officials listed below concurrent authority to exercise the powers indicated:

a. I delegate to Randal C. Teague as Principal Assistant to the Director for Operational Activities concurrent authority as follows:

(1) The authority to approve official travel, within the United States and its possessions, for all employees of the Headquarters Office of the Office of Economic Opportunity, and to approve the allowance of actual subsistence expenses for official travel in accordance with the Standard Government Travel Regulations, paragraph 6.12.

b. I delegate to the several Regional Directors of the Office of Economic Opportunity concurrent authority as follows:

(1) The authority to approve official travel, within the United States and its possessions, for all employees of their respective Regional Offices, and to approve the allowance of actual subsistence expenses for official travel in accordance with the Standard Government Travel Regulations, paragraph 6.12.

(2) The authority to make personnel appointments authorized by 602(a) of the Act, and to effect other personnel actions with respect to positions in their respective Regional Offices.

2. *Limitation on authority delegated.* The authority delegated herein in paragraphs 1a(1) and 1b(1) is subject to all applicable travel laws and regulations relating to the Office of Economic Opportunity and to budgetary and program authorizations for travel of personnel deemed necessary in the interest of the United States Government.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate of the Office of Economic Opportunity, the authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation in accordance with the provisions of OEO Staff Instruction 1115-1.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73-15099 Filed 7-23-73;8:45 am]

[DOA 73-10]

LAWRENCE J. STRAW, JR.

Authority To Make or Reject Grant to Migrant Legal Action Program

1. *Authority delegated.* I hereby delegate to Lawrence J. Straw, Jr., authority to make or reject a grant to Migrant Legal Action Program, and to hold meetings or hearings as may be appropriate in his judgment with respect to the issues involved in the event that a tentative decision not to fund such grantee shall have been made after and pursuant to the District Court's Order in the litigation relating to the above grantee.

2. *Redelegation authority.* The authority delegated herein may not be further redelegated.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73-15097 Filed 7-23-73;8:45 am]

[DOA 73-11]

J. ALAN MACKAY

Authority To Make or Reject Grant to Colorado Migrant Council, Inc.

1. *Authority delegated.* I hereby delegate to J. Alan MacKay, authority to make or reject a grant to the Colorado Migrant Council, Inc., and to hold meetings or hearings as may be appropriate in his judgment with respect to the issues involved in the event that a tentative decision not to fund such grantee shall have been made after and pursuant to the District Court's Order in the litigation relating to the above grantee.

2. *Redelegation authority.* The authority delegated herein may not be further redelegated.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73-15098 Filed 7-23-73;8:45 am]

[DOA 73-13]

J. LAURENCE McCARTY ET AL.

Delegation of Program Authorities

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunity by the Economic Opportunity Act of 1964 (78 Stat. 508), as amended, I hereby delegate to the officials listed below concurrent authority to exercise the powers indicated:

a. I delegate to J. Laurence McCarty as Associate Director for Legal Services concurrent authority to make and administer grants under section 222a(3) of the Act and under section 222(b) and 232 of the Act for pilot, research, and demonstration projects in the legal services field.

b. I delegate to Randal C. Teague as Principal Assistant to the Director for Operational Activities concurrent authority to make and administer grants under sections 221, 222(a)(4), 222(a)(5), 222(a)(6), 222(a)(7), 222(a)(8), 222(a)(9), 222(b), 230, 231, 232, and Title IIIB and Title VII of the Act.

c. I delegate to the several Regional Directors of the Office of Economic Opportunity concurrent authority to make and administer grants under sections 221, 222(a)(5), 222(a)(6), 222(a)(7), 222(a)(8), 222(a)(9), 230, and 231(a) of the Act. I further delegate to the several Regional Directors the concurrent authority to make and administer grants under section 222(a) for the Recreation Support Program, which has been designated a Special Program under section 222(a) by the Director.

d. I delegate to Thomas Wolf as Associate Director for Administration concurrent authority to exercise those powers delegated to the Associate Director for Administration in Delegation of Authority Order 70-3, September 22, 1971. The authority delegated herein may be redelegated pursuant to Part 3 of this Order except that the power(s) enumerated in paragraph 1.b(4) of Delegation of Authority Order 70-3 may not be redelegated.

2. *Limitations on authority delegated.* As used herein, the authority to "make and administer" grants shall include authority to deny, amend, revise, enforce, suspend and terminate grants and grant actions including the power to make such findings, determinations and exceptions as may be authorized by law in the exercise of these authorities: However, the authority delegated herein does not include the power to reconsider grants under sections 232(d) and 242 of the Economic Opportunity Act; the power to approve or amend any plan required by section 232 (b) of the Act; the power to make or certify disbursements; the power to execute, amend or revise contracts or interagency agreements entailing the commitment or transfer of funds (except as hereinabove delegated); or any authority which has been, or may hereafter be, delegated to officials of other Federal departments or agencies.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate, any authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation, in accordance with the provisions of OEO Staff Instruction 1115-1.

4. *Prior delegations.* This delegation supersedes all prior delegations from the Director of OEO to any of the officials to whom authority is delegated herein. Delegation of Authority Order 73-3 of March 1, 1973 is specifically superseded.

5. *Effective date.* This delegation of authority shall be effective on June 26, 1973.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated: June 26, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73-15100 Filed 7-23-73;8:45 am]

[DOA 73-15]

RICHARD REDENIUS

Delegation of Authority To Approve Official Travel

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunity by the Economic Opportunity Act of 1964 (78 Stat. 508), as amended, I hereby delegate to Richard Redenius, Controller, concurrent authority to approve official travel, within the United States and its possessions, for all employees of the Headquarters Office of the Office of Economic Opportunity, and to approve the allowance of actual subsistence expenses for official travel in accordance with the Standard Government Travel Regulations, paragraph 6.12.

2. *Limitation on authority delegated.* The authority delegated herein is subject to all applicable travel laws and regulations relating to the Office of Economic Opportunity and to budgetary and program authorizations for travel of personnel deemed necessary in the interest of the United States Government.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate of the Office of Economic Opportunity, the authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation, in accordance with the provisions of OEO Staff Instruction 1115-1.

4. *Prior delegation.* Paragraph 1a(1) of Delegation of Authority Order 73-12, dated June 27, 1973 is superseded.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated: July 13, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73-15101 Filed 7-23-73;8:45 am]

[DOA 73-16]

LOUIS RAMIREZ AND JAMES W. GRIFFITH

Delegation of Program Authorities

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunity by the Economic Opportunity Act of 1964 (78 Stat. 508), as amended, I hereby delegate to the officials listed below concurrent authority to exercise the powers indicated:

a. I delegate to Louis Ramirez as Associate Director for Economic Development concurrent authority to make and administer grants under Title VII of the Act and under Section 232 of the Act for pilot, research, and demonstration projects.

b. I delegate to James W. Griffith as Chief of the Headquarters Operations Division concurrent authority to make and administer grants under Sections 221, 222(a), 222(a)(4), 222(a)(5), 222(a)(6), 222(a)(7), 222(a)(8), 222(a)(9), 222(a)(10), 222(a)(11), and Title III of the Act.

2. *Limitations on authority delegated.* As used herein, the authority to "make and administer" grants shall include authority to deny, amend, revise, enforce, suspend and terminate grants and grant actions including the power to make such findings, determinations and exceptions as may be authorized by law in the exercise of these authorities: However, the authority delegated herein does not include the power to reconsider grants under sections 232(d) and 242 of the Economic Opportunity Act; the power to approve or amend any plan required by Section 232(b) of the Act; the power to make or certify disbursements; the power to execute, amend or revise contracts or interagency agreements entailing the commitment or transfer of funds (except as hereinabove delegated); or any authority which has been, or may hereafter be, delegated to officials

of other Federal departments or agencies.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate, any authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation, in accordance with the provisions of OEO Staff Instruction 1115–1.

4. *Prior delegations.* It is not the intent of this delegation to supersede or otherwise affect any authority delegated by the Director of OEO pursuant to Delegation of Authority Order 73–13.

5. *Effective date.* This delegation of authority shall be effective on June 26, 1973.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 26, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15102 Filed 7–23–73;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Notice of Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1973, and ending on December 31, 1973, is 7¾ per centum per annum.

Dated: July 19, 1973.

WILLIAM S. WHITEHEAD,
Acting Chairman.

[FR Doc.73–15177 Filed 7–23–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1004]

NEW HAMPSHIRE

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of New Hampshire as a major disaster area following severe storms and flooding beginning on or about June 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in all Counties of the State of New Hampshire.

Applications may be filed at the:

Small Business Administration
District Office
55 Pleasant Street
Concord, New Hampshire 03301

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 10, 1973.

Dated: July 13, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15065 Filed 7–23–73;8:45 am]

TEXAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following severe storms and flooding beginning on or about June 11, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Brazoria, Galveston, Hardin, Harris, Jasper, Liberty, Montgomery, Polk, San Jacinto and Tyler.

Applications may be filed at the:

Small Business Administration
District Office
Niels Esperson Building, Room 1210
808 Travis Street
Houston, Texas 77002

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 10, 1973.

Dated: July 13, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15066 Filed 7–23–73;8:45 am]

TARIFF COMMISSION

[337–24]

AMPICILLIN

Notice of Hearing

Notice is hereby given that on October 2, 1973, the United States Tariff Commission will hold a public hearing in connection with investigation 337–24, regarding alleged unfair methods of competition and unfair acts in the importation and sale of ampicillin made in accordance with claim 5 of U.S. Patent Number 2,985,648 owned by Beecham Group, Ltd. Notice of institution of the investigation was published in the FEDERAL REGISTER of November 28, 1970 (35 FR 18222).

The hearing will be held on October 2, 1973, at 10 a.m., e.d.t., in the Hearing Room of the Tariff Commission, 8th and E Streets, N.W., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing on or before Thursday, September 27, 1973.

Issued: July 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–15184 Filed 7–23–73;8:45 am]

[AA1921–117 and –118]

PRINTED VINYL FILM FROM BRAZIL AND ARGENTINA

Determination of Likelihood of Injury

JULY 18, 1973.

On April 18, 1973, the Tariff Commission received advice from the Treasury Department that printed vinyl film from Brazil and Argentina are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigations Nos. AA1921–117 and –118 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held July 5–6, 1973. Notice of the investigation and hearing was published in the FEDERAL REGISTER of April 26, 1973 (38 FR 10339).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigations, the Commission has determined[2] that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Brazil and Argentina that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Printed vinyl film imported from Argentina and Brazil and found to have been sold, or likely to be sold, at less than fair value (LTFV) by the Treasury Department is like that produced and sold by U.S. vinyl-film producers. For the purposes of the Commission's determination, the industry to be considered in these investigations consists of those facilities in the United States which are engaged in the production of printed vinyl film.

Between 1971 and early 1973 (at which time the Bureau of Customs withheld appraisement), LTFV imports of printed vinyl film from Argentina and Brazil had grown rapidly. There were no imports of printed vinyl film from these countries prior to 1971. LTFV import penetration of the U.S. market in 1972 was 1.1 percent of estimated consumption, which is more than double such import penetration in 1971. Nevertheless, the Commission cannot find present injury to the U.S. industry producing

[1] Notice of the Treasury Department's determination of sales at less than fair value, and the reasons therefor, was published in the FEDERAL REGISTER of April 18, 1973 (38 FR 9677, 9678).

[2] Commissioners Leonard, Young, and Ablondi did not participate in the decision.

printed vinyl film. During the years of LTFV imports from Argentina and Brazil, U.S. consumption increased materially, and the U.S. industry experienced a growth in sales, profits, and prices and no significant loss of sales to LTFV imports.

The Commission finds, however, a likelihood of injury to a U.S. industry by reason of the importation from Brazil and Argentina of LTFV printed vinyl film. Both prior to and since the withholding of appraisement, the importers' selling prices generally have been substantially lower than the domestic producers' selling prices for the class or kind of merchandise that the Treasury Department found to be sold at LTFV. The rapid market penetration achieved by the imports from Brazil and Argentina was made possible mainly through the LTFV pricing by the foreign manufacturers. The Commission believes that such pricing will probably continue in the absence of an affirmative determination. In Steel Jacks from Canada: Determination of Likelihood of Injury in Investigation No. AA1921-49 * * *, TC Publication 186, 1966, which involved a factual situation similar to the instant cases, those Commissioners making an affirmative determination stated on page 4 that—

> We recognize that the demand for the tools involved in this investigation has been increasing in recent years and that the domestic producer has increased his sales, so that he is not now being materially injured within the meaning of the Antidumping Act. We find, however, that the pattern of sales at less than fair value by the Canadian manufacturer and his attitude through the investigation under the Antidumping Act show a likelihood of continuation of sales at less than fair value at a rate and at prices that will culminate in the foreseeable future in material injury to the domestic industry.

Satisfactory assurances that LTFV sales will cease were not made to the Commission by representatives of the foreign producers of printed vinyl film. Testimony presented at the hearing and in written submissions following the hearing demonstrated the unwillingness of the foreign producers to state unequivocally that they would refrain from knowingly selling at LTFV.

In our view the foreign suppliers have shown a willingness to sell at LTFV, and they are capable of producing and exporting larger quantities of printed vinyl film to the United States than heretofore.

We believe that the foreign producers can also increase production of printed vinyl film by printing more of the vinyl film which is presently being calendered. In a publication of the Brazilian manufacturer which was introduced as an exhibit at the hearing, it is stated that "By 1973, our P.V.C. [polyvinyl chloride] calendering capacity will be increased by 50%." Because most of the company's output of vinyl film is printed, it can be assumed that the foreign producer's capacity to produce printed vinyl film has been substantially increased. The Commission has recognized that such ability to alter production patterns in order to increase LTFV sales is an important factor in determining the likelihood of injury to the U.S. industry.[1]

The increasing consumer demand and the desirable nature of the U.S. market, presents an opportunity for increasing market penetration by LTFV imports from Brazil and Argentina. This market penetration can be achieved by limiting sales in the home markets and by concentrating on exports to the United States.

Our conclusion is, therefore, that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Brazil and Argentina that is being, or is likely to be, sold at less than fair value.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.73-15185 Filed 7-23-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

REGINA FOOTWEAR, INC.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of June 12, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-198) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance filed by the United Shoe Workers of America, AFL-CIO on behalf of the workers and former workers of Regina Footwear, Inc., Brooklyn, New York. In this report the Commission found that articles like or directly competitive with footwear for women produced by Regina Footwear, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm, or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 16283, 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's footwear produced by Regina Footwear increased substantially. In the period 1969-1972 pressure from imports caused the firm to undertake several measures including the introduction of a new product line in an effort to remain competitive. These efforts have been only partially successful. From the first quarter to the second quarter of 1971 production declined substantially from normal seasonal patterns of previous years. During 1971 like or directly competitive imports increased their share of the domestic market. Employment and production at Regina Footwear continue to be threatened by increasing competitive imports. Unemployment and underemployment related in major part to such import competition began in February 1971. After due consideration I make the following certification:

All workers, hourly, piecework, and salaried, of Regina Footwear, Inc., Brooklyn, New York who became unemployed or underemployed after February 20, 1971 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 18th day of July 1973.

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for Trade and Adjustment Policy.

[FR Doc.73-15186 Filed 7-23-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 302]

ASSIGNMENT OF HEARINGS

JULY 19, 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-F-11487, Auclair Transportation, Inc.—Control and Merger—Paul V. Adams Trucking, Inc., MC 9429 Sub 6, Paul V. Adams Trucking, Inc., MC-F-11552, Auclair Transportation, Inc.—Purchase (Portion)—Bonded Trucking & Rigging, Inc., FD 27182, Auclair Transportation, Inc., Notes, now assigned September 12, 1973 (3 days), at Boston, Mass., will be held 5th Floor, 150 Causeway.

MC-C-7980, Robert B. Wood, Northern Auto Supply, Inc., and St. Johnsbury Beverage Co., Investigation of Operations and Practices, now assigned September 11, 1973, at

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[1] In Steel Reinforcing Bars from Canada: Determination of Likelihood of Injury (investigation No. AA1921-33), TC Publication 122, 1964, p. 6, the Commission included the following in its list of factors supporting its finding of likelihood of injury to the U.S. industry:

> The Canadian producer can easily increase his production of re-bars [steel reinforcing bars] by merely making less merchant bars, bar-size shapes, and small structurals as only a portion of its steel production now goes into re-bars.

Boston, Mass., will be held 5th Floor, 150 Causeway.

MC-F-11819, Lopez Trucking, Inc.—Purchase—Lippa Transportation Co., Inc. (Abraham Ankeles, Trustee of Hardy Realty Trust), now assigned September 17, 1973, at Boston, Mass., will be held 5th Floor, 150 Causeway.

MC-113495 Sub 58, Gregory Heavy Haulers, Inc., now being assigned hearing August 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD-20812, Railway Express Agency, Inc., Notes, PHC is continued to July 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119968 Sub 6, A. J. Weigand, Inc., is continued to September 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134922 Sub 38, B. J. McAdams, Inc., now being assigned hearing September 17, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 133095 Sub 39, Texas Continental Express, Inc., now being assigned hearing September 18, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-F-11607, Long Island Motor Haulage Corporation—Control—C & L Transportation, Inc., MC 98785 Sub 2, C & L Transportation, Inc., now being assigned hearing September 19, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15162 Filed 7-23-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 19, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 8, 1973.

FSA No. 42715—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 669), for interested rail carriers. Rates on tree shear attachments, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 26 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 18, 1973.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42716—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 668), for interested rail carriers. Rates on tree shear attachments, in carloads, and ethylene glycol, in tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 26 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 18, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15163 Filed 7-23-73;8:45 am]

[Notice No. 96]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4883 (Sub-No. 44 TA) filed July 5, 1973 Applicant: THE GUYOTT COMPANY 166-176 Forbes Street, New Haven, Conn. 06512 Applicant's representative: Paul J. Goldstein 109 Church Street New Haven, Conn. 06510 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks: namely Number 2 burning or fuel oil, from New Haven, Conn., to Katonah, N.Y. and Lake Carmel, N.Y., with no return for compensation, for 180 days. SUPPORTING SHIPPER: H. H. Park, Inc., 215 Katonah Avenue, Katonah, N.Y. SEND PROTESTS TO: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, Hartford, Conn. 06101.

No. MC 29120 (Sub-No. 162 TA) filed July 6, 1973 Applicant: ALL-AMERICAN, INC. 900 West Delaware P.O. Box 769 Sioux Falls, S. Dak. 57104 Applicant's representative: Michael J. Ogborn (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I—*meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections a, b, and c of Appendix I to the report in *Descriptions in Motor Vehicle Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Wagner, S. Dak., to points in Colorado, North Dakota, Kansas, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee and Part II—*meats, meat products and meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Vehicle Certificates*, (except hides and commodities in bulk) and *materials, supplies, and equipment* used by meat packers in the conduct of their business, from points in Colorado, North Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee, to Wagner, S. Dak., for 180 days. RESTRICTION: Restricted to shipments originating at Wagner, S. Dak. and destined to the named destination states in Part I and restricted to shipments originating at the named origin states and destined to Wagner, S. Dak. in Part II. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, Minn. 55403, Samuel Rubenstein, General Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 52657 (Sub-No. 708 TA) filed July 3, 1973 Applicant: ARCO AUTO CARRIERS, INC. 2140 West 79th Street Chicago, Ill. 60620 Applicant's representative: S. J. Zangri (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle bodies, tool boxes, bumpers, and materials, supplies* (except commodities in bulk), *parts and accessories* of motor vehicle bodies when moving in mixed shipments and on the same load with such commodities, from Hampstead, Md., to points in Maine, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Co-

lumbia, for 180 days. SUPPORTING SHIPPER: Snyder Body, Inc., P.O. Box 220, Hampstead, Md. 21074. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 54567 (Sub-No. 13 TA) filed July 2, 1973. Applicant: RELIANCE TRUCK COMPANY a Corporation 2500 North 24th Avenue Phoenix, Ariz. 85009 Applicant's representative: A. Michael Bernstein 1327 United Bank Bldg. Phoenix, Ariz. 85012 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment and supplies; machinery; iron and steel; iron and steel products; and commodities* which because of size or weight require the use of special equipment, between Ehrenberg, Ariz. and Blythe, Calif., for 180 days. Note: Applicant will tack with authority held in MC 54567 (Sub-No. 4) and also interline with other carriers at Blythe, Calif. The authority is sought for the purpose of tacking to the carrier's present existing authority and interlining with California carriers to provide service between points in Arizona and California. SUPPORTING SHIPPERS: There are approximately 474 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 64932 (Sub-No. 516 TA) filed July 2, 1973. Applicant: RELIANCE AGE CO. 10735 S. Cicero Avenue Oak Lawn, Ill. 60453 Applicant's representative: Carl L. Steiner 39 South LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen*, in bulk, in tank vehicles, from Painesville, Ohio, to Countryside, Illinois, for 90 days. SUPPORTING SHIPPER: Liquid Air, Inc., 5300 S. East Avenue, Countryside, Ill. 60525. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 78400 (Sub-No. 35 TA) filed July 3, 1973 Applicant: BEAUFORT TRANSFER COMPANY P.O. Box 102 Gerald, Mo. 63037 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as described by the Commission, livestock, commodities in bulk, or commodities requiring the use of special equipment and refrigeration), between Linn, Mo. and St. Louis, Mo. as follows: from Linn over U.S. Highway 50, to Jefferson City, Mo., thence over U.S. Highway 54 to Kingdom City, Mo., thence over Interstate Highway 70 to St. Louis, Mo. and return, serving Jefferson City, Mo. as an intermediate point, for 180 days. Note: Applicant intends to interline at St. Louis, Mo. SUPPORTING SHIPPERS: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor J. P. Werthman, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 111812 (Sub-No. 496 TA) filed July 6, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 West Delaware P.O. Box 1233 Sioux Falls, S. Dak. 57101 Applicant's representative: Ralph H. Jinks (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I—*Meats, meat products, 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 (except hides and commodities in bulk), from Wagner, S. Dak., to points in Idaho, Arizona, California, Montana, Nevada, Oregon, Utah and Washington and Part II—*meats, meat products and meat by-products* as described in Part I (except hides and commodities in bulk), and *materials, supplies and equipment* used by meat packers in the conduct of their business, from points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Wagner, S. Dak., for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, Minn. 55403, Samuel Rubenstein, General Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114896 (Sub-No. 8 TA) filed June 28, 1973 Applicant: PUROLATOR SECURITY, INC. Suite 1001, E. Mockingbird Towers 1341 W. Mockingbird Lane P. O. Box 5571 Dallas, Tex. 75202 Applicant's representative: William E. Fullingim (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and/or coins* in bags, *bars, bullion and specie*, between all points in the Continental United States, for 180 days. Note: Carrier does not intend to tack authority. SUPPORTING SHIPPER: Phillipp Brothers Division of Engelhard, Minerals & Chemicals Corporation, 299 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 116073 (Sub-No. 273 TA) filed July 5, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue, P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert Tessar (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Fairmont, Minn., to points in North Dakota, South Dakota, Wisconsin and Iowa, for 180 days. SUPPORTING SHIPPER: Minn. Mark IV Homes, Inc., North Armstrong Drive, Fairmont, Minn. 56031. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123048 (Sub-No. 263 TA) filed July 5, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue P.O. Box A (Box zip 53403) Racine, Wis. 53401 Applicant's representative: Carl S. Pope (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated grain bins and tanks, fans, heaters, and accessories* when moving at the same time and in the same vehicle, from the plantsite of Chicago Eastern Corporation at Marengo, Ill., to points in the United States (except Alaska, Hawaii, Vermont, New Hampshire, Connecticut, Maine, Rhode Island, Massachusetts, Arizona, Utah, Nevada, New Mexico and Wyoming), for 180 days. RESTRICTION: Restricted to traffic originating at said plantsites and destined to the states specified above. SUPPORTING SHIPPER: Chicago Eastern Corporation, Marengo, Ill. (Raymond Matyasse, Manager, Material and Inventory Control). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 555 TA) filed July 5, 1973 Applicant: SCHWERMAN TRUCKING CO. 611 South 28 Street Milwaukee, Wis. 53215 Applicant's representative: Richard H. Prevette (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Pell City, Ala., to Sparrows Point, Md., for 180 days. SUPPORTING SHIPPER: Riverside Clay Company, P.O. Box 551, Pell City, Ala. 35125, (John C. Morris, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 128007 (Sub-No. 54 TA) filed July 5, 1973 Applicant: HOFER, INC. 4032 Parkview Drive P.O. Box 583 Pitts-

burg, Kans. 66762 Applicant's representative: John E. Jandera 641 Harrison Topeka, Kans. 66603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, blood meal and bone meat*, from Ellis, Mankato, Emporia, Dodge City, Wichita, Hutchinson, Garden City and Great Bend, Kans., to points in Oklahoma, Missouri, Arkansas, Texas, Nebraska and Iowa, for 150 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6950 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128030 (Sub-No. 40 TA) (CORRECTION) filed March 27, 1973, published in the Federal Register issue of April 11, 1973, and republished as corrected this issue. Applicant: STOUT TRUCKING CO., INC. P.O. Box 177 R.R. #1 Urbana, Ill. 61801 Applicant's representative: R. C. Stout (same address as above) Note: The purpose of this partial republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a contract carrier, which was published in error. The rest of the application remains the same.

No. MC 133106 (Sub-No. 31 TA) filed July 5, 1973 Applicant: NATIONAL CARRIERS, INC. 1501 East 8th Street P.O. Box 1358 Liberal, Kans. 67901 Applicant's representatives: Frederick J. Coffman 521 South 14th Street Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, pipe connections, pipe hangers, castings and valves*, from the plant site and warehouse facilities of International Telephone and Telegraph Corporation-Grinnell, located at or near Clito, Ga., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas, Oklahoma, New Mexico and Texas, for 180 days. SUPPORTING SHIPPER: International Telephone and Telegraph Corporation—Grinnell, 260 West Exchange Street, Providence, R.I. 02901. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 135082 (Sub-No. 18 TA) filed July 5, 1973 Applicant: BURSCH TRUCKING, INC. 415 Rankin Road, NE Albuquerque, N. Mex. 87107 Applicant's representative: Don F. Jones (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including roofing, roofing products and supplies, composition and prepared roofing, and insulation materials*, from Dallas and Houston, Tex., to points in New Mexico and Arizona, for 180 days. SUPPORTING SHIPPER: Roofing Wholesale Co., Inc., 1918 West Grant Street, Phoenix, Ariz. 85009. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 136315 (Sub-No. 1 TA) filed July 6, 1973 Applicant: OLEN BURRAGE TRUCKING, INC. Route 9, Box 22–A Philadelphia, Miss. 39350 Applicant's representative: Fred W. Johnson, Jr. P.O. Box 22628 Jackson, Miss. 39205 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets, timbers and cross-ties*, treated or untreated, from points in Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin, for 180 days. SUPPORTING SHIPPERS: Molphua Lumber Company, Philadelphia, Miss.; Klumb Lumber Company, Crystal Springs, Miss.; Hankins Lumber Sales, Inc., Grenada, Miss.; Steel City Lumber Company, Birmingham, Ala.; Thomasson Lumber, 440 North Center Avenue, P.O. Box 114, Philadelphia, Miss.; and Bellenger Lumber Company, 703 Hooker Street, P.O. Box 189, Jackson, Miss. 39205. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136498 (Sub-No. 5 TA) filed July 6, 1973 Applicant: RICHARD L. CLAPP doing business as CMC FURNITURE TRANSPORT COMPANY 611 Gaston Street P.O. Box 10103 Raleigh, N.C. 27604 Applicant's representative: Ernest D. Salm 8179 Havasu Circle, Buena Park, Calif. 90621 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent light fixtures*, weighing less than seven pounds per cubic foot, from Gardena, Calif., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Maryland, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia, for 180 days. SUPPORTING SHIPPER: Globe Illumination Company, 1515 West 178th Street, Gardena, Calif. 90248. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 136882 (Sub-No. 3 TA) filed July 6, 1973 Applicant: BTA TRUCKING CO., INC. 502 Lester Street Woodbury, Tenn. 37190 Applicant's representative: Robert Lyn Baker 500 Court Square Building Nashville, Tenn. 37201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum storm doors and windows*, from Woodbury, Tenn., to Newton, Kans.; Kingston, Pa.; Goshen, Ind.; Elsie, Mich.; Blytheville, Ark.; Kings Mountain and Havelock, N.C.; Bradenton and Lakeland, Fla.; Muscle Shoals, Ala.; and Atlanta, Ga., for 180 days. SUPPORTING SHIPPER: V. E. Anderson Mfg. Co., P.O. Box 370, South College Avenue, Woodbury, Tenn. 37190. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 138834 (Sub-No. 1 TA) filed July 3, 1973 Applicant: JERRY ATKINSON doing business as JERRY ATKINSON COMPANY 4517 Hilton, NE Albuquerque, N. Mex. 87110 Applicant's representative: Edwin E. Piper, Jr., 1115 Sims Bldg. Albuquerque, N. Mex. 87101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, edible meat by products, dairy products, and frozen and perishable foods and foodstuffs*, between points in New Mexico; and between Albuquerque, N. Mex. and Roswell, N. Mex., on the one hand, and, on the other, points in El Paso County, Tex., for 180 days. SUPPORTING SHIPPERS: Monfort Food Distributing Co., P.O. Box 25407, Albuquerque, N. Mex. 87125; Stear Foods, Incorporated, P.O. Box 26147, Albuquerque, N. Mex. 87125; and Fairmont Foods Company, 209 East Ninth Street, Roswell, N. Mex. 88201. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 138845 TA (CORRECTION) filed June 25, 1973, published in the Federal Register issue of July 12, 1973, and republished as corrected this issue. Applicant: DAYTON TRANSPORT CORPORATION P.O. Box 338 Dayton, Va. 22821 Applicant's representative: Francis J. Ortman 1100 Seventeenth Street, N.W. Suite 613 Washington, D.C. 20036 Note: The purpose of this partial republication is to correct the origin point to Spotsylvania County, Va., in lieu of Spotsylvania County, Pa., which was published in error. The rest of the application remains the same.

No. MC 138878 TA filed July 5, 1973 Applicant: JOHN S. WATSON doing business as JOHN S. WATSON TRUCKING COMPANY Box 94, U.S. Rt. 19 South Weston, W. Va. 26452 Applicant's representative: Willis O. Shay Union National Bank Bldg. 10th Floor Clarksburg, W. Va. 26301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products* (bark, preserved and unpreserved logs and wooden pilings, mine timbers and cants, peeler cores, treated and untreated poles, treated and untreated railroad ties, sawdust and shavings, slabwood, timber, trimmings from logs and bolts, wood chips for making wood pulp, pallets, and staves); and *clay products*, from points in West Virginia, to points in New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, New Jersey, Kentucky, Tennessee, and Ohio, for 180

days. SUPPORTING SHIPPERS: United Wood Preserving Company, Old Fairground, Sutton, W. Va. 26601, Att.: Ronald F. Parsons, Plant Manager; Weston Brick Company, P.O. Box 629, Weston, W. Va. 26452, Att.: Edwin G. Bush, Manager; and Curry Brothers Lumber Company, Inc., Box 337, Elizabeth, W. Va. 26143, Att.: John Curry, Secretary-Treas. SEND PROTESTS TO: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 138879 TA filed July 6, 1973 Applicant: RUSSEL L. RODGERS doing business as RODGERS TRUCK SERVICE P.O. Box 21 Fairfield, Ill. 62837 Applicant's representative: Robert T. Lawley 300 Reisch Building Springfield, Ill. 62701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gray iron castings*, from East St. Louis, Mount Vernon, Fairfield, and Belvidere, Ill. and Fairview, Tenn., to Marked Tree, Ark., for the account of Mid-South Mfg., Inc. and (2) *gray iron castings*, from Rochester, and Warsaw, Ind.: Fostoria, Ohio; West Memphis and Marked Tree, Ark. and Fairview, Tenn., to Fairfield, Ill., for the account of Airtex Products Division of United Industrial Syndicate, Inc., for 180 days. SUPPORTING SHIPPER: Gerald W. Drake, Traffic Manager, Airtex Products Division of United Industrial Syndicate, Inc., Fairfield, Ill. 62837. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

By The Commission.

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

[FR Doc.73-15164 Filed 7-23-73;8:45 am]

[Notice No. 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 24943 (Sub-No. 1 TA) filed July 9, 1973 Applicant: WOODBURN TRUCK LINE, INC. 1365 North Front Street Woodburn, Oreg. 97071 Applicant's representative: Richard Wellman (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machines; food processing equipment*, from Woodburn, Oreg., to all points in Washington, for 180 days. Note: Applicant intends to tack or interline with MC 24943. SUPPORTING SHIPPER: Gem Equipment Company, P.O. Box 359, Woodburn, Oreg. 97071. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 29753 (Sub-No. 3 TA) filed June 27, 1973 Applicant: BOB AIKINS LINES, INC. Box 264 Lawrenceburg, Ind. 47025 Applicant's representative: Norbert B. Flick Executive Building Cincinnati, Ohio 45202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrels, wooden, tight used whiskey*, from Lawrenceburg, Ind., to Overpeck, Ohio, for 180 days. SUPPORTING SHIPPERS: Louisville Cooperage Company, 421 W. Avery Street, Louisville, Ky. 40208 and General Cooperage Incorporated, 4224 Hamilton-Trenton Road, Overpeck, Ohio 45055. SEND PROTESTS TO: District Supervisor James Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 36854 (Sub-No. 3 TA) filed July 3, 1973 Applicant: BOST TRUCK SERVICE, INC. 1134 North Street Murphysboro, Ill. 62966 Applicant's representative: W. E. Bost (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, in bulk, in tank vehicles, from Princeton, Ind., to Herrin, Marion, Murphysboro, and Wolfe Lake, Ill., for 180 days. SUPPORTING SHIPPER: Glenn D. Carlson, Director of Transportation, Northern Propane Gas Company, 4820 Excelsior Blvd., Minneapolis, Minn. 55416. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 69833 (Sub-No. 108 TA) (CORRECTION) filed June 11, 1973, published in the Federal Register issue of June 26, 1973, and republished as corrected this issue. Applicant: ASSOCIATED TRUCK LINES, INC. Vandenberg Center Grand Rapids, Mich. 49502 Applicant's representative: Harry Pohlad (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site and facilities of International Packings Corporation at or near Morristown, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Shelbyville and Greensburg, Ind., for 180 days. Note: Applicant intends to tack and interline the above-described authority with MC 69833 and various subs and to interline at all common points. SUPPORTING SHIPPER: Lary Diehl, Quality Manager, International Packings of Indiana, Inc., Shelbyville, Ind. 46176. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Building, Lansing, Mich. 48933. Note: The purpose of this republication is to name the supporting shipper and to tell where to send protests, which was omitted in error.

No. MC 74321 (Sub-No. 88 TA) filed July 9, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings and plastic pipe and fittings* (except those which because of size or weight require the use of special equipment, and except those described in *Mercer Extension—Oil Field Commodities*), from the plant site of Tyler Pipe Industries, Inc. at Swan, Tex., to points in Arizona, California, Colorado, Utah and Nevada, for 180 days. SUPPORTING SHIPPER: Tyler Pipe Industries, Inc., P. O. Box 2027, Tyler, Tex. 75701. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 103993 (Sub-No. 773 TA) filed July 5, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, from the plant site of Watercraft, Inc. at or near Gallatin, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Watercraft, Inc., Pumping Station Road, Gallatin, Tenn. 37066. SEND PROTESTS TO: District Supervi-

sor Justus Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Ft. Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 774) filed July 5, 1973. Applicant: MORGAN DRIVE-AWAY, INC. 2800 West Lexington Avenue Elkhart, Ind. 46514 Applicant's representative: Paul Borghesani (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lincoln County, S. Dak., to points in Minnesota, South Dakota, North Dakota, Wyoming, Nebraska, Montana, and Iowa, for 180 days. SUPPORTING SHIPPER: Town & Country Mobile Homes, Inc., P.O. Box 156, Canton, S. Dak. 57103. SEND PROTESTS TO: District Supervisor Justus Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne St., Ft. Wayne, Ind. 46802.

No. MC 104123 (Sub-No. 74 TA) filed July 9, 1973 Applicant: JOHN SCHUTT, JR., INC. 4361 River Road, P.O. Box Station B Tonawanda, N.Y. 14207. Applicant's representative: Robert D. Gunderman Suite 710 Statler Hilton Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry aluminum chloride*, in bulk, in tank vehicles, (1) from Elberta and Lockport, N.Y., to Freeport, Tex. and Baton Rouge, La. and (2) from Brainards, N.J.; Elkton, Md.; and La Porte, Tex., to Ashtabula, Ohio; Baltimore, Md.; Institute, W. Va.; Freeport, Tex.; Baton Rouge, La.; West Elizabeth, Pa. and Staten Island, N.Y., for 180 days. SUPPORTING SHIPPERS: Vanchlor Co. Inc., 1 North Transit Road, Lockport, N.Y. 14094; A.C.L. Industries Inc., P.O. Box 67, Elkton, Md.; Allied Chemical Corporation, Industrial Chemicals Division, P.O. Box 1139R, Morristown, N.Y. and Pearsall Chemical Co., P.O. Box 108, Phillipsburg, N.J. 08865. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 10644 (Sub-No. 155 TA) filed July 5, 1973 Applicant: SUPERIOR TRUCKING COMPANY, INC. 2770 Peyton Road, N.W. P.O. Box 916 (Box zip 30301) (Chattanoochee Station) Atlanta, Ga. 30321 Applicant's representative: Archie B. Culbreth Suite 246 1252 West Peachtree Street, N.W. Atlanta, Ga. 30309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wild animals*, in cages and (2) *feed, supplies and equipment* used in the care of wild animals, and personal effects of attendants, when moving in or on the same vehicle with wild animals, between points in the United States, including Alaska, for 180 days. SUPPORTING SHIPPER: Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 107295 (Sub-No. 651 TA) filed June 27, 1973 Applicant: PRE-FAB TRANSIT CO. 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass and mineral wool insulation; fiberglass air handling products and accessories* used in the installation thereof (except commodities in bulk), from the facilities of Cleveland Glass Insulations, Inc. at Cleveland, Ohio, to all points in the United States, for 180 days. SUPPORTING SHIPPER: Cleveland Glass Insulations, Inc., 1410 Chardon Road, Cleveland, Ohio 44117. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 108207 (Sub-No. 369 TA) filed May 31, 1973 Applicant: FROZEN FOOD EXPRESS P.O. Box 5888 318 Cadiz Street Dallas, Tex. 75207 Applica: 's representative: J. B. Ham (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreglass roving impregnated with resin*, from Jackson, Ohio, to Litchfield Park, Ariz., for 180 days. SUPPORTING SHIPPER: Goodyear Aerospace Corporation, Akron, Ohio 44315. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 111729 (Sub-No. 389 TA) filed July 11, 1973 Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, (NHPPO) N.Y. 11040 Applicant's representative: John M. Delany (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copies and materials related thereto, and business papers, records, audit and accounting media and advertising material of all kinds moving therewith*, between Wauseon, Ohio, on the one hand, and, on the other, points in Indiana, on or north of U.S. Highway 30, and points in Michigan on or south of Interstate Highway 96; (2) *film, proofs, layouts, dated manuscript copy and publication materials and related advertising material moving therewith*, between Greenfield, Ohio and Chicago, Ill.; and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Belleville, Ill. and Crystal City, Mo., for 90 days. SUPPORTING SHIPPERS: (1) Mustang Division, Chief, Publishing Company, North Fulton St., Wauseon, Ohio; (2) Mister Photo Service, 1511 East Main Street, Belleville, Ill.; and (3) Greenfield Printing and Publishing Company, 1025 North Washington Street, Greenfield, Ohio. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113666 (Sub-No. 78 TA) filed June 27, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Daniel R. Smetanick (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered iron*, (except in bulk, in tank vehicles) from the Ports of Entry on the International Boundary line between the United States and Canada located in New York and Michigan, to points in Michigan, Ohio, New York, New Jersey, Pennsylvania, Tennessee, West Virginia and Wisconsin, restricted to traffic originating in the Province of Quebec, for 180 days. SUPPORTING SHIPPER: Quebec Iron and Titanium Corporation, P.O. Box 40, Sorel, Quebec, Canada. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113908 (Sub-No. 279 TA) filed June 26, 1973 Applicant: ERICKSON TRANSPORT CORPORATION P.O. Box 3180 Glenstone Sta. 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead, Traffic Manager (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank and hopper type vehicles, from Rogers, Ark. and Dallas, Tex., to Hutchinson, Kans., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Western Food Products Company, P.O. Box 1524, Hutchinson, Kans. 67501. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 280 TA) filed June 26, 1973. Applicant: ERICKSON TRANSPORT CORPORATION P.O. Box 3180 Glenstone Sta. 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead, Traffic Manager (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits*, in bulk, in tank and hopper type vehicles, from Atchison, Kans., to Scobeyville, N.J., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Mid-

west Solvents Company, Inc., 1300 Main Street, Atchison, Kans. 66002. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 281 TA) filed June 27, 1973 Applicant: ERICKSON TRANSPORT CORPORATION P.O. Box 3180 Glenstone Station 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits*, in bulk, in tank and hopper type vehicles, from Atchison, Kans., to Clifton, N.J.; Newark, N.J.; Philadelphia, Pa.; and Brooklyn, N.Y., for 180 days. SUPPORTING SHIPPER: Midwest Solvents Company, Inc., 1300 Main Street, Atchison, Kans. 66002. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114848 (Sub-No. 54 TA) filed July 2, 1973 Applicant: WHARTON TRANSPORT CORPORATION 1498 Channel Avenue P.O. Box 13068 Riverside Station Memphis, Tenn. 38113 Applicant's representative: Terry T. Wharton (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, from Memphis, Tenn., to St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: Ralston Purina Company, GTM, Agricultural Products, 835 So. Eighth Street, St. Louis, Mo. 63188. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 118038 (Sub-No. 5 TA) filed July 9, 1973 Applicant: EASLEY HAULING SERVICE, INC. P.O. Box 1261–Gun Club Road Yakima, Wash. 98907 Applicant's representative: Norman F. Richardson P.O. Box 1261 Yakima, Wash. 98907 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene forms* and *shapes*, from Wenatchee, Wash., to a point of entry on the United States-Canadian International Boundary near Bonners Ferry, Idaho and from Wenatchee, Wash., to Lewiston, Richfield, Franklon and Hagerman, Idaho, for 180 days. SUPPORTING SHIPPER: Dolco Packaging Corporation, 1121 S. Columbia St., Wenatchee, Wash. 98801. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 119789 (Sub-No. 165 TA) filed July 2, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 (1612 E. Irving Blvd), Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. P.O. Box 6188 Dallas, Tex. 75222 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* and *parts and accessories*, from Louisville, Ga., to Dallas, Tex., for 180 days. Note: Carrier does not intend to tack authority. SUPPORTING SHIPPER: Convoy Servicing Company, 3020 S. Haskell, Dallas, Tex., 75223. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120606 (Sub-No. 1 TA) filed July 5, 1973 Applicant: A. C. WHITE STORAGE COMPANY 660 Edgewood Avenue, N.E. Atlanta, Ga. 30312 Applicant's representative: J. Michael May Atlanta, Ga. 30303 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ranges, ovens, range tops, range hoods, refrigerators, disposal units, trash compactors, dish washers, vacuum systems, air conditioners, kitchen cabinets, and parts, and attachments and accessories* for the above-named commodities, from points in Fulton County, Ga., to points in Alabama, and points in Florida north of the southern boundaries of Dixie, Gilchrist, Alachua, Putnam and Flagler Counties, Fla., for 180 days. RESTRICTION: The operations authorized herein are limited to transportation services performed under a continuing contract, or contracts with Tappan, Division of The Tappan Company, Fulton County, Ga. SUPPORTING SHIPPER: Tappan, Division of The Tappan Company, 5847 Wheaton Drive, Atlanta, Ga. 30336. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 124212 (Sub-No. 70 TA) filed June 27, 1973 Applicant: MITCHELL TRANSPORT, INC. P.O. Box 30248 6500 Pearl Road Cleveland, Ohio 44130 Applicant's representative: J. A. Kundtz 1100 National City Bank Building Cleveland, Ohio 44114 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plant site of Lehigh Portland Cement Company at Pasco, Wash., to Heppner (Morrow County), Oreg., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Lehigh Portland Cement Company, 718 Hamilton Street, Allentown, Pa. 18105. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 125358 (Sub-No. 12TA) filed June 28, 1973 Applicant: MID-WEST TRUCK LINES, LTD., Canadian Corp. 1216 Fife Street Winnipeg, Manitoba, Canada (14) Applicant's representative: William S. Rosen 630 Osborn Building St. Paul, Minn. 55102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines* from Columbus, Indiana, to port of entry on the International Boundary line between the United States and Canada located at Pembina, North Dakota, with consignment to Winnipeg, Manitoba, Canada, for 180 days. SUPPORTING SHIPPER: Versatile Manufacturing Ltd., 1260 Clarence Avenue, Winnipeg, Manitoba, Canada. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, North Dakota 58102.

No. MC 127355 (Sub-No. 11 TA) filed July 5, 1973 Applicant: M & N GRAIN COMPANY 802 East Hickory Nevada, Mo. 64105 Applicant's representative: Donald J. Quinn 1012 Baltimore Avenue Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottonseed meal*, from points in Mississippi and Texas, on the one hand, to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota and Wisconsin, on the other; (B) *Suncured alfalfa*, from points in South Dakota, on the one hand, to points in Illinois, Indiana, Kentucky, Ohio and Tennessee on the other; (C) *Linseed oil*, from points in Minnesota, on the one hand, to points in Florida, on the other; (D) *50% meat and bonemeal*, from points in Indiana, Kansas, Nebraska, Ohio and Tennessee, on the one hand, to points in Georgia, Illinois and Missouri on the other; and (D) *Hominy*, from points in Missouri and Nebraska, on the one hand, to points in Oklahoma and Texas on the other, for 180 days. SUPPORTING SHIPPER: The Pillsbury Company, 608 Second Avenue, South Minneapolis, Minn. 55402. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128383 (Sub-No. 34 TA) filed July 2, 1973 Applicant: PINTO TRUCKING SERVICE, INC. 1414 Calcon Hook Road Sharon Hill, Pa. 19079 Applicant's representative: Gerald K. Gimmel, 666 Eleventh Street Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and except motor vehicles requiring the use of special equipment), between Dulles International Airport, Va., the Greensboro-High Point-Winston-Salem Airport, N.C., Douglas Municipal Airport at or near Charlotte, N.C., the Hartsfield International Airport at or near Atlanta, Ga., and the Miami International Airport, at or near Miami, Fla., restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service, for 180 days. SUPPORTING SHIPPERS: Schenkers International Forwarders,

147-29 182nd St., Jamaica, N.Y. 11413; British Overseas Airways Corp., 245 Park Avenue, New York, N.Y. 10017; Five Star Air Freight Corp., 3rd & Governor Printz Blvd., Lester, Pa. 19113; Southern Overseas Corp., P.O. Box 27086, Charlotte, N.C. 28208; Air France, 1350 Avenue of the Americas, New York, N.Y. 10019; and Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 134380 (Sub-No. 1 TA) filed July 5, 1973 Applicant: CLIFFORD A. WILLIAMSON doing business as ROYALTY SERVICE CO. P.O. Box 89 Midland Park, N.J. 07432 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Educational materials*, from Carlstadt, N.J., to points in New York, N.Y., Nassau, Suffolk, Westchester, Orange, Rockland Counties, N.Y., and points in New Jersey, for 180 days. SUPPORTING SHIPPER: Xerox Education Group, 65 Triangle Boulevard, Carlstadt, N.J., 07072. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 134599 (Sub-No. 82TA) filed June 26, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles* and *materials, parts and supplies* used in assembling motorcycles, between Milwaukee, Wis., on the one hand, and, on the other, York, Pa., for 180 days. SUPPORTING SHIPPER: AMF—Harley Davidson, 777 Westchester Avenue, White Plains, New York (J. B. Townley, General Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 134958 (Sub-No. 4 TA) filed June 28, 1973 Applicant: HAMS EXPRESS, INC. 3499 So. Third Street Philadelphia, Pa. 19148 Applicant's representative: David M. Schwartz 1025 Connecticut Ave., N.W. Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products; articles distributed by meat packing houses and commodities used by packing houses; and such commodities* as are used by meat-packers in the conduct of their business when destined to and for use by meatpackers as defined in Sections A, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides and skins), all services limited to transportation service to be performed under continuing contract with Bluebird Brands Inc. of Chicago, Ill., (1) from the plant site, warehouses, and storage facilities, used by Bluebird Brands Inc. at or near Chicago, Ill., to points in the United States (except Alaska and Hawaii); (2) from cold storage warehouses (a) at Denver, Colo., to points in California, Arizona, Montana, New Mexico, Oregon, Utah and Washington; (b) at Kansas City, Mo., to points in Arkansas, Missouri, New Mexico, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas; (c) at Nashville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina and South Carolina; and (d) at Cleveland, Ohio, to points in Maryland, Michigan, New York, Pennsylvania, Virginia and West Virginia, (the requested authority in (2) above to be limited to traffic having a prior motor carrier movement to the named cold storage warehouses from the said facilities of Bluebird Brands at or near Chicago under the authority sought in (1) of this application); (3) from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, to the said facilities of Bluebird Brands at or near Chicago; and (4) (a) from points in Alabama, Arkansas, Georgia, Kentucky, Oklahoma, Tennessee and Texas, to cold storage warehouses at Peoria, Ill. and Indianapolis, Ind.; (b) from points in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia, to cold storage warehouses at Benton Harbor, Mich. and Indianapolis, Ind.; (c) from points in Colorado, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, to cold storage warehouses at Cedar Rapids, Iowa; Davenport, Iowa; and Peoria, Ill. (the requested authority in (4) above to be limited to traffic having a subsequent motor carrier movement, from the named cold storage warehouses to the facilities of Bluebird Brands at or near Chicago under the authority sought by Hams in (3) of this application), for 180 days. SUPPORTING SHIPPER: Bluebird Brands, 700 East 107th Street, Chicago, Ill. 60628. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 135874 (Sub-No. 20 TA) filed July 6, 1973 Applicant: LTL PERISHABLES, INC. Box 37468 - 132nd & "Q" Sts. Omaha, Nebr. 68137 Applicant's representative: Bill White 132nd & "Q" Sts. Omaha, Nebr. 68137 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, Omaha, Nebr., to Bismarck and Minot, N. Dak., for 90 days. SUPPORTING SHIPPER: Campbell Soup Company, 1202 Douglas St., Omaha, Nebr. 68102. SEND PROTESTS TO: District Supervisor, Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135889 (Sub-No. 6 TA) filed July 11, 1973 Applicant: BOYD TANK LINES, INC. 6600 Sandy Spring Road Laurel, Md. 20810 Applicant's representative: Walter T. Evans 615 Perpetual Building 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: in bulk, in dump vehicles, (1) *sand*, from the facilities of Contee Sand & Gravel Co., Inc., and A. H. Smith Sand & Gravel Company, in Anne Arundel, Montgomery and Prince Georges Counties, Md., to points in Berkeley, Jefferson, and Morgan Counties, W. Va.; (2) *limestone*, from the facilities of Martin Marietta Aggregates, Northeast Division of Martin Marietta Corporation, Washington County, Md., to the same destination counties set forth in (1) above; and (3) *slag*, from the facilities of Arundel Corporation, Sparrows Point, Baltimore County, Md., to the same destination counties set forth in (1) above, restricted to a transportation service to be performed under a continuing contract or contracts with Martin Marietta Aggregates, Northeast Division of Martin Marietta Corporation, for 150 days. SUPPORTING SHIPPER: Martin Marietta Aggregates, Northwest Division of Martin Marietta Corporation, Box 292, Route 2, Williamsport, Md. 21795, Attention: Philip K. Snow, Traffic Manager. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 136143 (Sub-No. 1 TA) filed July 3, 1973 Applicant: ROBERT EUGENE THOMAS doing business as R. E. THOMAS TRUCKING Grants Pass, Oreg. 97526 Applicant's representative: Clyde M. Brown, Sr. 5612 S.E. Oetkin Road Milwaukie, Oreg. 97222 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, in packages, in refrigerated vehicles, from the plant site of Rogue Gold Dairy, Grants Pass, Oreg., to points in Alameda, Butte, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernadino, San Mateo, Santa Barbara, Santa Clara, Sutter, Ventura and Yuba Counties, Calif.; (2) *Lumber*, from the plant site of Spalding & Son, Inc., Grants Pass, Oreg., to Longview, Tacoma and Vancouver, Wash.; Elko, Ely, Las Vegas, Reno, Sparks and Tonopah, Nev., and points in California; and (3) *Shakes and shingles*, from the plant site of Roseburg Shingle & Stud, Inc., Roseburg, Oreg., to points in Alameda, Con-

tra Costa, Fresno, Los Angeles, Merced, Orange, Riverside, Sacramento, San Bernadino, San Diego, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Stanislaus, and Ventura Counties, Calif., for 180 days. SUPPORTING SHIPPERS: Rogue Gold Dairy, Inc., 234 S.W. 5th Street, Grants Pass, Oreg. 97526; Spalding & Son, Inc., P.O. Box 438, Grants Pass, Oreg. 97526; and Roseburg Shingle & Stud, Inc., P.O. Box 1024, Roseburg, Oreg. 97470. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 136211 (Sub-No. 16 TA) filed June 27, 1973 Applicant: MERCHANTS HOME DELIVERY SERVICE, INC. 210 St. Mary's Drive Suite G (P.O. Box 5067) Oxnard, Calif. 93030 Applicant's representative: Joseph E. Rebman 1230 Boatmen's Bank Bldg. 314 North Broadway St. Louis, Mo. 63102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from the warehouse and shipping facilities of Levitz Furniture Corporation of Illinois at or near Belleville, Ill., to points in St. Louis, St. Louis County, St. Charles County, Franklin County and Jefferson County, Mo., with return movements of *rejected or returned shipments of such commodities*, from the specified destinations, to the specified origin (when the shipment had been accepted by the consignee and is subsequently returned), for 180 days. SUPPORTING SHIPPER: Levitz Furniture Corporation of Illinois, 1333 Stemmons Freeway, Dallas, Tex. 75207. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 136464 (Sub-No. 3 TA) filed July 3, 1973 Applicant: CAROLINA WESTERN EXPRESS, INC. 650 Eastwood Drive Gastonia, N.C. 28052 Applicant's representative: David L. Bayne (Same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, blankets, rugs, bath mats, hosiery, draperies, sheet, pillow cases, towels, wash cloths, safety belts or straps, binding, ribbon, tape or webbing, bed spreads, ribbon bows, cloth or piece goods, yarn, tablecloths, furniture in mixed loads with other commodity*, from the Burlington Industries, Inc. plant sites at Cramerton, Gaston County, North Carolina & Memphis, Shelby County, Tenn., to Los Angeles, Calif. and points in its commercial zone, for 180 days. Note: Applicant states that it does not intend to tack with its existing authority. SUPPORTING SHIPPER: Burlington Industries, Inc., Burlington, North Carolina. SEND PROTESTS TO: District Supervisor Price, 800 Briar Creek Rd—Rm CC516, Charlotte, N.C. 28205.

No. MC 136981 (Sub-No. 2 TA) filed June 27, 1973 Applicant: BLAIR CARTAGE, INC 13658 Auburn Road Newbury, Ohio 44065 Applicant's representative: Lewis S. Witherspoon 1825 The Illuminating Building 55 Public Square Cleveland, Ohio 44113 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and component parts* from Middlefield, Ohio and Burton Township, Geauga County, Ohio to the States of Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Normandy Industries, Inc., 40th & Butler Streets, Pittsburgh, Pa. 15201. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 138635 (Sub-No. 6 TA) filed June 27, 1973 Applicant: CAROLINA WESTERN EXPRESS, INC. 650 Eastwood Drive Gastonia, N. C. 28052 Applicant's representative: John R. Sims, Jr. Joyner, Goff & Sims Suite 600 1707 H. Street, N.W. Washington, DC 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile yarns and finished carpets*, from Gaston County, N. C., to all points in the state of California; from Los Angeles, California (Trade Area), to Bristow, Creek County, Oklahoma, Wilburton, Latimer County, Oklahoma; Hillsboro, Hill County, Texas, Marlin, Falls County, Texas, for 180 days. SUPPORTING SHIPPERS: Kemfast Textiles, Inc., Gastonia, N. C.; Pacific Coast Knitting Mills, Inc., Vernon, California; and Western Yarns, Inc., Los Angeles, Calif. SEND PROTESTS TO: District Supervisor Price, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, N. C. 28205.

No. MC 138821 (Sub-No. 1 TA) filed July 11, 1973 Applicant: WHEELBERG COMPANY 8707 East Quarry Street Manassas, Va. 22110 Applicant's representative: Francis J. Ortman 1100 Seventeenth Street, N.W. Suite 613 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced concrete products and materials* used in the installation thereof, from the plant site of Earley Studio Incorporated, in or near Manassas, Va., to points in Connecticut, Delaware, Maryland, New Jersey, Massachusetts, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Early Studio Incorporated, 8707 East Quarry Street, Manassas, Va. 22110. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 138840 (Sub-No. 1TA) filed July 6, 1973 Applicant: KENNETH D. BENNETT & STEVEN D. BENNETT, dba BENNETTVILLE FARMS Soldier, Kansas 66540 Applicant's representative: Edward S. Dunn Holton, Kans. 66436 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil, in bulk, in tank vehicles*, from points in Jackson County, Pottawatomie County and Nemaha County, Kans., to Carter-Waters Corp. petroleum terminal in Falls City, Nebr., for 180 days. Note: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. SUPPORTING SHIPPER: Carter-Waters Corp., 2440 Pennway, Kansas City, Mo. 64104. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 138881TA filed July 3, 1973 Applicant: RED, WHITE & BLUE, INC. Star Route 1, Box 81 Seabeck, Wash. 98380 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Ephrata and Chehalis, Wash., to Portland, Oreg. (including exports in foreign commerce), for 180 days. SUPPORTING SHIPPER: The Purdy Company of Washington, 1200–112th Avenue, N.E., Suite 250, Bellevue, Wash. 98004. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Building, Seattle, Wash. 98104.

No. MC 138882 TA filed June 27, 1973 Applicant: WILEY SANDERS, INC. 212 Oak Street Troy, Alabama 36081 Applicant's representative: John W. Cooper 1314 City Federal Building Birmingham, Alabama 35203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap batteries*, from points in Florida, Georgia, North Carolina and South Carolina, to the plant site of Sanders Lead Co., Inc., Troy, Alabama. (2) *Wooden pallets*, from the plant site of Troy Box and Pallett, Inc., Troy, Alabama, to points in Florida, Georgia, North Carolina and South Carolina, for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Sanders Lead Co., Inc., P.O. Box 161, Troy, Alabama 36081. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814–2121 Building, Birmingham, Alabama 35203.

No. MC 138883 TA, filed July 2, 1973 Applicant: SAN ANTONIO TRUCKING Co. 103 Danube St. San Antonio, Tex. 78213 Applicant's representative: Johnie Everett, President (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Rock*, in bags or in bulk, in dump trucks or floats or trailer vehicles, from the River Rock Materials Co. quarry near Calliham, Tex., to Climax and Urad, Colo. and Questa, N. Mex., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: T. C. Huddle, President, River Rock Material Co., Inc. 900 N.E. Loop Expressway, San Antonio, Tex. 78209. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass., and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

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No. MC 138885 TA filed July 9, 1973 Applicant: BALDWIN LEASING COMPANY, INC. 801 Industrial Boulevard Bay Minette, Ala. 36507 Applicant's representative: Robert E. Tate P.O. Box 517 Evergreen, Ala. 36401 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plant site of Standard Furniture Manufacturing Co., Inc., Bay Minette, Ala., to points in the United States (except Hawaii and Alaska) and (2) *new furniture, and equipment, materials and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), from points in the United States (except Hawaii and Alaska), to the plant site of Standard Furniture Manufacturing Co., Inc., located at Bay Minette, Ala., under a continuing contract with Standard Furniture Manufacturing Co., Inc., Bay Minette, Ala., for 180 days. SUPPORTING SHIPPER: Standard Furniture Manufacturing Co., Inc., Post Office Box 93, Bay Minette, Ala. 36507. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814-2121 Building, Birmingham, Ala. 35203.

MOTOR CARRIERS OF PASSENGERS

No. MC 136985 (Sub-No. 1 TA) filed June 27, 1973 Applicant: ENRIQUE UBALDO PINO doing business as EXECUTIVE LIMOUSINE SERVICE 11951 S.W. 4th Terrace Miamia, Fla. 33144 Applicant's representative: Richard Austin 8675 N.W. 53rd Street, Suite 123 Miami, Fla. 33166 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* moving in combined pre-arranged or packaged air and motor carrier limousine service of nine passenger vehicle or less (including driver), between Miami International Airport, Dade County, Fla. and the Ocean Reef Club, North Key Largo, Monroe County, Fla., for 180 days. SUPPORTING SHIPPER: Ocean Reef Club, Key Largo, Fla. 33037. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 S.W. 17th Street, Room 105, Miami, Fla. 33155.

By the Commission.

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

[FR Doc.73-15165 Filed 7-23-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JULY

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TUESDAY, JULY 24, 1973
WASHINGTON, D.C.

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Guidelines for Acquisition of Information From Owners of Point Sources

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Guidelines for Acquisition of Information From Owners of Point Sources

Notice was published in the FEDERAL REGISTER issue of April 19, 1973 (38 FR 9740), at 40 CFR 126, that the Environmental Protection Agency was giving consideration to proposed forms and guidelines for the acquisition of information from owners and operators of point sources of discharge subject to the National Pollutant Discharge Elimination System. These proposals were issued pursuant to the authority contained in the Federal Water Pollution Control Act Amendments of 1972 [86 Stat. 816; 33 U.S.C. 1251 (1972)] (hereinafter referred to as the "Act").

Section 402 of the Act creates a National Pollutant Discharge Elimination System (hereinafter referred to as the "NPDES") under which the Administrator of the Environmental Protection Agency may, after notice and opportunity for public hearing, issue permits for the discharge of any pollutant or combination of pollutants, upon condition that such discharge will meet all applicable requirements of the Act relating to effluent limitations, water quality standards and implementation plans, new source performance standards, toxic and pretreatment effluent standards, inspection, monitoring, and entry provisions, and guidelines establishing ocean discharge criteria.

Section 402 also provides that States desiring to administer their own permit program may submit a full and complete description of such a program to the Administrator for approval. The Administrator is to approve a State's program, and suspend issuance of permits under section 402, unless he determines that the State does not possess adequate authority to perform certain acts detailed in 402(b) of the Act. The State also must have an approved continuing planning process under section 303(e) of the Act before approval of its permit program can be granted. In addition to these requirements, a State permit program cannot be approved unless it conforms to guidelines issued under section 304(h)(2) of the Act prescribing minimum procedural and other elements of any State program under section 402. These latter guidelines were published in the FEDERAL REGISTER on Friday, December 22, 37 FR 28390 (1972).

Comments were received and appropriate changes made to the form and guidelines. In the interest of consolidating all information relating to application for an NPDES permit, the revised guidelines are herein published as final rulemaking in the form of amendments to 40 CFR 125, the NPDES program regulations (38 FR 13528). The revised guidelines are also promulgated herein as an amendment to 40 CFR 124, State Program Elements Necessary for Participation in the NPDES (37 FR 28390).

Principal revisions to the proposed forms are as follows:

1. The degree of analytical accuracy required has been limited to two significant digits, as this is all that is needed to apply the effluent guidelines.

2. "Absent" can now be entered on the effluent description if in the discharger's "reasoned judgment" a constituent is absent; he no longer must be "certain," as this would be impossible without analysis.

3. Instructions for items 7–9 (facility intake water, water use, and discharge), Section I, Form A, have been clarified to indicate that stormwater must be included only if it combines with other flows; this was originally not clear.

4. It has been clarified that substances present in the intake water should be marked "present" on the checklist. However, no analysis is required for purposes of the application; any previous analysis performed should be reported. We eliminated reference to "trace levels" and "drinking water standards" because there are no adequate standards covering enough parameters, and some substances could be toxic even in trace amounts.

5. It has been clarified that discharge descriptions are required for discharges to surface waters, discharges to wells where there is also a discharge to surface waters from the same facility, and discharges to municipal sewer systems if the discharge will not receive treatment prior to discharge to surface waters. This was originally intended but unclear.

6. It has been clarified that certain items "do not apply" to mining operations, in response to a comment to this effect.

Principal revisions to the regulations are as follows:

1. The percentage of industrial contribution necessitating a municipal plant's filing the standard form has been raised from 1 percent to 5 percent, because this is more consistent with the other criteria for filing the Standard Form, i.e., industries discharging over 50,000 gallons per day must file and municipal plants serving over 10,000 population must file. The average size plant serving a population of 10,000 treats approximately one million gallons per day, and 50,000 gpd is 5 percent of one million.

2. It has been clarified that the prohibition on imposing application fees on Federal, State and local facilities applies only to facilities filing applications to EPA. This was originally intended but unclear.

3. It has been clarified that manufacturing facilities discharging to a municipal plant are not required to file the Standard Form C. This was thought to be implicit but comments indicated it was not clear.

4. The requirement, that a manufacturing or commercial facility file the Standard Form if the discharge affects the waters of another State, has been deleted because it is too broad. This criterion remains implicit in the authority to require submission of the Standard Form, whenever necessary, in order to make a decision on the application.

5. The requirement that a manufacturing or commercial facility file the Standard Form if the discharge "contains or may contain" toxic substances has been revised to "contains toxic substances," because "may contain" is too broad.

6. It has been clarified that anyone who applied for a permit under the Refuse Act, whose application was not denied, is not required to reapply unless his discharge has substantially changed in nature, volume, or frequency. This was originally intended but unclear. Also, no further fee will be charged for reapplication unless the substantial change involves an additional outlet or discharge point. This point was not addressed before but comments indicated the need for a policy.

It should be noted that this does not preclude requesting additional information of Refuse Act applicants, including completion of specific items on the Standard Form.

Because of the importance of making NPDES forms and related regulations available as soon as possible to owners and operators of point sources of discharge subject to the NPDES, the Administrator finds good cause to declare that these regulations and the forms, whose notice of availability follows immediately hereafter, are effective immediately.

Dated: July 18, 1973.

JOHN QUARLES,
For Acting Administrator.

Forms for acquisition of information from owners and operators of point sources. Notice was published in the FEDERAL REGISTER issue of April 19, 1973 (38 FR 9740), that the Environmental Protection Agency was giving consideration to proposed forms for the acquisition of information from owners and operators of point sources of discharge. The forms and accompanying instructions describe, pursuant to the authority contained in section 304(h)(1) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1251 (1972)), requirements for the acquisition of information from owners and operators of point sources subject to the National Pollutant Discharge Elimination System. Copies of the forms are available at State water pollution control agencies having approved programs and at all Environmental Protection Agency Regional Offices.

A. Part 124 of Title 40 of the Code of Federal Regulations, issued under sections 304(h) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq.; Public Law 92-500, 33 U.S.C. 1251), is amended as follows:

1. Section 124.1 *Definitions* is amended by deleting paragraph (h) and inserting

new paragraphs (h), (i) and (j) as follows:

§ 124.1 Definitions.

* * * * *

(h) The term "NPDES application short form" or "short form" means one or more, as appropriate, of the following:

(1) Short Form A—Municipal Wastewater Dischargers.

(2) Short Form B—Agriculture.

(3) Short Form C—Manufacturing Establishments and Mining.

(4) Short Form D—Services, Wholesale and Retail Trade, and All Other Commercial Establishments Including Vessels, Not Engaged in Manufacturing or Agriculture.

(i) The term "NPDES application standard form" or "standard form" means one or more, as appropriate, of the following:

(1) Standard Form A—Municipal.

(2) Standard Form C—Manufacturing and Commercial.

(j) The term "NPDES application" means the uniform national forms (including the NPDES application short forms, NPDES application standard forms, and any subsequent additions, revisions or modifications duly promulgated by the Administrator pursuant to the Act) for application for an NPDES permit.

2. The definition of the term "NPDES reporting form" is redesignated "(k)," and all subsequent definitions are redesignated accordingly.

3. A new § 124.21 is inserted as follows:

§ 124.21 Application for NPDES permit.

Procedures of any State or interstate agency participating in the NPDES shall insure that every applicant for an NPDES permit complies with NPDES filing requirements. Such procedures and requirements shall include the following:

(a) Except as provided in paragraphs (b) and (c)(4) of this section and except as provided by the Administrator in regulations issued under the act, any person discharging or who proposes to discharge pollutants shall complete, sign, and submit an NPDES application short form in accordance with the instructions provided with such form.

COMMENT. Federal filing requirements for the NPDES include the timely filing of a properly completed Refuse Act or NPDES application form. State and interstate agencies may specify, where necessary, additional filing requirements such as the submission of engineering reports, plans, and specifications for present or proposed treatment or control of discharges of pollutants. While duplication should be avoided, the Administrator recognizes that the NPDES application form may not by itself satisfy the needs of every participating program.

(b) Any person who filed a complete Refuse Act application and whose application has not been denied is not required to apply for a permit under these regulations unless the discharge described in the application for a Refuse Act permit has substantially changed in nature, volume, or frequency. Such complete Refuse Act permit application shall be considered to be an application under the NPDES and shall be treated accordingly. If, however, the discharge described in the Refuse Act permit application has substantially changed in nature, volume, or frequency, the applicant shall complete, sign and submit the appropriate NPDES application form, as provided in paragraph (a) or (c) of this section.

(c)(1) If the information submitted by an applicant for an NPDES permit in Short Form A (relating to municipal wastewater treatment facilities) or any other information available to the Director or the Regional Administrator indicates any of the following, the applicant shall be required to complete, sign and submit a Standard Form A:

(i) The discharges from the facility have a total volume of more than 5 million gallons on any day of the year;

(ii) The facility serves a population in excess of 10,000; or

(iii) The facility receives wastes from an industrial user and such wastes

(A) Have a total volume of more than 50,000 gallons on any day of the year,

(B) Contain toxic pollutants,

(C) Have a total volume which constitutes more than 5 percent of the volume of the total discharge from the facility on any day of the year, or

(D) Alone or in combination with other discharges into the facility interfere with the operation of the facility or adversely affect the quality of the discharge from the facility.

(2) If the information submitted by an applicant for a permit on Short Form C (relating to manufacturing establishments and mining) or on Short Form D (relating to services, wholesale and retail trade, and all other commercial establishments, including vessels, not engaged in manufacturing or agriculture) or any other information available to the Director or the Regional Administrator indicates any of the following, the applicant shall be required to complete, sign, and submit a Standard Form C:

(i) The discharges (except those to publicly owned treatment works) from the facility have a total volume of 50,000 gallons on any day of the year;

(ii) The discharges (except those to publicly owned treatment works) contain toxic pollutants.

(3) In addition to paragraph (c)(1) or (2) of this section, an applicant shall complete, sign, and submit the appropriate standard form if the Director or the Regional Administrator determines that such submission is necessary to determine whether or not and upon what conditions a permit should be issued for the discharges identified in the short form.

(4) Any applicant may submit a standard form without prior submission of a short form if he complies with all applicable filing dates and requirements.

(d) A requirement that any person wishing to commence discharges of pollutants after July 16, 1973, must file a complete NPDES application either (1) no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants, or (2) in sufficient time prior to the commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the Act, or with any applicable zoning or siting requirements established pursuant to section 208(b)(2)(C) of the Act, and any other applicable water quality standards and applicable effluent standards and limitations.

COMMENT. The purpose of this requirement is to insure that the Director has sufficient time to examine applications from new sources of discharge of pollutants and to apply standards of performance without unnecessarily delaying scheduled startup. The sooner the Director can specify requirements for new sources, the more easily the applicant can modify his plans, if necessary, without disruption and waste. Those State or interstate agencies which begin review at the planning stages of a new project are in the best position to insure orderly compliance with new source standards.

(e) Procedures which (1) enable the Director to require the submission of additional information after a Refuse Act or an NPDES application has been filed, and (2) insure that, if a Refuse Act or NPDES application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency.

COMMENT. The Director may find he needs information other than that initially filed by the applicant in order to make a permit decision. The Director should not hesitate to go back to the applicant for further information. In some cases, nothing less than an on-site inspection of an applicants' pollution control technology and practices will suffice.

No NPDES permit should be issued until the applicant has fully complied with the filing requirements specified in this subpart. If an applicant fails or refuses to correct deficiencies in his NPDES application form, the Director should take timely enforcement action.

B. Part 125 of Title 40 of the Code of Federal Regulations, issued under sections 304(h)(1) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq.; Public Law 92-500, 33 U.S.C. 1251), is amended as follows:

§ 125.1 [Amended]

1. Section 125.1 *Definitions* amended to change paragraph (g) to "The term 'Director' means the Director of a State or interstate water pollution control agency." The definition of the term "discharge" is redesignated "(h)," and all subsequent definitions are redesignated accordingly.

§ 125.2 [Amended]

2. In § 125.12(b), a second paragraph is added after "accordingly", to read as

follows: "Where the discharge described in the Refuse Act permit application has substantially changed in nature, volume or frequency, the applicant shall complete, sign and submit the appropriate NPDES application form, as provided in paragraph (g) or (h) of this section.

Where the substantially changed discharge involves addition of an outlet from which a discharge shall flow, the appropriate fee will be calculated as provided in paragraph (i) (1) or (2) of this section, after deduction of the fee submitted with the Refuse Act permit application."

§ 125.12 [Amended]

3. In § 125.12(h) (1) "or the Director" is added after "Regional Administrator."

4. In § 125.12(h) (1) (iii) (C) "1 percent" between "than" and "of" is changed to "5 percent."

5. In § 125.12(h) (1) (iii) (D) "Alone or" is added before "In combination."

6. In § 125.12(h) (2) "or the Director" is added after "Regional Administrator."

7. In § 125.12(h) (2) (i) and (iii) "(except those to municipal wastewater treatment facilities)" is added after "The discharges."

8. Section 125.12(h) (2) (ii) is deleted. Section 125.12(h) (2) (iii) is redesignated "125.12(h) (2) (ii)."

9. In § 125.12(h) (2) (iii) "or may contain" is deleted between "contain" and "pollutants."

10. In § 125.12(h) (3) "or the Director" is added after "Regional Administrator."

11. In § 125.12(i) (5) "to the Administrator" is added after "not be required to pay any fee."

[FR Doc.73-15191 Filed 7-23-73;8:45 am]