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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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The President vetoed S. 504, Emergency Medical Services Systems Act of 1973. Message dated Aug 1, 1973; Weekly Compilation of Presidential Documents, Vol. 9, No. 31.

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Title 3—The President

EXECUTIVE ORDER 11736

Amending Executive Order No. 11708, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, Executive Order No. 11708, dated March 23, 1973, as amended, is further amended as follows:

1. Section 1 of that order, placing certain positions in level IV of the Executive Schedule, is amended—

(a) by deleting "(2) Administrator, National Institutes of Health, Department of Health, Education, and Welfare" and inserting in lieu thereof "(2) Director, National Institutes of Health, Department of Health, Education, and Welfare";

(b) by deleting "(4) Special Assistant to the Secretary (Congressional Relations), Treasury Department" and inserting in lieu thereof "(4) Assistant to the Secretary for Legislative Affairs, Treasury Department";

(c) by deleting "(14) Assistant to the Secretary for Policy Development, Department of Commerce" and inserting in lieu thereof "(14) Deputy Under Secretary, Department of Transportation"; and

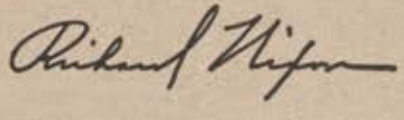
(d) by adding at the end thereof:

"(16) Special Prosecutor, Department of Justice.

"(17) Associate Attorney General, Department of Justice.

"(18) Commissioner General of the International Exposition on the Environment, Department of Commerce."

2. Section 2 of that order, placing certain positions in level V of the Executive Schedule, is amended by adding at the end thereof "(8) Associate Administrator for Federal Management Policy, General Services Administration."



THE WHITE HOUSE,
August 6, 1973.

[FR Doc.73-16498 Filed 8-7-73;10:00 am]

Rules and Regulations

Title 7—Agriculture

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

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $402,405 of Nectarine Administrative Committee, under Marketing Order No. 916, for the 1973–74 fiscal period and fixes a rate of assessment of $0.05 per lug of nectarines handled in such period to be paid to the committee by each first handler as his pro rata share of expenses.

On June 21, 1972 notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 12242) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1972, through February 28, 1973, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

1. Section 916.212 is added to read as follows:

§ 916.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1973, through February 28, 1974, will amount to $402,405.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.05 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1973, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

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

Dated: August 3, 1973.

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

[FR Doc.73-16404 Filed 8-7-73;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $688,811 of the Control Committee, under Marketing Order No. 917, for the 1973–74 fiscal period. It also fixes the rates of assessment under subject program as follows: $.01 per box of pears; $.07 per crate of plums; and $0.0375 per lug of peaches. Such assessments are to be paid to the committee by each handler as his pro rata share of expenses.

On June 26, 1973, notice of rulemaking was published in the FEDERAL REGISTER (38 FR 16781) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1973, and ending February 28, 1974, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

1. Section 917.211 is added to read as follows:

§ 917.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1973, through February 28, 1974, will amount to $688,811.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed at:

(1) One cent ($0.01) per standard-western pear box of pears, or its equivalent in other containers or in bulk;

(2) Seven cents ($0.07) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) Three and seventy five hundredths cents ($0.0375) per Los Angeles lug of peaches, or its equivalent in other containers or in bulk.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of pears, plums, and peaches are currently underway; (2) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (3) the fiscal period began March 1, 1973, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

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

Dated: August 3, 1973.

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

[FR Doc.73-16402 Filed 8-7-73;8:45 am]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses and Rate of Assessment

This document authorizes expenses of $55,215 of the Industry Committee, under Marketing Order No. 926, for the 1973–74 season and fixes the rate of assessment at $0.055 per standard package or equivalent quantity of Tokay grapes, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 17, 1973, notice of proposed rule making was published in the FED-

ERAL REGISTER (38 FR 19047) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

1. Section 926.213 is added to read as follows:

§ 926.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1973, through March 31, 1974, will amount to $55,215.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at five and one-half cents ($0.055) per standard package or equivalent quantity of grapes.

(c) *Terms.* Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) assessable shipments of Tokay grapes will begin on or about August 11, 1973; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of the season; and (3) the season began on April 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

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

Dated: August 3, 1973.

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

[FR Doc.73-16401 Filed 8-7-73;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Raisins Acquired Under Weight Dockage System

Notice was published in the July 19, 1973, issue of the FEDERAL REGISTER (38 FR 19224), regarding a proposal to establish additional rules and regulations applicable to natural Thompson Seedless raisins acquired by handlers under a weight dockage system. Such additional rules and regulations would be established pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order regulates the handling of raisins produced from grapes grown in California and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

At present, § 989.201 (7 CFR 989.201–989.229; 37 FR 17723) contains, among other things, a weight dockage system (including a dockage table) and identification requirements relative to raisins acquired pursuant to a weight dockage system. It was proposed that these requirements be deleted from § 989.201 and included, with minor changes, in a new § 989.210 so that all rules and regulations regarding acquisition of raisins under a weight dockage system would be contained in one section.

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

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

Paragraph A3 of § 989.201 regarding moisture requirements for Thompson Seedless raisins contains a reference to § 989.202. An action published in the FEDERAL REGISTER (38 FR 13476) on May 22, 1973, deleted § 989.202. This deletion obviates the need for paragraph A3 of § 989.201, because such moisture requirements are also contained in paragraph A3 of § 989.97 Exhibit B. Hence, in addition to removing provisions regarding the weight dockage system, it was proposed that paragraph A3 also be deleted from the revised § 989.201.

After consideration of all relevent matter presented, including that in the notice, the information and recomendation of the Committee, and other available information, the amendment of Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201—989.229; 38 FR 13476, 20236) as hereinafter set forht is approved.

Therefore, said subpart is amended as follows:

1. Section 989.201 is revised to read as follows:

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

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

A. Thompson Seedless raisins.

* * * * *

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

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

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

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

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

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

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

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

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

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

(g) *Dockage table.*

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

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

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

Dated August 3, 1973, to become effective September 15, 1973.

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

[FR Doc.73-16403 Filed 8-7-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-1071]

PART 523—MEMBERS OF BANKS

Liquidity Requirements

AUGUST 1, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of reducing the overall liquidity requirement of each Federal Home Loan Bank member from 6½ percent of its liquidity base and of reducing each member's short-term liquidity requirement from 2½ percent to 1½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective August 8, 1973:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 5½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 1½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that in view of current economic conditions such amendment should become effective so that both the reduced overall liquidity requirement of 5½ percent and the reduced short-term liquidity requirement of ½ percent shall apply beginning with the month of August, 1973, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the provision regarding the publication of such amendment for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc. 73-16399 Filed 8-7-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-SO-53; Amdt. 39-1699]

PART 39—AIRWORTHINESS DIRECTIVES

Pitts Model S-2A Series Airplanes

There have been cracks of the alternate air box flapper doors on the Pitts S-2A airplanes that could result in substantial power loss. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the installation of a stiffener on the alternate air box flapper door on S-2A airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure

hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

PITTS: Applies to S-2A airplanes; Serial Numbers 2001 through 2059 certificated in all categories.

Compliance required as indicated.

To prevent the possibility of a power loss due to the failure of the induction air box flapper door, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this airworthiness directive, unless already accomplished, install stiffener, Pitts Part Number 2-7112-16, to the induction air box flapper door assembly, Pitts Part Number 2-7112-7, in accordance with Pitts Service Letter No. 2. Access to the induction air box flapper door assembly may be gained by removing the lower engine cowl.

(b) Until the modification specified in paragraph (a) above has been accomplished, visually check the induction air box flapper assembly, Pitts Part Number 2-7112-7, for cracks in the welded areas upon the accumulation of 50 hours time in service or within 5 hours time in service, whichever is later, and thereafter at intervals not to exceed 5 hours time in service from the last check. The checks required by this AD may be performed by the pilot.

If the flapper door in the area of the weld is found to be cracked, removed the flapper door assembly from the alternate air box, and add stiffener, Pitts Part Number 2-7112-16 in accordance with Pitts Service Letter No. 2, before further flight.

(c) The installation of the stiffener, Pitts Part Number 2-7112-16, in accordance with Pitts Service Letter No. 2, will eliminate the necessity for the repetitive inspections required in paragraph (b).

Pitts Service Letter No. 2, dated June 26, 1973, pertains to this subject.

This amendment becomes effective August 13, 1973.

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

Issued in East Point Ga. on July 26, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-16313 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-41]

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

Alteration of Control Zone and Transition Area

On page 15524 of the FEDERAL REGISTER for June 13, 1973, the Federal Aviation Administration published proposed regulations which would alter the Baltimore, Md., Control Zone (38 FR 356) and Transition Area (38 FR 444).

Interested persons were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. October 11, 1973.

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

Issued in Jamaica, N.Y., on July 24, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal Aviation Regulations by deleting the description of the Baltimore, Md., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 39°10' 26" N., 76°40'12" W., of Friendship International Airport, Baltimore, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 304° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 304° bearing to a 125° bearing from the airport; within 3.5 miles each side of the Friendship International Airport ILS localizer west course, extending from the 5-mile radius to 9 miles west of the localizer; within 3.5 miles each side of the centerline of Friendship International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 2 miles each side of the Friendship International Airport ILS localizer southeast course, extending from the localizer to 4.5 miles southeast of the localizer; within 2 miles each side of the Baltimore VORTAC 314° radial, extending from the VORTAC to 10.5 miles northwest of the VORTAC.

2. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Baltimore, Md., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 ft above the surface within a 9-mile radius of the center, 39°10'26" N., 76°40'12" W., of Friendship International Airport, Baltimore, Md.; within a 15-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 230° radial to the 342° radial; within 3.5 miles each side of the centerline of Friendship International Airport runway 10, extended to 8.5 miles each of the end of the runway; within 4.5 miles north and 6.5 miles south of the Friendship International Airport ILS localizer west course, extending from the OM to 11.5 miles west of the OM; within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W., of Martin Marietta Airport, Baltimore, Md., within an 18-mile radius of the center of Martin Marietta Airport, extending clockwise from a 241° bearing to a 335° bearing from the airport; within a 12.5-mile radius of the center of Martin Marietta Airport, extending clockwise from a 335° bearing to a 013° bearing from the airport; within an 11-mile radius of the center of Martin Marietta Airport, extending clockwise from a 013° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of Martin Marietta Airport, extending clockwise from a 027° bearing to a 053° bearing from the airport; within 3.5 miles each side of the 132° bearing from the Martin RBN 39°18'15" N., 76°22'45" W., extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN; within a 6.5-mile radius of the center 39°05'04" N., 76°45'37" W., of Tipton AAF, Fort Meade, Md., and within 3 miles each side of the 091° bearing from the Fort Meade, Md. RBN, 39°05'04" N., 76°45'37" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

[FR Doc.73-16322 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-69]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Jamestown, N.Y., Control Zone (38 FR 389).

Changes in the hours of weather observation and reporting services required to support the control zone designation require a revision of the times of control zone designation.

Since the amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 8, 1973, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Jamestown, N.Y. control zone by deleting the last sentence and by substituting the following in lieu thereof:

This control zone is effective 0900 to 2000 hours Sunday through Friday, Saturdays 1000 to 2000 hours, local time.

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

Issued in Jamaica, N.Y., on July 24, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-16318 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-GL-33]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Lafayette, Indiana, control zone.

The Lafayette, Indiana FSS will be decommissioned on September 1, 1973. A new part-time control tower will be commissioned in August 1973. The communication and weather reporting service required for the Lafayette control zone will be transferred from the FSS to the tower. As the tower will not operate continuously, the control zone will have to be changed to conform to the tower hours of operation. As the control zone will be less restrictive than at present, notice

and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective on publication in the FEDERAL REGISTER, as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is amended to read:

LAFAYETTE, IND.

Within a 5 mile radius of Purdue University Airport (latitude 40°24'45"N., longitude 86°56'06"W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Des Plaines, Illinois, on July 19, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-16317 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-70]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Morristown, N.J., Control Zone (38 FR 403).

Beginning September 2, 1973, the control tower at Morristown Municipal Airport, Morristown, N.J., will be operated from 0630 to 2230 hours, local time, daily. Accordingly, the Morristown, N.J. control zone, predicated upon the operations of the control tower, must be amended so as to coincide with the new hours of control tower operation.

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

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT September 2, 1973, as follows:

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

This control zone is effective from 0630 to 2230 hours, local time, daily.

(Sec. 407(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 26, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-16321 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-CE-6]

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

Designation of Transition Area

On page 15082 of the FEDERAL REGISTER dated June 8, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Forest City, Iowa.

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

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

This amendment shall be effective 0901 G.m.t., October 11, 1973.

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

Issued in Kansas City, Missouri, on July 20, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

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

FOREST CITY, IOWA

That airspace extending upward from 700 ft. above the surface within a 5-mile radius of the Forest City Municipal Airport (lat. 43°14'00" N., long. 93°38'00" W.); and that airspace extending 1,200 ft. above the surface within a 35-mile radius of the Mason City VORTAC, from the 266° radial clockwise to the 316° radial, excluding that portion which overlies the Mason City and V120 transition areas.

[FR Doc.73-16315 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-GL-25]

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

Alteration of Transition Area

On page 14865 of the FEDERAL REGISTER dated June 6, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jefferson, Ohio.

Interested persons were given until July 6, 1973 to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective October 11, 1973.

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

Issued in Des Plaines, Illinois, on July 18, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

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

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Ashtabula County Airport, Ashtabula, Ohio (lat. 41°46'40" N., long. 80°41'45" W.) and within 3.5 miles each side of the Jefferson VORTAC 243° radial extending from the 8-mile radius area to 11.5 miles southwest of the VORTAC.

[FR Doc.73-16316 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-CE-7]

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

Alteration of Transition Area

On page 14694 of the FEDERAL REGISTER dated June 4, 1973, the Federal Aviation Administration published a Notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at North Platte, Nebraska.

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

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

This amendment shall be effective 0901 G.m.t., October 11, 1973.

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

Issued in Kansas City, Missouri, on July 20, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

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

NORTH PLATTE, NEBR.

That airspace extending upward from 700 ft above the surface within a 10-mile radius of Lee Bird Field (lat. 41°07'42" N., long. 101°41'47" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile-radius area to 8 miles southwest of the VOR; and within 5 miles each side of the 301° bearing from Lee Bird Field, extending from the 10-mile-radius area to 11.5 miles northwest of the airport, and that airspace extending upward from 1,200 ft above the surface within a 25-mile radius of the North Platte VOR.

[FR Doc.73-16314 Filed 8-7-73;8:45 am]

[Airspace Docket No. 73-EA-40]

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

Alteration of Transition Area

On page 15524 of the FEDERAL REGISTER for June 13, 1973, the Federal Aviation Administration published a proposed rule which would alter the Princeton, N.J., Transition Area (38 FR 562).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT October 11, 1973.

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

Issued in Jamaica, N.Y., on July 23, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Princeton, N.J. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°23'54" N., 74°39'31" W., of Princeton Airport, Princeton, N.J.; within a 6-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 120° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 191° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 268° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 268° bearing to a 310° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from 310° bearing to a 357° bearing from the airport; and within 3.5 miles each side of the Solberg, N.J. VOR 161° radial, extending from the 5-mile radius area to the VOR, excluding the portions which coincide with the Readington, N.J., New York, N.Y., and North Philadelphia, Pa. transition areas.

[FR Doc.73-16320 Filed 8-7-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-814]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Miscellaneous Amendments

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

By ER-725, adopted March 15, 1972, the Board enacted a new Part 239, establishing a system for the reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. The system was designed to enable the Board and any other governmental agencies, as well as interested members of the public, to be informed of current trends and problems relating to air freight loss and damage, and also to provide data which would be available to the Board in taking such future remedial action as would be appropriate.

Subsequently, various certificated route air carriers, through Air Transport Association (ATA), filed a petition for rule making to amend the part, to modify certain definitions and classifications. The Flying Tiger Line Inc. filed an answer to the petition.

Thereafter, by EDR-234, dated September 29, 1972, the Board proposed to amend Part 239: 1) to redefine the terms "shortage," "delay," and "pilferage"; 2) to define a new reporting category, "Theft or other shortage," in lieu of "theft"; and 3) to reclassify the columnar headings in Schedule A by including under the heading "shortage" the subheadings "robbery," "pilferage," and "theft or other shortage," and by deleting the heading "theft" presently contained in Schedule A. EDR-234 also proposed to modify Schedule B, so as to reflect the redefinitions, by changing the title of the Schedule and modifying its principal classification and subclassifications.

Comments have been submitted with respect to EDR-234 by the ATA, on behalf of 22 of its members[1] and a nonmember, Airlift International; and additional comments were filed by Trans World Airlines, Inc. (TWA).

Upon full consideration of the relevant matter contained in the comments and other data, we have decided to adopt the amendments substantially as proposed, but with certain modifications. Except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rule are incorporated by reference and made final.

The following are the most significant modifications to the amendment, as it was proposed: (1) The separate reporting of data with respect to "theft" and "other shortage," instead of combining them under one category "theft or other shortage," as proposed; (2) all claims based upon delay shall be reported under the category "delay," whereas EDR-234 proposed to require that, where a claim involves both delay and physical damage, it should be reported under whichever category ("damage" or "delay") contributes most to the settlement of the claim; and (3) the inclusion of a new column in Schedule B which will provide the month of shipment of the cargo with respect to which claim is reported. These and other matters will be discussed below.

DEFINITION OF "OTHER SHORTAGE"

As pointed out above, EDR-234 proposed to redefine the term "shortage" so as to encompass all failure to deliver, and to employ the following subclassifications of such term: (1) "Robbery"; (2) "pilferage"; and (3) "theft or other shortage." The ATA comment objects to combining "theft" with "other shortage," urging that the Board should specifically provide a reporting subclassification for shortages which probably result from non-criminal causes and retain the present separate reporting of "shortage" items. Otherwise, it is maintained, the date reported under the proposed category of "theft or other shortage" could lead to unwarranted inferences as to the extent of thefts within the airline industry. TWA concurs in this position.

We have determined to adopt the above-described suggestion. One of the principal purposes of the reporting requirements is to determine the extent and nature of loss from criminal activities, so that the Board and other interested parties may be better advised with respect to what corrective measures, if any, should be taken. We therefore shall require that, in Schedule A, "theft" shall be reported separately from those "shortages" which result from noncriminal causes, by providing separate columns for "theft" and "other shortage," the latter term to be defined as "the disappearance of cargo for reasons other than pilferage, robbery, or theft.[2]" Since every reported shortage would be entered under one of the four proposed subclassifications (each of which is defined), there is no need to define the term "shortage," which definition will therefore be deleted.

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[1] Alaska Airlines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Airlines, Inc.; Frontier Airlines, Inc.; Hawaiian Airlines, Inc.; Hughes Airwest; National Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; and Wien Consolidated Airlines, Inc.

[2] These same columnar headings shall also be used in revised Schedule B, attached hereto.

DEFINITION OF "THEFT"

"Theft" is defined in Part 239 as "all known stealing, without use of force or threat of force, of any whole shipping unit or units of freight (not necessarily a complete shipment)." The proposed definition "theft or other shortage" in EDR-234 was, in part, intended to satisfy the objection of the ATA carriers to the present definition of that term, namely, that "all known stealing" would require the "culprit" to be apprehended, tried and convicted before the applicable claims-paid data could be classified as theft.[3] The ATA comment also objected to the revised definition proposed in EDR-234, and requested that the Board define "theft" as "the disappearance of any whole unit of air cargo (not necessarily a complete shipment) or units from the custody of airlines' terminal or station when it is known that freight was in their custody." For the reasons stated above, we have now decided to provide a separate classification for "theft," which entails a separate definition of the term. However, we will not retain the existing definition, in view of ATA's comments, nor will we adopt ATA's suggested definition, which is so broad as to include a disappearance brought about by non-criminal means. Instead, we are adopting a definition which will cover any disappearance where the "probable cause was stealing." Although this definition cannot be applied with complete precision, we believe that on balance it is preferable to the present definition in Part 239, and that it will produce more reliable statistics than those already received.

DEFINITION OF "PILFERAGE"

EDR-234 proposed to define "pilferage" as "the known loss of a partial air freight shipment through observable damage to the shipping container." Although the comments do not object to this proposed definition, we shall modify it to remedy a technical defect. Taken literally, the above definition would not include as pilferage those instances where the shipping container was broken into, but not damaged, in the course of criminal action. Therefore, we shall now define this term as "the known loss of all or part of the contents of a shipment (but not the entire shipping container) under circumstances indicating that the probable cause was stealing, without use of force or threat of force against a person or persons, and where the shipping container was broken into, when it is known that such freight was in the carrier's custody." [4]

DEFINITION OF "DELAY"

EDR-234 proposed to redefine "delay" so as to exclude "deterioration or physical damage to the property," and a proposed not thereto would have pointed out that claims involving both delay and physical damage would be reported under whichever category ("damage" or "delay") contributed most to the settlement of the claim. The ATA comment objects to this proposal and maintains that any claim payment made as a result of delay should be reported under that category, regardless of whether the lack of timely movement caused deterioration or other forms of physical damage. As reflected in this amendment, we have determined to accept ATA's suggestion.

MISCELLANEOUS TECHNICAL AMENDMENTS

1. We are deleting column (21), entitled "revenue," from Schedule A. The effectiveness of § 239.6(k), which set forth the requirement to report data under column (21) of existing Schedule A, has been stayed by ER-746, adopted June 26, 1972, for the reasons set forth therein, and the deletion will thus make this change permanent.[5]

2. We are also adding a column (column (7)) to Schedule B, Analysis of Shortage, to require a two-digit code (01-12) to be used in reporting month of shipment of air cargo reported to be lost or damaged. This new item will assist in establishing patterns and trends over periods of time in the analysis and evaluation of air cargo loss data. The month of shipment is readily available on the air waybill and supporting documents now used by the industry to derive the other data currently required to be reported on this schedule.

NOTE ON ADP FORMAT

In the preamble to ER-771 (amendment No. 2 to Part 239) the Board announced, with respect to the submission of Form 239 data which have been prepared on automatic data processing (ADP) equipment, that it had no objection to the carriers' submission of freight-claim data in an ADP format so long as the carriers use the same columnar headings and the same order of arrangements in the ADP data as those set forth in the prescribed Form 239. After reviewing the attempts of a few carriers to "computer-generate" these schedules, our staff has found that it has not been possible to duplicate adequately the formats of the schedules of the part. Furthermore, the computer-generated schedules received to date have proved difficult to file and are generally inferior to the hard copy. Therefore, we are revoking the option for ADP-generated formats and we shall henceforth require that all respondents report directly on the schedules prescribed by Form 239. Since, in most cases, the number of entries on these schedules is relatively few, we believe that their required use, although it entails a manual typing of the reported data, will not impose a substantial burden on any carrier.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 239 (14 CFR Part 239) effective October 1, 1973, as follows:

1. Amend the table of contents of Part 239 to read in part as follows:

239.7 Schedule B—Analysis of shortage.

2. Amend § 239.1 by deleting the definition of "Shortage," and by otherwise modifying the section to read in part as follows:

§ 239.1 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Delay" means the lack of timely movement which results in monetary loss to the shipper. It includes, but is not limited to, consequential or special damages and/or physical deterioration or damage to the goods which results from delay.

* * * * *

"Other" means * * *

"Other shortage" is the disappearance of cargo for reasons other than pilferage, robbery or theft, as herein defined.

"Pilferage" is the known loss of all or part of the contents of a shipment (but not the entire shipping container) under circumstances indicating that the probable cause was stealing, without use of force or threat of force against a person or persons, and where the shipping container was broken into, when it is known that such freight was in the carrier's custody.

"Robbery" means all stealing, including hijacking, with use of force or threat of force against a person or persons.

"Theft" is the disappearance, without use of force or threat of force against a person or persons, of any whole shipping unit or units of cargo (not necessarily a complete shipment) under circumstances indicating that the probable cause was stealing, when it is known that such freight was in the carrier's custody.

* * * * *

3. Amend the table in § 239.2(b) to read in part as follows:

[3] EDR-234, p. 6.

[4] In view of our redefinitions of "theft" and "pilferage," we are also amending the definition of "robbery" so as to refer to the use of force, or threat of force, "against a person or persons."

[5] We shall make other minor changes in Schedule A. The Schedule A form supplied to the carriers listed all 52 commodity codes and descriptions and requires 6 pages for this schedule. It has been found that many carriers report claims for only a small percentage of the commodity codes and descriptions preprinted in columns 1 and 2. Accordingly, we shall remove these preprinted codes and descriptions from the form so that, instead, the carriers will insert only their reportable codes and descriptions as prescribed in Appendix A to Regulation ER-725 (enactment of the Part). This change will decrease considerably the number of sheets of Schedule A submitted to the Board and relieve the Board's Data Processing Division of the need of handling unnecessary paper in processing the data required for the Board's published reports on airfreight loss and damage claims.

Also, present column (18) entitled "Actual Shipper Loss" will become column (20) on Schedule A as revised herein.

§ 239.2 Applicability of part and CAB Form 239 filing requirements.

* * * * *

(b) * * *

Filing frequency

* * * * *

(3) Schedule B—Analysis of shortage Quarterly.

* * * * *

4. Amend § 239.6 by revising paragraph (i), (j), (l) and by reserving paragraph (k) to read as follows:

§ 239.6 Schedule A—Report of freight loss and damage claims paid.

* * * * *

(i) Columns (18) and (19)—For each line listed in column (3), show in column (18) the total number of claims paid reported in columns (4), (6), (8), (10), (12), (14) and (16), and in column (19) show the total whole-dollar amounts reported in columns (5), (7), (9), (11), (13), (15), and (17).

(j) Column (20)—For each commodity reported in column (2), show the whole-dollar amounts of the actual losses incurred by the shipper.

(k) [Reserved]

(l) Following the last entry made on this schedule, show the grand totals for each of columns (4) through (20). Also, immediately below the grand totals, insert data for the two lines reading: "Claims presented to direct air carrier by forwarder(s)" and "Claims presented by other than forwarders." The second of these two lines will apply only to a report of a direct air carrier. Complete columns (4) through (20) for each of these lines, as applicable.

5. Revise the title and paragraphs (c) through (e) of § 239.7, and add a new paragraph (f). As amended, § 239.7 will read in part as follows:

§ 239.7 Schedule B—Analysis of shortage.

* * * * *

(c) Columns (1) and (2)—List individually by commodity each claim payment during the reporting period in the amount of $100 or more as the result of shortage. Use the commodity code numbers provided in Appendix A, but the commodity descriptions inserted should be the actual descriptions shown on the airbill or airwaybill.

(d) Columns (3), (4), (5) and (6)—For each claim reported in column (2), show the dollar amounts borne by the reporting carrier which are attributable to "Pilferage," "Robbery," "Theft," and "Other Shortage," repectively.

(e) Column (7)—Identify the airport where the shortage occurred using the three-letter airport codes shown in the Official Airline Guide. If the airport is not known, allocate claim amount in same proportion as used to allocate to other airports involved in the transportation of the shipment. For example, if Los Angeles and Philadelphia alone were involved, a single commodity entry would show 50 percent of the claim against each—

$_____ LAX. $_____ PHL.

(f) Column (8)—Show by means of a two-digit code (01–12) the month of shipment of the air cargo covered by the report.

6. Amend Schedules A and B of CAB Form 239 in the form attached to this amendment.[1]

(Secs. 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372 and 1377.)

By the Civil Aeronautics Board.

Adopted: July 23, 1973.

Effective: October 1, 1973.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.73-16377 Filed 8-7-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2416]

PART 13—PROHIBITED TRADE PRACTICES

Armco Steel Corp.; Correction

In FR Doc. 73-15537, appearing at page 20229 for the issue of Monday, July 30, 1973, the following order to cease and desist should be inserted after the order in Docket No. C-2415:

I. *It is ordered,* That respondent Armco Steel Corporation ("Armco"), a corporation, shall not permit on its board of directors any person who is at the same time a director of Aluminum Company of America.

II. *It is further ordered,* That respondent Armco shall obtain from each Armco director an annual statement showing the name, location, and business of each other corporation having capital, surplus and undivided profits in excess of $1,000,000 of which such Armco director is also a director.

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

IV. *It is further ordered,* That respondent Armco shall within 30 days after service upon it of this Order file with the Commission a report, in writing, setting forth the manner and form in which it intends to comply with this order.

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

[FR Doc.73-16311 Filed 8-7-73;8:45 am]

[1] Filed as part of the original document.

PART 13—PROHIBITED TRADE PRACTICES

[Docket C-2418]

Kennecott Copper Corp.; Correction

In FR Doc. 73-15533 appearing at page 20229 for the issue of Monday, July 30, 1973, the following order to cease and desist should be inserted after the order in Docket No. C-2417:

I. *It is ordered,* That respondent Kennecott Copper Corporation (Kennecott), a corporation, shall not permit on its board of directors any person who is at the same time a director of Aluminum Company of America.

II. *It is further ordered,* That respondent Kennecott shall obtain from each Kennecott director an annual statement showing the name, location, and business of each other corporation having capital, surplus and undivided profits in excess of $1,000,000 of which such Kennecott director is also a director.

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

IV. *It is further ordered,* That respondent Kennecott shall within 30 days after service upon it of this Order file with the Commission a report, in writing, setting forth the manner and form in which it intends to comply with this order.

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

[FR Doc.73-16312 Filed 8-7-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE; DEPARTMENT OF THE TREASURY

[T.D. 73-212]

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Countries Party to Universal Copyright Convention

JULY 31, 1973.

Paragraph (c) of § 133.31 of the Customs Regulations (19 CFR 133.31(c)), lists the countries which are party to the Universal Copyright Convention. The Universal Copyright Convention is a multilateral international treaty to which the United States is party. Under the treaty each country grants to each member country copyright rights which are identical to the rights it grants its own citizens. The Register of Copyrights, Copyright Office, Library of Congress, has advised the Commissioner of Customs that, on October 10, 1970, Fiji, on January 23, 1971, Hungary, on March 12, 1968, Mauritius, on May 8, 1972, Morocco, and on May 27, 1973, Union of Soviet Socialist Republics, became parties to the Universal Copyright Convention.

Accordingly, paragraph (c) of section 133.31, Customs Regulations, is amended

by the insertion of "Fiji," "Hungary," "Mauritius," "Morocco," and "Union of Soviet Socialist Republics," in the appropriate alphabetical sequence in the list of nations who are party to the Universal Copyright Convention.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 17 U.S.C. 9, 109, 19 U.S.C. 66, 1624)

Because this amendment merely sets forth the names of countries which have become members of the Universal Copyright Convention, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553.

Effective date. This amendment is effective on August 8, 1973.

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

Approved: July 31, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-16396 Filed 8-7-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 3—STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS

PART 128—HUMAN FOODS; CURRENT FOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING OR HOLDING

PART 135—NEW ANIMAL DRUGS

Polychlorinated Biphenyls (PCB's); Contamination of Animal Feeds, Foods, and Food-Packaging Materials; Correction

In FR Doc. 73-13549 appearing on page 18096 in FEDERAL REGISTER of July 6, 1973 the following corrections are made:

(1) On page 18096, the effective date of "30 days" in paragraph 1c, should be changed to read "60 days".

(2) On page 18101, the date of "August 6, 1973" appearing in § 3.93(b)(2), should be changed to read "September 4, 1973".

(3) On page 18102, the word "persistant" appearing in the 18th line of § 135.113(a) should be changed to read "persistent".

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785-1788 as amended; 21 U.S.C. 342(a), 346, 348, 371)

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16339 Filed 8-7-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 150g—MINOCYCLINE HYDROCHLORIDE

Sterile Minocycline Hydrochloride

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 sterile minocycline hydrochloride.

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 (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141 and 150g (21 CFR 141 and 150g) are amended as follows:

1. Part 141 is amended:

a. In § 141.7(c) by alphabetically inserting a new item in the table, as follows:

§ 141.7 Histamine test.

* * * * *

(c) * * *

Antibiotic	Diluent (diluent number as listed in § 141.3(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
* * *	* * *	* * *	* * *
Minocycline hydrochloride.	4	5.0	0.6
* * *	* * *	* * *	* * *

b. In § 141.502 by adding a new paragraph (d)(4) and revising (e)(3)(i) and (ii), as follows:

§ 141.502 Moisture determination.

* * * * *

(d) * * *

(4) *Hygroscopic powders.* Weigh the immediate container. Using a suitable dry hypodermic needle and syringe, inject 3 milliliters of anhydrous methanol into the container and shake to dissolve the contents. Using the same syringe, remove the withdrawable contents and transfer into the titration vessel. Rinse the syringe and needle by drawing in an additional 3 milliliters of anhydrous methanol. Add the rinsings to the titration vessel. Titrate the solution immediately, proceeding as directed in paragraph (e)(3) of this section. Determine the Karl Fisher equivalent (in milliliters), if any, of the anhydrous methanol by titrating a blank of the same total volume used in preparing the sample and rinsing the syringe and needle. Dry the immediate container and its closure for three hours at 100° C., cool to room temperature in a desiccator, and weigh. Determine the weight of sample tested by subtracting the weight obtained from the original weight of the immediate container.

(e) * * *

(3) * * *

(i) If titration procedure 1 is used:

$$\text{Percent moisture in weighed sample} = \frac{V_T \times e \times 100}{W_s}.$$

$$\text{Percent moisture in aerosols} = \frac{V_T \times e}{\text{Milliliters of sample} \times 10}.$$

$$\text{Percent moisture in hygroscopic powders} = \frac{(V_T - V_d) \times e \times 100}{W_s}.$$

(ii) If titration procedure 2 is used:

Percent moisture in weighed samples

$$=\frac{(V_T-V_m f)\times e\times 100}{W_s},$$

Percent moisture in aerosols

$$=\frac{(V_T-V_m f)\times e}{\text{Milliliters of sample}\times 10},$$

Percent moisture in hygroscopic powders

$$=\frac{(V_T-V_m f-V_b)\times e\times 100}{W_s},$$

where:

V_T=Milliliters of Karl Fischer reagent used;
V_m=Milliliters of methanol solution used;
f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c)(2) of this section;
V_b=Karl Fischer equivalent (in milliliters) of the methanol used as a sample solvent;
e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (c)(1) of this section.

* * * * *

2. Part 150 is amended by adding the following new section:

§ 150g.12 Sterile minocycline hydrochloride.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile minocycline hydrochloride is a lyophilized powder of minocycline hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of minocycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substance. Its moisture content is not more than 3.0 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.5. The minocycline hydrochloride used conforms to the standards prescribed by § 150g.1 (a)(1).

(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 minocycline hydrochloride used in making the batch for potency, moisture, pH, minocycline content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, moisture, and pH.

(ii) Samples required:

(*a*) The minocycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

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

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration not less than 150 micrograms of minocycline per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of minocycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5 milligrams per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this chapter, using the sample preparation described in paragraph (d)(4) of that section.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams of minocycline per milliliter.

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 August 8, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 31, 1973.

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

[FR Doc.73-16158 Filed 8-7-73;8:45 am]

PART 144—ANTIBIOTIC DRUGS; EXEMPTION FROM LABELING AND CERTIFICATION REQUIREMENTS

Nithiazide; Revocation

Based on the notice of withdrawal of approval of new animal drug applications (Docket No. FDC-D-630) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the antibiotic regulation should be amended to revoke provisions for the use of Nithiazide in animal feeds if it is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreak of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 144 is amended, by revoking paragraph (b)(36) in § 144.26 *Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.*

Any person who will be adversely affected by the foregoing order may at any time on or before September 7, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order specify with particularity the provisions of the order deemed objectionable and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This order shall become effective August 8, 1973.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351; 21 U.S.C. 357, 360b).

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16341 Filed 8-7-73;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 14]

PART 214—ADVISORY COMMITTEE MANAGEMENT

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) and Executive Order No. 11686 (October 7, 1972), the Administrator, Agency for International Development, has issued a new regulation which prescribes administrative guidelines and management controls for A.I.D. advisory committees.

The regulation prescribes procedures for the establishment, termination and renewal, operation and administration of advisory committees. It also assigns re-

sponsibilities to Agency officers with respect to the foregoing matters and sets forth procedures for administrative review of denials for public access to committee records and other complaints of alleged non-compliance with law or regulations relating to A.I.D. advisory committees.

The regulation was issued by the Administrator on July 19, 1973, to be effective as of July 20, 1973, and is published herewith.

Dated: July 31, 1973.

JAMES F. CAMPBELL,
Assistant Administrator for Program & Management Services.

Part 214 of Chapter II of Title 22 is added, to read as set forth below:

Subpart A—General

Sec.
214.1 Purpose.
214.2 Definition of advisory committee.
214.3 A.I.D. Advisory Committee Management Officer.

Subpart B—Establishment of Advisory Committees

214.11 Establishment and chartering requirements.
214.12 Responsibilities within A.I.D.
214.13 Charter revisions.

Subpart C—Termination and Renewal of Advisory Committees

214.21 Termination and renewal provisions.
214.22 Responsibilities within A.I.D.

Subpart D—Operation of Advisory Committees

214.31 A.I.D. advisory committee Representatives.
214.32 Calling of advisory committee meetings.
214.33 Notice of meetings.
214.34 Public participation.
214.35 Minutes of meetings.
214.36 Records of advisory committees.
214.37 Public access to committee records.
214.38 Annual report.
214.39 Submission of reports to the Library of Congress.

Subpart E—Administration of Advisory Committees

214.41 Support services.
214.42 Uniform pay guidelines.
214.43 Agency records.
214.44 Annual review and reports.

Subpart F—Administrative Remedies

214.51 Administrative review of denial for public access to records.
214.52 Administrative review of other alleged non-compliance.

AUTHORITY: Sec. 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381); sec. 8(a) of the Federal Advisory Committee Act, P.L. 92-463; and Executive Order 11686.

Subpart A—General

§ 214.1 Purpose.

The regulations in this part prescribe administrative guidelines and management controls for A.I.D. advisory committees. Federal Advisory Committees are governed by the provisions of the Federal Advisory Committee Act, P.L. 92-463 (effective January 5, 1973, hereinafter referred to as the Act); Executive Order No. 11686 (October 7, 1972) entitled "Committee Management;" OMB Circular A-63 (draft of December 30, 1972); and the related OMB Department of Justice Memorandum (draft of January 10, 1973).

§ 214.2 Definition of advisory committee.

(a) The term "advisory committee" is defined in section 3(2) of the Act and paragraph 4 of the draft OMB Justice Memorandum.

(b) In general, this definition includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or sub-groups thereof, which is formed or utilized by the Agency for obtaining advice or recommendations, and which is not composed wholly of full-time Federal employees.

§ 214.3 A.I.D. Advisory Committee Management Officer.

The Advisory Committee Management Officer is responsible to the Administrator for the establishment of uniform administrative guidelines and management controls which must be consistent with directives of the Director of the OMB under sections 7 and 10 of the Act.

Subpart B—Establishment of Advisory Committees

§ 214.11 Establishment and chartering requirements.

Provisions governing the establishment and chartering of Advisory Committees are contained in section 9 of the Act and paragraph 8 of the draft OMB-Justice Memorandum. In summary, these requirements include the following:

(a) Where establishment of an Advisory Committee is not specifically authorized by statute or by the President, the need for a new A.I.D. advisory committee is determined by the A.I.D. Administrator, in accordance with the guidelines set forth in section 5(b) of the Act, as a matter for formal record, after consultation with the OMB Committee Management Secretariat.

(b) Each advisory committee established or used by A.I.D. is required to file a charter with the A.I.D. Administrator, the House Foreign Affairs Committee, and the Senate Foreign Relations Committee, before meeting or taking any action.

(c) Advisory committee charters shall include the following information:

(1) Committee's official title;

(2) Committee's objectives and scope of activity;

(3) Period of time necessary for the committee to carry out its purposes;

(4) Agency official to whom the committee reports;

(5) Agency responsible for providing necessary support for the committee;

(6) Description of duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(7) Estimated annual operating costs in dollars and man-years for the committee;

(8) Estimated number and frequency of committee meetings;

(9) Committee's termination date; and

(10) Date the charter is filed.

(d) A copy of the charter is required to be sent to the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

§ 214.12 Responsibilities within A.I.D.

(a) The A.I.D. Office or Bureau seeking establishment of a new A.I.D. advisory committee:

(1) Justifies the need for the advisory committee to the satisfaction of the A.I.D. Advisory Committee Management Officer, the A.I.D. Administrator, and the OMB Secretariat.

(2) Prepares, clears with the Advisory Committee Management Officer and the General Counsel, and submits to the Administrator all documentation necessary to establish or use the advisory committee.

(b) The Advisory Committee Management Officer with assistance as appropriate from the General Counsel and the Office of Legislative Affairs:

(1) Appraises the need for the proposed advisory committee;

(2) Assures that the requirements of the Act and OMB guidelines have been followed;

(3) If satisfied with (1) and (2), clears the proposal for submission to the Administrator;

(4) Maintains the agency file of approved charters and formal determinations;

(5) Publishes approved charters in the Agency's internal directives system;

(6) Reviews proposed committee membership for conflict of interest;

(7) Assures publication of the Administrator's formal determinations in the FEDERAL REGISTER; and

(8) Transmits approved advisory committee charters to the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Library of Congress.

§ 214.13 Charter revision.

(a) Sponsoring A.I.D. Bureaus and Offices initiate revisions to advisory committee charters, as necessary, to reflect current information regarding scope, membership, duties, etc.

(b) Charter revision requires clearances by the advisory committee, the A.I.D. Advisory Committee Management Officer and the General Counsel; approval by the A.I.D. Administrator, and notification of the change to the FEDERAL REGISTER, Congressional committees, and the Library of Congress.

Subpart C—Termination and Renewal of Advisory Committees

§ 214.21 Termination and renewal provisions.

Provisions governing the termination and renewal of advisory committees are contained in section 14 of the Act and paragraph 9 of the draft OMB-Justice Memorandum. As related to A.I.D.-established non-statutory committees, these provisions mean that:

(a) Each such committee which was in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed by the A.I.D. Administrator prior to the latter date.

(b) Each such committee established after January 5, 1973, shall terminate not later than two years after its establishment, unless it is renewed by the A.I.D. Administrator prior to its termination date.

(c) Renewal requires advance approval of the Administrator in accordance with the criteria set forth in section 5(c) of the Act; publication of a notice of the renewal; and the filing of a new advisory committee charter with the appropriate House and Senate Committees and to the Library of Congress.

§ 214.21 Responsibilities within A.I.D.

Responsibilities within A.I.D. for the renewal of advisory committees are as follows:

(a) The Office or Bureau through which the advisory committee reports: prepares, clears with the Advisory Committee Management Officer and the General Counsel, and submits to the Administrator all documentation necessary for committee renewal.

(b) The Office of General Counsel assists in the preparation of charters; reviews and clears the proposal for conformity with the Act and other requirements; and assures publication of the Administrator's determination of renewal in the FEDERAL REGISTER.

(c) The Office of Legislative Affairs transmits approved advisory committee charters to the House and Senate Committees and to the Library of Congress.

Subpart D—Operation of Advisory Committees

§ 214.31 A.I.D. Advisory Committee Representative.

(a) For each advisory committee used by A.I.D., the Administrator designates an A.I.D. employee to serve as the A.I.D. Advisory Committee Representative.

(b) The designated A.I.D. employee performs functions required by section 10 of the Act and assigned herein. Such functions include:

(1) Calling, or giving advance approval to, advisory committee meetings;

(2) Approving an agenda for each meeting;

(3) Making recommendations on proposals to close meetings, or parts of meetings, to the public; and clearing such recommendation with the Advisory Committee Management Officer and the General Counsel for decisions by the Administrator;

(4) Assuring that advance notices of each meeting (whether open or closed) are published in the FEDERAL REGISTER, provided through other means such as press releases and direct mail, and provided to the Advisory Committee Management Officer.

(5) Assuring that open meetings are accessible to the public;

(6) As specified by the Administrator, chairing or attending each meeting;

(7) Determining the number of committee members necessary to be present at any meeting for the transaction of committee business;

(8) Adjourning any meeting, whenever he determines adjournment to be in the public interest;

(9) Assuring that minutes are kept of each advisory committee meeting and, to the extent practicable, of the meetings of formal and informal sub-groups, and that such minutes are certified for accuracy by the chairman or presiding officer of the committee; and

(10) Assuring that, subject to section 552 of Title 5 U.S.C., the documents of the advisory committee are made available for public inspection and copying.

§ 214.32 Calling of advisory committee meetings.

(a) No advisory committee is to hold any meetings except at the call, or with the advance approval, of the designated A.I.D. Advisory Committee Representative.

(b) Each advisory committee meeting is conducted in accordance with an agenda approved by the designated A.I.D. Advisory Committee Representative.

(1) The agenda lists the matters to be considered at the meeting and indicates whether any part of the meeting is concerned with matters which may be exempt from public disclosure under section 552(b) of title 5 U.S.C.

(2) Copies of the agenda are distributed to members of the committee prior to the date of the meeting and are included in the official records of the Advisory Committee.

§ 214.33 Notice of meetings.

(a) Notice of each advisory committee meeting (whether the meeting is open or closed) shall be published in the FEDERAL REGISTER at least seven (7) days before the date of the meeting, and should also be provided through other means such as newspaper advertisements, press releases, and direct mail.

(1) Exceptions to the requirement for public notice are granted only for reasons of national security as determined by the Director, OMB and are requested and justified by the Administrator, A.I.D. at least thirty (30) days prior to the meeting.

(2) Exceptions to the seven (7) day advance publication requirement are granted in emergency situations or when such notice is otherwise impracticable as determined by the Administrator, A.I.D.

(3) Requests for exceptions under paragraph (a) (1) and (2) of this section are prepared by the Advisory Committee Representative and are cleared by the Advisory Committee Management Officer and the General Counsel prior to submission to the Administrator.

(b) Notices include the name of the advisory committee; the time of the meeting; the purposes of the meeting; the extent to which the public will be permitted to attend or participate in the meeting; the place of the meeting if open to the public; and instructions for gaining access to open meetings which are held in a "secured" building.

(c) Notices are prepared by the A.I.D. Advisory Committee Representative and, where intended for the FEDERAL REGISTER, are sent to the Office of General Counsel at least two weeks before the scheduled meeting date.

(d) Copies of all public notices are provided to the Advisory Committee Management Officer.

§ 214.34 Public participation.

(a) Each advisory committee meeting is to be open to the public except where:

(1) The Director, OMB, has determined that public notice of a meeting would be inconsistent with national security; or

(2) The Administrator, A.I.D. has formally determined that the meeting, or a part of the meeting, is concerned with matters listed in section 552(b) of title 5 U.S.C. and should therefore, be closed to the public.

(b) Advisory committee requests to close all or part of a meeting or a series of meetings are to include the reasons for proposed closure, citing specific exceptions involved under section 552(b) of the Freedom of Information Act. Such requests are submitted by the A.I.D. Advisory Committee Representative, through the Advisory Committee Management Officer and the General Counsel, to the Administrator at least thirty (30) days before the scheduled date of the meeting.

(c) The Administrator's determination is to be in writing and is to contain a brief statement of the reasons for closing the meeting (or portion thereof).

(d) When all or part of an advisory committee meeting is closed (1) members of the advisory committee (committee staff or attending A.I.D. employees) are not to disclose the matters discussed except to other members of the advisory committee, the staff of the committee, or agency employees; and (2) the advisory committee is to include in its annual report (section 214.38) a summary of its activities and such related matters which are informative to the public consistent with the policy of section 552(b) of Title 5 U.S.C.

(e) To facilitate public participation in advisory committee meetings which are to be open or partially open to the public:

(1) Meetings are to be held at a reasonable time and at a place that is accessible to members of the public.

(2) The size of the meeting room is members of the public who might be ex- to be large enough to accommodate the advisory committee, its staff, and those pected to attend.

(3) Any member of the public is permitted to file a written statement with the committee, before or after the meeting.

(4) Interested persons may be permitted to present oral statements at the meeting in accordance with procedures established by the committee, and to the

extent time available for the meeting permits.

(5) Other participation by members of the public is not permitted, except in accordance with procedures established by the committee.

§ 214.35 Minutes of meetings.

(a) Minutes are to be kept of each meeting of each advisory committee and its formal and informal sub-groups.

(b) The chairman or presiding officer designates a member or other person to keep the minutes.

(c) The minutes are to include:

(1) The time and place of the meeting;

(2) A list of members, staff, and A.I.D. employees attending;

(3) A complete summary of matters discussed and conclusions reached;

(4) Copies of all reports received, issued, or approved;

(5) The extent to which the meeting was open to the public; and

(6) The extent of public participation, including a list of those who presented oral or written statements and an estimate of the number of those who attended the meeting.

(d) The chairman or presiding officer of the advisory committee is to certify to the accuracy of the minutes. The certification is to indicate that "the minutes are an accurate and complete summary of the matters discussed and conclusions reached at the meeting held on (date(s))."

§ 214.36 Records of advisory committees.

(a) The A.I.D. Advisory Committee Representative is to maintain the records of the advisory committee in a location known to the A.I.D. Advisory Committee Management Officer.

(b) Such records are to include the reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents which were made available to, or prepared for or by, the advisory committee.

(c) Advisory committee records are maintained and disposed of according to procedures prescribed in the Agency's Records Maintenance Handbook.

§ 214.37 Public access to committee records.

(a) Records maintained in accordance with § 214.36 are subject to the Freedom of Information Act 5 U.S.C. section 552 et seq. and, thus, are available for public inspection and copying except where access is denied under paragraph (b) of this section.

(b) Access to advisory committee records may be denied only where:

(1) Such records relate directly to a meeting which was closed for reasons of national security; or

(2) Such records relate to a meeting or to the part of a meeting which was closed to the public; or

(3) A document is subject to the exemptions listed in 5 U.S.C. 552(b); or

(4) Such records relate to the non-advisory functions of a group which is "utilized" as an advisory committee but was not established for that purpose.

(c) Procedures for requesting access to advisory committee records are the same as those established for Agency records under section 212.33 of AID Regulation 12 (22 CFR Part 212). They are implemented subject to the general oversight of the Advisory Committee Management Officer on behalf of the Agency.

(d) Procedures for denial of access to advisory committee records are the same as those established for Agency records under section 212.34 of AID Regulation 12; except that use of exemption (5) of 5 U.S.C. 552(b) as the basis for denial requires a formal determination by the A.I.D. Administrator that the denial is essential to protect the free exchange of internal views and to avoid undue interference with agency or advisory committee operation. Implementation of these procedures also are subject to the general oversight of the Advisory Committee Management Officer.

§ 214.38 Annual report.

Each advisory committee is required to prepare an annual report describing its membership, functions, and operations.

§ 214.39 Submission of reports to the Library of Congress.

(a) Each advisory committee is to file with the Library of Congress eight copies of each of its annual and any other formal reports, except where the reports falls within an exemption listed in 5 U.S.C. 552(b) or relates to a meeting which was closed for reasons of national security.

(b) The A.I.D. Advisory Committee Representative provides copies of required committee reports to the Office of Legislative Affairs for transmittal to the Library of Congress; and sends a copy to the A.I.D. Advisory Committee Management Officer for inclusion in the Agency's central file on advisory committees.

(c) As appropriate, the A.I.D. Advisory Committee Representative may also send copies of background papers and other advisory committee documents to Office of Legislative Affairs for transmittal to the Library of Congress.

Subpart E—Administration of Advisory Committees

§ 214.41 Support services.

(a) A.I.D. provides support services for advisory committees which are established by or report to the Agency, unless the establishing authority provides otherwise.

(b) Within A.I.D., support services are provided by and charged to the allotment of the A.I.D. office or bureau through which the advisory committee reports, and are coordinated by the designated A.I.D. Advisory Committee Representative.

(c) Support services include staff, quarters, supplies, and funds.

§ 214.42 Uniform pay guidelines.

(a) A.I.D. will follow OMB/CSC guidelines in establishing rates of pay for advisory committee members, staffs, and consultants, when such guidelines are published.

(b) Pending publication of such guidelines, A.I.D. policy regarding compensation for advisory committee members is as follows:

(1) Advisory committee members who are not employed by the U.S. Government ordinarily serve without compensation. However, they may be reimbursed for travel and related expenses of invitational travel under the provisions of A.I.D. travel regulations.

(2) If committee members are appointed as A.I.D. consultants or experts, their compensation shall be fixed in accordance with CSC guidelines and regulations.

(3) Expenses of committee members are charged to the allotments of the A.I.D. office or bureau through which the advisory committee reports.

§ 214.43 Agency records.

(a) The A.I.D. Advisory Committee Management Officer maintains the Agency's official central files on the nature, functions, and operations of each A.I.D. advisory committee. Central files contain the following information with respect to each A.I.D. advisory committee:

(1) Original copy of Advisory Committee Charter filed with the Administrator;

(2) Official records copy of formal determinations by the A.I.D. Administrator with respect to the establishment, renewal, operation, and termination of the committee;

(3) Annual reports of committee activity;

(4) Designations of Advisory Committee Representatives;

(5) Location of official files of the Advisory Committee.

(b) Each A.I.D. Advisory Committee Representative maintains individual advisory committee files at a location known to the A.I.D. Advisory Committee Management Officer. These files contain the following information:

(1) Copies of documents establishing, renewing, and terminating the committee;

(2) Copies of committee charters filed with the A.I.D. Administrator;

(3) Fiscal records which fully disclose the disposition of any funds made available to the committee;

(4) Advisory committee records described above in § 214.36(b) (i.e., the reports, transcripts, minutes, appendices, and other documents which were made available to, or prepared for or by, the committee).

(c) The A.I.D. Advisory Committee Management Officer, the A.I.D. Auditor General, the OMB Secretariat, and the Comptroller General shall have access to these records.

(d) Personnel documentation required by CSC and Agency regulations shall be maintained in the official personnel records of the Office of Personnel and Manpower.

§ 214.44 Annual review and reports.

(a) A.I.D. provides information for an annual OMB review and report to Congress as required by OMB Circular A–63. Agency annual reports are due on February 1 of each year; include only those advisory committees established by or which report to A.I.D.; and are submitted in quadruplicate on a form prescribed by the OMB Secretariat.

(b) Within A.I.D., the Advisory Committee Management Officer collects required information from the A.I.D. Advisory Committee Representatives; appraises advisory committee activities for the Administrator; and prepares the Agency's annual report to OMB for the Administrator's signature.

Subpart F—Administrative Remedies

§ 214.51 Administrative review of denial for public access to records.

Any person whose request for access to an advisory committee document is denied may seek administrative review in accordance with section 212.34(c) of A.I.D. Regulation 12, 22 CFR 212.34(c).

§ 214.52 Administrative review of other alleged non-compliance.

With regard to other alleged non-compliance with the Act, OMB Circular A–63, or this regulation, the following procedures are to be used:

(a) Advisory committee members or other aggrieved individuals or organizations must file a written complaint which contains specific information regarding the alleged non-compliance.

(b) The written complaint must be addressed to the Administrator or Deputy Administrator, Agency for International Development, 21st and Virginia Avenue, NW., Washington, D.C. 20523.

(c) The complaint must be filed within thirty (30) days after the date of the alleged non-compliance.

(d) The complaint will be considered by the Administrator or Deputy Administrator with the advice and assistance of the General Counsel and the A.I.D. Advisory Committee Management Officer.

(e) Written notice of the disposition of the complaint shall be provided to the complainant within thirty (30) days of the date the complaint was received by the Agency.

Effective date. This regulation is effective July 20, 1973.

Dated: July 19, 1973.

JOHN A. HANNAH,
Administrator.

[FR Doc.73–16370 Filed 8–7–73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–188]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Nevada	Clark	North Las Vegas, City of.	----------	----------	----------	August 8, 1973, Emergency.
Ohio	Franklin	Upper Arlington, City of.	----------	----------	----------	Do. Emerg.

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

Issued: August 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–16227 Filed 8–7–73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Eligibility, Appeals, Deadline for Amending Enrollment Applications

The general authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. section 301, and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9).

Part 43h, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of paragraph (d) to § 43h.7, the revision of § 43h.8, and the addition of § 43h.14.

The addition of paragraph (d) to § 43h.7 is necessary to provide for the mailing of notices of decisions of the Coordinator of the Alaska Native Enrollment Coordinating Office by registered or first class mail which is neither certified or registered in those instances where certified mail service, return receipt requested, is not available to an addressee.

The time for filing an appeal under § 43.8 has been changed from 45 to 30 days. This change is necessary in order to assure there will be sufficient time to decide all appeals in time to complete the roll of Alaska Natives by the deadline of December 18, 1973, imposed by the Act of December 18, 1971, 85 Stat. 688.

Section 43h.8 has also been revised to provide for service of notices of appeal on applicants, regions and villages by registered or first class mail which is neither certified nor registered where such service cannot be made by certified mail, return receipt requested. The revision also spells out how proof of service shall be made with the Regional Solicitor in light of the fact that certified or registered mail, return reciept requested, cannot be used in some instances. Section 43h.8 has also been revised to provide that applicants, regions and villages served with notices of appeal shall have 15 days from the date of publication of this regulation in the FEDERAL REGISTER or 15 days from date of service, whichever is later, to file with the Regional Solicitor their written views on the appeal. Previously § 43h.8 did not make specific provision for an applicant, region or village to respond to a served notice of appeal.

The new § 43h.14 sets August 15, 1973, as the deadline for making amendments to enrollment applications or filing amended applications. Such deadline is required in order to enable the processing of all applications, including amendments thereto, to be completed by the statutory deadline of December 18, 1973.

The revisions with respect to the use of registered and first class mail which is neither certified or registered and the consequent changes in the manner in which proof of service shall be made are compelled because of the unavailability of certified mail service in some instances. The 30-day appeal period, the 15-day period provided applicants, regions and villages to respond to notices of appeals with which they are served and the August 15, 1973, deadline set for amendments to enrollment applications constitute, in each case, the maximum allowable time which can be granted and still permit the timely completion of the roll of Alaska Natives under the Act of December 18, 1971, *supra*. In view of the foregoing, and because advance notice and public procedure are not possible under the existing time constraints which also require that the effective date of the regulations not be deferred, good cause exists and is so found that advance notice and public procedure and the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553 (b) and (d) should be dispensed with under the exceptions provided in subsections (b) (B) and (d) (3) of 5 U.S.C. section 553. Therefore this amendment and revision shall become effective upon publication in the Federal Register.

Section 43h.7 is amended by the addition of the following paragraph:

§ 43h.7 Determination of eligibility.

* * * * *

(d) In those instances where certified mail service is not available but registered mail service is available, as for example, mail sent to a foreign address, registered mail, return receipt requested, will be used to send the notices required by this section. If neither certified nor registered mail service is available, as for example, where no post office serves the addressee, notices will be sent by first class mail without certification or registration.

Section 43h.8 is revised to read as follows:

§ 43h.8 Appeals.

(a) Appeals by individuals from adverse decisions must be in writing and filed with the Coordinating Office not later than 30 days after the date of receipt by certified or registered mail, return receipt requested, of the notice of the adverse decision or not later than 37 days after the date of mailing of such notice where certified or registered mail service to the individual is not available or where any notice is returned to the Coordinator in accordance with postal regulations. Appeals by regions and villages from the Coordinator's decisions must be in writing and filed with the Coordinating Office not later than 30 days after receipt of the notice sent by certified or registered mail, return receipt requested, or not later than 37 days after the date of mailing of such notice where certified or registered mail service is not available or where any notice is returned to the Coordinator in accordance with postal regulations. No appeal of a region or village of a decision made by the Coordinator before June 28, 1973, will be allowed unless a protest has been filed within the 30-day period provided by § 43h.6(g).

(b) Each appeal from a decision on an application for enrollment shall be by petition, which shall state the bases and reasons for the appeal, and which shall include or be accompanied by all arguments, briefs, records, or other evidence which the appellant urges as grounds for reversal. No additional presentation will be allowed except upon a showing satisfactory to the Regional Solicitor.

(c) A copy of each appeal petition and its supporting documents filed by an applicant shall be served upon the region and village whose names appear on the decision appealed from. A copy of each appeal petition and its supporting documents filed by a region shall be served upon the applicant for enrollment and upon the village whose name appears on the decision appealed from. A copy of each appeal petition and the supporting documents filed by a village shall be served upon the applicant for enrollment and upon the region whose name appears on the decision appealed from.

(d) Service shall be made at the time of filing the appeal with the Coordinating Office by delivering a copy of the appeal petition and supporting documents either in person or by certified or registered mail, return receipt requested. If certified or registered mail service to an addressee is not available service may be made on that addressee by sending to that addressee a copy of the appeal petition and supporting documents by first class mail which is neither certified nor registered. Service will be considered to have been made at the time: (1) Of acknowledgement; (2) of personal service; (3) of delivery by certified or registered mail, return receipt requested; (4) seven (7) days after the date of mailing by first class mail which is neither certified nor registered; or (5) seven (7) days after the date of mailing by certified or registered mail, return receipt requested, which is returned by the Postal Service undelivered. Within 15 days of filing the appeal petition with the Coordinating Office, proof of service must be furnished to the Regional Solicitor. This proof may be made by informing the Regional Solicitor in writing of the names of the parties served, whether service was made personally or by certified, registered, or first class mail which was neither certified nor registered, and the address, if mailed, to which copies of the appeal petition and supporting documents were sent. A party served with a copy of an appeal petition and supporting documents shall have until August 23, 1973 or 15 days from the date of service, whichever is later, in which to file written views on the appeal with the Regional Solicitor. Failure to serve copies of the appeal petition and its supporting documents or to file proof of service within the time allowed will subject the appeal to summary dismissal.

(e) Upon receipt of an appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Determination on appeals will be made by the Regional Solicitor on behalf of

the Secretary and shall be final. The applicant and the appropriate village and region shall be notified in writing of the determination of the Regional Solicitor.

Section 43h.14 is added to Part 43h and it reads as follows:

§ 43h.14 Deadlines for amending enrollment applications.

Amendments to enrollment applications, or amended applications, will not be considered originally or on appeal unless filed (received by the Enrollment Office) on or before August 15, 1973. All such amendments or amended applications received subsequent to August 15, 1973, will be returned to the applicant without action.

KENT FRIZZELL,
Secretary of the Interior.

AUGUST 3, 1973.

[FR Doc.73-16380 Filed 8-7-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 531-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

SUBPART G-1—OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE

Clarification of Authority of Special Prosecutor

The purpose of this order is to clarify the Special Prosecutor's authority with respect to matters generally assigned to his responsibility. See Department of Justice Order Nos. 517-73, 518-73, 525-73.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 0.38 of Subpart G-1 of Part 0 of Chapter I of Title 28, Code of Federal Regulations is amended to read as follows:

§ 0.38 Specific functions.

The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this Subpart:

(a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.

(b) To approve or disapprove the production or disclosure of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)

(c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.

The listing of these specific functions is for the purpose of illustrating the authority entrusted to the Special Prosecutor and is not intended to limit in any manner his authority to carry out his functions and responsibilities.

Dated July 31, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-16372 Filed 8-7-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Taylor Creek, Fla.

Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.170d is hereby prescribed establishing and governing the operation of a lock across the entrance to Taylor Creek, Okeechobee, Florida.

Since this regulation is local in nature and the U.S. Army Engineer District, Jacksonville, has provided notice and opportunity for local participation in this rule making, the Secretary of the Army has found that notice of proposed rule making and public procedures thereto are unnecessary and that good cause exists for making this regulation effective on September 7, 1973, as follows:

§ 207.170d Taylor Creek, navigation lock (S-193) across the entrance to Taylor Creek at Lake Okeechobee, Okeechobee, Fla.; use, administration and navigation.

(a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 5:30 a.m. to 8:00 p.m. daily. During the above hours the lock shall be opened upon demand for the passage of vessels.

(b) The owner of the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida at each side of this lock indicating the nature of the regulations of this section.

[Regs., July 17, 1973, 1522-01 (Taylor Creek, Fla.) DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-16371 Filed 8-7-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Requirements in Use of National Forest Timber

Correction

In FR Doc.73-15676 appearing at 20326 in the issue of Tuesday, July 31, 1973, in the second line of the seventh paragraph, the word "proper" should read "proposed".

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 115]

LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

This amendment of the Federal Procurement Regulations adds a new Subpart 1-18.7, Labor Standards for Contracts Involving Construction. Essentially, new Subpart 1-18.7 includes all the material formerly in Subpart 1-12.4 and new and expanded coverage of labor standards under Federal construction contracts. This change consolidates this material with other materials in Part 1-18 specifically dealing with the procurement of construction. New material included in the new Subpart 1-18.7 relates to wage and fringe benefits determinations issued by the Department of Labor for inclusion in contracts involving construction, to the administration and enforcement of labor standards for such contracts, and to revised and new contract clauses regarding apprentice and trainee employment requirements. The sections on apprentices and trainees have been revised to incorporate material which will promote the full realization of training opportunities on construction programs. In addition, the amendment makes miscellaneous related editorial changes in Part 1-12 and adds a new Subpart 1-12.12 to reference the Williams-Steiger Occupational Safety and Health Act of 1970.

PART 1-12—LABOR

The table of contents for Part 1-12 is amended to delete the entries for Subpart 1-12.4, to provide that Subpart 1-12.4 is reserved, and to add new entries for Subpart 1-12.12, as follows:

Subpart 1-12.4—[Reserved]

Subpart 1-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

1-12.1201 Basic statute.
1-12.1202 Regulations and rulings on applicability or interpretation.

Subpart 1-12.4 is revised to delete the caption and the text of the subpart and to provide that the subpart is reserved.

Subpart 1-12.4—[Reserved]

Subpart 1-12.12 is added, as follows:

Subpart 1-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

§ 1-12.1201 Basic statute.

The Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678) provides for the establishment and enforcement of occupational safety and health standards; for the training of employers, employees, and others in the field of occupational safety and health; for the participation of the States; and for recordkeeping. The Act applies to all employees unless otherwise exempted

who are employed in a business that affects interstate commerce.

§ 1–12.1202 Regulations and rulings on applicability of interpretation.

Regulations relating generally to occupational safety and health standards appear in 29 CFR Part 1910. Those relating particularly to construction appear in 29 CFR 1926, and solicitations for offers in the construction field should reference the Occupational Safety and Health Standards as set forth therein. Contractors or contractor employees who inquire concerning the applicability or interpretation of the Williams-Steiger Act or standards and regulations issued thereunder should be advised that these matters fall within the jurisdiction of the Department of Labor and should be given the address of the appropriate regional or area office of the Occupational Safety and Health Administration of the Department of Labor.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended, as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(b) Standard Form 19–A, April 1965 edition, Labor Standards Provisions—Applicable to Contracts in Excess of $2,000. Pending the publication of a new edition of the form, the provisions of Standard Form 19–A are deleted and the clauses prescribed by § 1–18.703–1 are substituted therefor.

* * * * *

PART 1–18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1–18 is amended to add new entries, as follows:

Subpart 1–18.7—Labor Standards for Contracts Involving Construction

Subpart 1–18.7 is added which reads as follows:

Subpart 1–18.7—Labor Standards for Contracts Involving Construction

§ 1–18.700 Scope of subpart.

This subpart sets forth the labor standards applicable to construction contracts, including policies, procedures, and contract clauses, and indicates the statutory basis for these standards.

§ 1–18.701 Applicability.

The requirements of this Subpart 1–18.7 apply to contracts for construction and, under some circumstances, to other types of contracts involving construction.

§ 1–18.701–1 Construction contracts.

(a) A contract is for construction if it is solely or predominantly for construction as defined in § 1–18.101–1.

(1) These requirements are applicable only if the construction work is, or reasonably can be foreseen to be, performed at a particular site so that wage rates can be determined for the locality.

(2) These requirements do not apply to contracts solely for dismantling, demolition, or removal of improvements, though certain of the statutes mentioned herein may apply to such contracts.

(3) These requirements do not apply to contracts requiring construction work which is so closely related to research, experiment, and development that it cannot be performed separately or which is itself the subject of research, experiment, or development.

(4) These requirements apply to manufacture or fabrication of materials and components on the site by a construction contractor or subcontractor under a contract otherwise subject to these requirements but do not apply to other manufacturing or furnishing of equipment, components, or other materials.

(5) These requirements do not apply to employees of railroads operating under collective bargaining agreements that are subject to the provisions of the Railway Labor Act.

(b) Under contracts for construction as described in § 1–18.701–1(a), the requirements of this subpart apply only to work performed by mechanics and laborers at the site of the work.

(1) "Mechanics and laborers" are construed to include at least those workers whose duties are manual or physical in nature as distinguished from mental or managerial whether employed by a prime contractor or by a subcontractor of any tier. The term includes any workers who work with tools or equipment or perform the work of a trade, apprentices and trainees, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act, watchmen and guards. The term does not apply to employees whose duties are nonmanual in nature, such as office workers, superintendents, technical engineers, or scientific workers, but it does apply to cooks, storekeepers, and working foremen who devote more than 20 percent of their time during a workweek to mechanic or laborer duties.

(2) The "site of the work" is limited to the physical place or places where the construction called for in the contract will remain when work on it has been completed and to other adjacent or nearby property used by the contractor or subcontractor in such construction which can reasonably be said to be included in the "site" because of proximity. For example, if a small office building is being erected, the "site of the work" will normally include no more than the building itself and its grounds and other land or structures "down the block" or "across the street" which the contractor or subcontractor uses in the course of his performance on the particular contract. In the case of larger contracts such as for a large building, an airport, or a dam, the "site of the work" is necessarily more extensive and includes the whole area in which the contract construction activity will take place. Fabrication plants, "mobile factories," batch plants, borrow pits, job headquarters, and tool yards are part of the "site of the work" provided they are dedicated exclusively or nearly so to performance on the contract and are so located in proximity to the actual construction location that it would be reasonable to include them. Once the limits of "site of the work" have been determined, the Secretary's wage rate decision is applicable only to those mechanics and laborers employed by a contract or subcontractor within such limits (that is, upon the "site of the work"), including drivers who temporarily leave the "site" to transport materials and equipment used in the course of contract operations.

§ 1–18.701–2 Supply, service, maintenance, or other contracts involving construction.

(a) The requirements of this Subpart 1–18.7 do not ordinarily apply to supply, service, maintenance, research and development, or other nonconstruction contracts. However, contracts predomi-

nantly for nonconstruction work may also involve construction work. Construction items under such contracts are not exempted from the requirements of this subpart simply because the work is to be performed under a contract which also requires, for example, the furnishing of supplies. On the other hand, where construction work is to be performed in support of other work such as manufacturing and furnishing of supplies, the circumstances may be such that the construction work may be so merged with nonconstruction activity or may be so fragmented in terms of the locations or time spans in which it is to be performed that it cannot be segregated as a separate contractual requirement for construction, alteration, or repair of a public building or public work. Generally, the requirements apply to, and the appropriate clauses in § 1–18.703–1 must be included in, a prime contract if:

(1) The contract contains specific requirements for substantial amounts of construction work, or it is ascertainable at the contract date that a substantial amount of construction work will be necessary for the performance of the contract. The word "substantial" relates to the type and quantity of construction work to be performed and not merely to the total value of construction work as compared to the total value of the contract; and

(2) Such construction work is physically or functionally separate from and, as a practical matter, is capable of being performed on a segregated basis from the other work required by the contract.

(b) The standard clauses provide that they will be applicable to the contract work only to the extent that such work is subject to the labor standards statutes involved. Under contracts requiring substantial amounts of segregable construction work, only such segregable construction will be covered.

(1) For example, the requirements do not apply to installation, maintenance, and alteration work incidental to furnishing supplies under a supply contract; however, if a substantial and segregable amount of construction, alteration, or repair work at the site is required, such as for installation of heavy generators and large refrigerator systems or for plant modification or rearrangement, the labor standards for construction contracts apply to the construction work at the site.

(2) Contracts for maintenance or service are not ordinarily subject to the requirements of this subpart. Maintenance includes the routine, recurring type of work necessary to keep a facility in such condition that it may be continuously used at an established capacity and efficiency for its intended purpose. However, if such maintenance or service contracts call for substantial and segregable items of construction, alteration, or repair, the labor standards provisions for construction contracts will be applicable to those items. All contracts in excess of $2,000 for painting of any public building or public work, whether performed in connection with the original construction or as regular maintenance, are subject to the labor standards provisions for construction contracts.

§ 1–18.702 Statutory and regulatory requirements.

§ 1–18.702–1 Davis-Bacon Act.

The Davis-Bacon Act (Act of March 3, 1931, as amended (40 U.S.C. 276a–276a–7)), provides that certain contracts over $2,000 entered into by any executive agency for construction, alteration, or repair (including painting and decorating) of public buildings or public works within the United States shall contain a provision (see § 1–18.703–1(a)) to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing rates of wages as determined by the Secretary of Labor. The term "wages" as used in the Davis-Bacon Act includes the basic hourly rate of pay, the rate of contribution irrevocably made by an employer pursuant to a fund, plan, or program, and the rate of costs to the employer which may be reasonably anticipated in providing certain bona fide fringe benefits.

§ 1–18.702–2 Copeland Act.

The Copeland ("Anti-kickback") Act (18 U.S.C. 874 and 40 U.S.C. 276c) makes it unlawful to induce, by force or otherwise, any person employed in the construction, prosecution, completion, or repair of public buildings, public works, or buildings, or works including those financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment. In accordance with regulations of the Secretary of Labor issued pursuant to the Copeland Act, certain contracts entered into by any executive agency shall contain a provision (see § 1–18.703–1(c)) to the effect that the contractors and any subcontractor shall comply with the regulations of the Secretary of Labor under the Act.

§ 1–18.702–3 Contract Work Hours and Safety Standards Act.

In accordance with the requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), certain contracts entered into by any executive agency must contain a clause (see § 1–18.703–1(b)) to the effect that no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than 8 hours in any one calendar day or 40 hours in any workweek unless such laborer or mechanic is compensated at not less than one and one-half times his basic rate of pay for all hours worked in excess of 8 hours in any one calendar day or 40 hours in any workweek. The workmen will be paid according to the calculation which represents the greater number of overtime hours.

§ 1–18.702–4 Department of Labor regulations.

Pursuant to the statutes referred to in this § 1–18.702 and Reorganization Plan No. 14 of 1950 (3 CFR, 1949–53 Comp., p. 1007), the Secretary of Labor has issued regulations in Parts 1, 3, 5, 5a, and 7 of Title 29, Subtitle A, Code of Federal Regulations, providing for the administration and enforcement of those statutes in construction contracts. The Secretary's regulations cover the following wage determination procedures: Duties of contractors on Government-financed public buildings; labor standards for construction contracts; standards for ratios of apprentices and trainees to journeymen; and wage determination review procedures.

§ 1–18.703 Contract clauses.

§ 1–18.703–1 Clauses for general use.

Except as provided in § 1–18.703–2, every construction contract in excess of $2,000 (or of such other amount as may be specifically indicated) for work within the United States shall include the following clauses:

(a) *Davis-Bacon Act (40 U.S.C. 276a–276a–7).*

DAVIS-BACON ACT (40 U.S.C. 276a–276a–7)

(a) All mechanics and laborers, including apprentices and trainees, employed or working directly upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Regulations, 29 CFR Part 3), the full amounts due at time of payment computed at wage rates not less than the aggregate of the basic hourly rates and the rates of payments, contributions, or costs for any fringe benefits contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics. A copy of such wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) The Contractor may discharge his obligation under this clause to workers in any classification for which the wage determination decision contains:

(1) Only a basic hourly rate of pay, by making payment at not less than such basic hourly rate, except as otherwise provided in the Copeland Regulations (29 CFR Part 3); or

(2) Both a basic hourly rate of pay and fringe benefits payments, by making payment in cash, by irrevocably making contributions pursuant to a fund, plan, or program for, and/or by assuming an enforceable commitment to bear the cost of, bona fide fringe benefits contemplated by the Davis-Bacon Act, or by any combination thereof. Contributions made, or costs assumed, on other than a weekly basis shall be considered as having been constructively made or assumed during a weekly period to the extent that they apply to such period. Where a fringe benefit is expressed in a wage determination in any manner other than as an hourly rate and the Contractor pays a cash equivalent or provides an alternative fringe benefit, he

shall furnish information with his payrolls showing how he determined that the cost incurred to make the cash payment or to provide the alternative fringe benefit is equal to the cost of the wage determination fringe benefit. In any case where the Contractor provides a fringe benefit different from any contained in the wage determination, he shall simalarly show how he arrived at the hourly rate shown therefor. In the event of disagreement between or among the interested parties as to an equivalent of any fringe benefit, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(c) The assumption of an enforceable commitment to bear the cost of fringe benefits, or the provision of any fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or in the wage determination forming a part of the contract, may be considered as payment of wages only with the approval of the Secretary of Labor pursuant to a written request by the Contractor. The Secretary of Labor may require the Contractor to set aside assets, in a separate account, to meet his obligations under any unfunded plan or program.

(d) The Contracting Officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination decision and which is to be employed under the contract shall be classified or reclassified conformably to the wage determination decision, and shall report the action taken to the Secretary of Labor. If the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers or mechanics to be used, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination. Apprentices and trainees may be added under this clause only where they are employed pursuant to an apprenticeship or trainee program meeting the requirements of the Apprentices and Trainees clause below.

(e) In the event it is found by the Contracting Officer that any laborer or mechanic, including apprentices and trainees, employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government Prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(f) Paragraphs (a) through (e) of the clause shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act, or (2) a subcontract also subject to the Davis-Bacon Act under such prime contract.

(b) *Contract Work Hours and Safety Standards Act—Overtime Compensation (40 U.S.C. 327–333).*

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION (40 U.S.C. 327–333)

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and interpretations of the Secretary of Labor.

(a) The Contractor shall not require or permit any laborer or mechanic, including apprentices, trainees, watchmen, and guards, in any workweek in which he is employed on any work under this contract to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic, including apprentices, trainees, watchmen, and guards, receives compensation at a rate not less than one and one-third times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours. The "basic rate of pay," as used in this clause, shall be the amount paid per hour, exclusive of the Contractor's contribution or cost for fringe benefits, and any cash payment made in lieu of providing fringe benefits, or the basic hourly rate contained in the wake determination, whichever is greater.

(b) In the event of any violation of the provisions of paragraph (a), the Contractor shall be liable to any affected employee for any amounts due, and to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including an apprentice, trainee, watchman, or guard, employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Apprentices and trainees.*

APPRENTICES AND TRAINEES

(a) Apprentices shall be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or if no such recognized agency exists in a State, under a program registered with the aforesaid Bureau of Apprenticeship and Training. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate who is not a trainee as defined in paragraph (b) of this clause, and who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Contractor shall furnish to the Contracting Officer written evidence of the registration of his program and apprentices, as well as of the appropriate ratios allowed and the wage rates required to be paid thereunder for the area of construction, prior to using any apprentices in the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

(b) Trainees shall be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The term "trainee" means a person receiving on-the-job training in a construction occupation under a program which is approved (but not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

(c) In connection with contracts in excess of $10,000 the Contractor agrees as follows:

(1) The Contractor shall make a diligent effort to hire for performance of work under this contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as set forth in paragraph (c)(7) of his clause.

(2) The Contractor shall insure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (i) the availability of training opportunities for first year apprentices, (ii) the hazardous nature of the work for beginning workers, and (iii) excessive unemployment of apprentices in their second and subsequent years of training.

(3) The Contractor shall, during the performance of the contract, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of paragraphs (c)(1) and (c)(2) of this clause.

(4) The Contractor shall maintain records of employment on this contract by trade of the number of apprentices and trainees, apprentices and trainees in first year of training, and of journeymen, and the wages paid and the hours of work of such apprentices, trainees, and journeymen. In addition, the Contractor who claims compliance based on the criterion set forth in paragraph (c)(6)(ii) of this clause shall maintain such records of employment on all his construction work in the same labor market area, both public and private, during the performance of this contract. In each of the above cases the Contractor shall make such records available for inspection upon request of the Department of Labor or the Contracting Officer.

(5) The Contractor shall supply one copy of each of the written notices required in accordance with paragraph (c)(6)(iii) of this clause at the request of the Contracting Officer. The Contractor also agrees to supply at 3-month intervals during the performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the Contracting Officer and one copy to the Secretary of Labor.

(6) The Contractor will be deemed to have made a "diligent effort as required by paragraph (c)(1) if during the performance of this contract, he accomplishes at least one of the following three objectives: (i) The Contractor employs under this contract a number of apprentices and trainees by craft, at least equal to the ratios established in accordance with paragraph (c)(7) of this clause, or (ii) the Contractor employs, on all his construction work, both public and private, in the same labor market area, an average number of apprentices and trainees by craft at least equal to the ratios established in accordance with paragraph (c)(7) of this clause, or (iii) the Contractor (A) if covered by a collective bargaining agreement, before commencement of any work on the project,

has given written notice to all joint apprenticeship committees, the local U.S. Employment Security Office, local chapter of the Urban League, Workers Defense League, or other local organizations concerned with minority employment, and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality of the work; (B) if not covered by a collective bargaining agreement, has given written notice to all of the groups stated above, except joint apprenticeship committees, and will in addition notify all non-joint apprenticeship sponsors in the labor market area; (C) has employed all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees, and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by paragraph (c)(7) of this clause. The notice, as referred to herein, will include at least the Contractor's name and address, the agency designation, the contract number, job site address, value of the contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract work, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with paragraph (c)(7) of this clause.

(7) The Contractor recognizes that the Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation for the purpose of this clause shall be as follows: (i) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is being undertaken, set forth in collective bargaining agreements, or other employment agreements, and available through the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the applicable area; (ii) for any occupation for which no ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the Contractor in accordance with the recommendations set forth in the Standards of the National Joint Apprentice Committee for the occupation, which are on file at offices of the U.S. Department of Labor's Bureau of Apprenticeship and Training; and (iii) for any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

(d) *Payrolls and basic records.*

PAYROLLS AND BASIC RECORDS

(a) The Contractor shall maintain payrolls and basic records relating thereto during the course of the work and shall preserve them for a period of 3 years thereafter for all laborers and mechanics, including apprentices, trainees, watchmen, and guards working at the site of the work. Such records shall contain the name and address of each such employee, his correct classification, rate of pay (including rates of contributions for, or costs assumed to provide, fringe benefits), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Contractor has obtained approval from the Secretary of Labor as provided in paragraph (c) of the clause entitled "Davis-Bacon Act," he shall maintain records which show the commitment, its approval, written communication of the plan or program to the laborers or mechanics affected, and the costs anticipated or incurred under the plan or program.

(b) The Contractor shall submit weekly a copy of all payrolls to the Contracting Officer. The Government Prime Contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The copy shall be accompanied by a statement signed by the Contractor indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic, including apprentices and trainees, conform with the work he performed. Submission of the "Weekly Statement of Compliance" required under this contract and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) shall satisfy the requirement for submission of the above statement. The Contractor shall submit also a copy of any approval by the Secretary of Labor with respect to fringe benefits which is required by paragraph (c) of the clause entitled "Davis-Bacon Act."

(c) The Contractor shall make the records required under this clause available for inspection by authorized representatives of the Contracting Officer and the Department of Labor, and shall permit such representatives to interview employees during working hours on the job.

(e) *Compliance with Copeland Regulations.*

COMPLIANCE WITH COPELAND REGULATIONS

The Contractor shall comply with the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) which are incorporated herein by reference.

(f) *Withholding of funds.*

WITHHOLDING OF FUNDS

(a) The Contracting Officer may withhold or cause to be withheld from the Government Prime Contractor so much of the accrued payments or advances as may be considered necessary (1) to pay laborers and mechanics, including apprentices, trainees, watchmen, and guards employed by the Contractor or any subcontractor on the work the full amount of wages required by the contract, and (2) to satisfy any liability of any Contractor and subcontractor for liquidated damages under paragraph (b) of the clause entitled "Contract Work Hours and Safety Standards Act—Overtime Compensation."

(b) If any Contractor or subcontractor fails to pay any laborer, mechanic, apprentice, trainee, watchman, or guard employed or working on the site of the work, all or part of the wages required by the contract, the Contracting Officer may, after written notice to the Government Prime Contractor, take such action as may be necessary to cause suspension of any further payments or advances until such violations have ceased.

(g) *Subcontracts.*

SUBCONTRACTS

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act—Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts," and "Contract Termination—Debarment" in all subcontracts. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government Prime Contractor."

(h) *Contract termination—debarment.*

CONTRACT TERMINATION—DEBARMENT

A breach of the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act—Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," and "Subcontracts" may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

(i) *Disputes concerning labor standards.*

DISPUTES CONCERNING LABOR STANDARDS

Disputes arising out of the labor standards provisions of this contract shall be subject to the Disputes clause except to the extent such disputes involve the meaning of classifications or wage rates contained in the wage determination decision of the Secretary of Labor or the applicability of the labor provisions of the contract which questions shall be referred to the Secretary of Labor in accordance with the procedures of the Department of Labor.

§ 1–18.703–2 Contracts with a State or political subdivision.

In the case of construction contracts with a State or political subdivision thereof, the contract clauses required by § 1–18.703–1 shall be inserted therein but shall be prefaced by the following provision:

The Contractor agrees to comply with the requirements of the Contract Work Hours and Safety Standards Act, and to insert the following clauses in all subcontracts hereunder with private persons or firms.

§ 1–18.703–3 Overseas contracts.

Every construction contract in excess of $2,000 for work outside the United States, but which is nevertheless subject to the Contract Work Hours and Safety Standards Act as set forth in § 1–12.302(d), shall include the clause in § 1–12.303. Standard Form 19–A should not be used in such contracts (see § 1–16.402).

§ 1–18.704 Wage determinations.

§ 1–18.704–1 General.

Wage determinations reflecting the prevailing wages, including fringe benefits, for laborers and mechanics in a particular area are issued by the Department of Labor. See 29 CFR Part 1 for Department of Labor regulations dealing with questions relating to determination procedures.

§ 1–18.704–2 Types of wage determinations.

(a) A general or area wage determination is published in the FEDERAL REGISTER for use by all Government agencies and provides wage rates for all contracts for the types of construction designated in the determination which may be awarded within a given geographical area. These general or area wage determinations contain no expiration date and shall be modified and the modifications published in the FEDERAL REGISTER on a timely basis to keep them current.

(b) A project area or installation (54A) determination is issued for use by the requesting Federal agency and provides wage rates for all contracts for work described in the determination which may be awarded at an installation or within a given geographical area (us-

ually a county) during the life of the determination. This type of determination is used only when no general wage determination has been issued, and may be requested for installations or areas where continuing construction activity is anticipated. These wage determinations are effective for 120 calendar days from the date of initial issue and are void for incorporation into contracts awarded after that period unless extended as provided in 29 CFR 5.4.

(c) An individual determination (sometimes referred to as "a project determination") is provided upon request for use in a contract to be performed at an installation, or in an area, not covered by either of the above types of determination. These individual wage determinations are effective for 120 calendar days from the date of initial issue and are void for incorporation into contracts awarded after that period unless extended as provided in 29 CFR 5.4.

§ 1–18.704–3 Procedure for requesting determinations.

(a) *Requests for project area or individual wage determinations.* Requests shall be submitted on completed Standard Form 308, Request for Determination and Response to Request, to the Regional Administrator of the Employment Standards Administration, Department of Labor, who has jurisdiction within the geographic area where the applicable project will be performed. Only those classifications shall be checked on the form which will be needed in the performance of the work. Needed classifications that are not on the form may be added. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry. Requests shall:

(1) Include a sufficiently detailed description of the work to indicate the type of construction involved; i.e., building, heavy, highway, or other type;

(2) Include the location of the project, giving the distance in miles and the direction from the nearest point of reference;

(3) Include the agency's evaluation of whether the project is a building, heavy, highway, or other type of construction project;

(4) Be accompanied by any available pertinent wage payment information unless the wage patterns in the area are clearly established; and

(5) Include a complete statement of the incidence of use of the last previously issued installation determination, the total dollar amount of the contracts awarded thereunder, and an estimate of the use of any new determination during its 120-day life. This should include a brief description of the planned projects (i.e., commercial, residential, heavy, or highway), the estimated cost of each project, and the kinds of laborers and mechanics likely to be employed.

The addresses of the various Regional Administrators of the Employment Standards Administration are set forth below:

BOSTON REGION

For the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 1612C, John F. Kennedy Federal Building, Government Center, Boston, MA 02203 (Telephone: 617–223–2035).

NEW YORK REGION

For the States of New York and New Jersey and for Puerto Rico and the Virgin Islands:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 1515 Broadway, New York, NY 10036 (Telephone: 212–971–5451).

PHILADELPHIA REGION

For the States of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 704C, 1317 Filbert Street, Philadelphia, PA 19107 (Telephone: 215–597–9633).

ATLANTA REGION

For the States of Florida, Georgia, North Carolina, South Carolina, Tennessee, Alabama, Kentucky, and Mississippi:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 331, 1371 Peachtree Street NE, Atlanta, GA 30309 (Telephone: 404–526–5801).

CHICAGO REGION

For the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, U.S. Courthouse and Federal Office Building, Room 742, 219 South Dearborn Street, Chicago, IL 60604 (Telephone: 312–353–7280).

DALLAS REGION

For the States of Texas, New Mexico, Oklahoma, Arkansas, and Louisiana:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 13F12, 1100 Commerce Street, Dallas, TX 75202 (Telephone: 214–749–2037).

KANSAS CITY REGION

For the States of Missouri, Kansas, Nebraska, and Iowa:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 2000, Federal Office Building, 911 Walnut Street, Kansas City, MO 64102 (Telephone: 816–374–5384).

DENVER REGION

For the States of Colorado, North Dakota, South Dakota, Utah, Wyoming, and Montana:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 246, 232 New Customhouse, 721 19th Street, Denver, CO 80202 (Telephone: 303–837–4613).

SAN FRANCISCO REGION

For the States of California, Nevada, Arizona, and Hawaii, and for Guam, and various Pacific Islands:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 450 Golden Gate Avenue, Room 10431, San Francisco, CA 94102 (Telephone: 415–556–1318).

SEATTLE REGION

For the States of Washington, Oregon, Idaho, and Alaska:
Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 2008 Smith Tower, 506 Second Avenue, Seattle, WA 98104 (Telephone: 206–442–1536).

(b) *Requests for general wage determinations.* A contracting agency may submit a request to the Administrator, Wage and Hour Division, Department of Labor, for issuance of a general (area) wage determination for use on individual contracts for a particular type of construction in a particular area whenever (1) the wage patterns for the particular type of construction are well settled in that area, and (2) the agency anticipates a large volume of the particular type of construction in the area. The request shall include the information set forth in paragraph (a) of this section. The Administrator will issue such a determination pursuant to such a request or at his own discretion.

(c) *Time of submission of requests.* Requests for wage determinations ordinarily should be submitted to the Department of Labor at least 30 calendar days before they are required for use in advertising for bids or for entering into negotiations of the contract for which the determinations are sought.

(d) *Limitations.* Each project area and individual wage determination is effective for 120 calendar days from the date of the determination, and is applicable only to contract awards made within that period. Accordingly, if it appears that a wage determination will expire before a contract can be awarded, a new determination should be requested at a date which will permit its receipt and issuance to prospective bidders by amendment of the invitation for bids before the date set for bid opening. In individual cases, upon a written finding by the head of the agency that due to unavoidable circumstances a wage determination expired after bid opening but before award, the Administrator, Wage and Hour Division, Department of Labor, may extend the period of effectiveness of the wage determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business. General wage determinations normally will be published in the FEDERAL REGISTER on Fridays and will contain no expiration date (see § 1–18.704–2(a)).

(e) *Modification.* On any negotiated procurement a modification of a project area or individual wage determination by an appropriate Department of Labor official shall be made part of the proposed contract if received prior to the award of the contract. However, in procurements involving formal advertising or small business restricted advertising, any modification received by the contracting agency concerned less than 10 calendar days before the opening of bids shall be disregarded unless it is determined that such modifications reasonably can be furnished to bidders by means of an amendment of the invitation for bids in time to be considered in the preparation of their bids. Modifications received by an agency should

be time-date stamped to show the date of receipt by the agency. A modification of a general wage determination shall be incorporated in a negotiated contract if published in the FEDERAL REGISTER prior to completion of negotiation; if published in the FEDERAL REGISTER less than 10 calendar days before the opening of bids on an advertised procurement, the modification shall not be effective unless the agency finds that there is a reasonable time in which to notify bidders of the modification.

§ 1–18.704–4 Rates to be included in solicitations.

In solicitations for work in an area covered by either a general area wage determination, or a project area or installation (54A) determination, containing more than one schedule (i.e., building construction, heavy, and highway construction) there shall be included only the rate schedule or individual rates applicable to the particular type of construction involved. In cases requiring the utilization of more than one schedule, the item of work to which each schedule is applicable shall be defined.

§ 1–18.704–5 Wage determinations in solicitations and awards.

(a) *Formally advertised procurements.* (1) Whenever it appears before bid opening that a wage determination may expire before award, or a determination actually does expire before bid opening, a new determination shall be requested. The scheduled bid opening date shall be postponed, if necessary, to allow a reasonable time to (i) obtain the determination, (ii) modify the invitation for bids to reflect the new determination, and (iii) permit bidders to amend their bids. Even if the new determination does not change the wage rates, and hence would not warrant amended bids, the solicitation must nevertheless be modified to include the number and date of the new determination.

(2) After bids have been opened in a formally advertised procurement, if a wage determination may expire before award, the agency head or his designee may, upon finding that an extension is in the public interest to prevent injustice, undue hardship, or serious impairment of the conduct of Government business, submit a written request for an extension of the expiration date to the Administrator, Wage and our Division, Department of Labor, who may extend the period of effectiveness of the determination. If an extension is not requested, or if an extension is requested and denied, a new wage determination shall be requested. If the new determination changes the wage rates, the invitation for bids shall be changed and the procurement readvertised using the new wage rates.

(b) *Negotiated procurements.* Whenever (1) it appears that a wage determination will expire before award is made, or (2) the determination actually does so expire, a new wage determination shall be requested. If the new determination makes a change in the wage rates, the wage rate information specified in the new determination shall be furnished to (1) all prospective offerors to whom a solicitation has been sent if the closing date for receipt of proposals has not yet occurred, or (2) to all prospective offerors who have submitted proposals if the closing date is past. All prospective offerors to whom such information has been furnished shall be given a reasonable opportunity to amend their proposals. The contracting officer need not delay opening and reviewing proposals or discussing them with the respective offerors while a new determination is being sought and offerors are preparing amended proposals. Offerors should be requested to extend the period for acceptance of any proposal if that period expires or may expire while the contracting officer is waiting for a new wage determination.

(c) *Receipt of new determination before expiration of original determination.* When a new determination has been requested and received before award, but an award is made before the expiration date of the original determination, the new determination must be treated as a superseding decision in accordance with § 1–18.704–7, except that the expiration of the new determination shall be controlled by the date thereon and not by the date on the determination which it replaces.

§ 1–18.704–6 Formal advertising without a wage determination.

In the event a solicitation is to be issued before the wage determination is obtained a notice shall be included in the invitation for bids that the schedule of minimum wage rates to be paid under the contract will be issued as an amendment to the specifications. Under no circumstances may bids be opened until a reasonable time after the wage determination has been furnished to all bidders.

§ 1–18.704–7 Modifications of wage determinations.

(a) During the life of any wage determination, it may be modified (1) by the "letter of inadvertence," which is used to correct a clerical error in a wage determination, (2) a "notice of modification," which specifies a change in a wage determination, or (3) a "superseding decision," which is a reissuance of a wage determination with changes incorporated. All modifications (including superseding decisions) expire on the same day as the original determination. Since the need for inclusion of a modification in a solicitation is determined by the time of receipt in the agency concerned, all modifications shall be time-date stamped immediately upon receipt by the agency concerned. The need for inclusion of a modification of a general wage determination is determined by the publication date in the FEDERAL REGISTER.

(b) A modification which affects wage rates included in a solicitation, and which was received by the agency concerned earlier than 10 calendar days before bid opening, or a modification published in the FEDERAL REGISTER within 10 days before bid opening, in formally advertised procurements or award in negotiated procurements shall be processed upon receipt by the contracting officer as follows (note distinction between agency and contracting officer):

(1) *Formally advertised procurements.* If the modification reaches the contracting officer before bid opening, he shall issue an amendment to the invitation for bids and, if necessary, extend the date of bid opening.

(2) *Negotiated procurements.* If the modification reaches the contracting officer before award, he shall notify the appropriate offerors and allow them sufficient time to adjust their offers accordingly.

(c) A modification which affects wage rates included in a solicitation, and which was received by the agency concerned later than 10 days before the bid opening in formally advertised procurements or published in the FEDERAL REGISTER later than 10 days before award in negotiated procurements, must be included in the solicitation only where such action will not delay bid opening or otherwise create excessive administrative burdens and may otherwise be disregarded. A modification which accordingly is not included in the solicitation shall not be included in advertised contracts after bid opening or in negotiated contracts after award.

§ 1–18.704–8 Wage determinations appeals.

The Secretary of Labor has established a Wage Appeals Board, one of whose powers is to decide appeals concerning questions of law and fact arising from decisions of the Associate Administrator, Division of Wage Determinations, with regard to wage determinations issued under the Davis-Bacon Act and related minimum wage statutes. Each contracting agency, in accordance with procedures established by it, may file a petition for review of, or for intervention, in any matter which it appears may appropriately be brought before the Board in accordance with procedures established for the Wage Appeals Board in 29 CFR Part 7.

§ 1–18.705 Administration and enforcement.

§ 1–18.705–1 Policy.

(a) *General.* To comply with the Government policy of insuring full and impartial enforcement of the labor standards laws in the administration of construction contracts, agencies shall maintain a continuing effective enforcement program which shall include:

(1) Insuring that contractors and subcontractors are informed, prior to commencement of work, of their obligations under the labor standards provisions of their contracts;

(2) Adequate payroll and on-the-site inspections and employee interviews to determine compliance, and prompt initiation of corrective action when required;

(3) Prompt investigation and disposition of complaints; and

(4) Prompt submission of all reports required by this subpart.

(b) *Responsibility.* The contracting officer shall ascertain that the contractor is fully informed of the labor standards provisions of the contract and of his and any subcontractor's responsibilities thereunder. Unless it is clear that the contractor is otherwise fully informed, the contractor shall be so informed either by a preconstruction letter or a preconstruction conference promptly after award of the contract. Whenever the clauses under § 1–18.703–1 are applicable, the action prescribed by this § 1–18.705 shall be taken or required in accordance with procedures prescribed by each agency. Whenever the clauses under §§ 1–18.703–2 and 1–18.703–3 are applicable, the action prescribed by this § 1–18.705 shall be taken or required, in accordance with procedures prescribed by each respective agency, to the extent pertinent to the applicable clauses.

§ 1–18.705–2 Wages, fringe benefits, and overtime.

(a) In computing wages paid to a laborer or mechanic, including apprentices and trainees, the contractor may include any of the following items:

(1) Amounts paid in cash to the laborer or mechanic, or deducted from such payment in accordance with 29 CFR Part 3;

(2) Contributions, except those required by Federal, State, or local law, which the contractor makes irrevocably to a trustee or a third party pursuant to any fund, plan, or program to provide for medical or hospital care, pensions, compensation for injuries or illness resulting from occupational activity, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, defraying costs of apprenticeship, or any other fringe benefit but contributions or payments for fringe benefits are allowed only for the specific fringe benefits contained in the applicable wage determination decision involved; and

(3) Other contributions or anticipated costs to the extent such contributions or anticipated costs have been expressly approved by the Secretary of Labor.

(b) Where the wage determination decision specifies fringe benefits payments, the contractor may satisfy his obligation under the clause entitled Davis-Bacon Act by providing wages consisting of any combination of contributions or costs as specified in (a), above, provided that the total cost of such combination is not less than the total of the basic hourly rate and fringe benefits payments prescribed in the wage determination decision for the classification of laborer or mechanic concerned. Wages provided by the contractor, or fringe benefits payments required by the wage determination decision, may include items which are not stated as exact cash amounts. In such cases, the interested parties shall determine the cash equivalent of the cost of such items when necessary to determine whether the wages provided by the contractor satisfy the requirements of the wage determination. In the event the interested parties are unable to agree on the cash equivalent, the contracting officer, in accordance with paragraph (b) of the clause entitled Davis-Bacon Act, shall submit the question for determination to the Department of Labor, in accordance with agency procedures. The submission shall include a comparison of the payments, contributions, or costs contained in the wage determination decision with those made or proposed by the contractor as equivalent thereto, together with the comments and recommendations of the contracting officer.

(c) For purposes of computing required overtime payments, the basic rate of pay specified in the wage determination, or that actually paid by the contractor if higher, shall be used. The basic rate does not include any amount paid as fringe benefits, and overtime is not required to be paid on the contractor's contributions, costs, or payment of cash equivalent for fringe benefits. In no event may overtime be computed on a rate lower than the basic rate specified in the wage determination.

§ 1–18.705–3 Additional classifications.

(a) *Requirements.* Whenever any laborer or mechanic is to be employed in a classification not listed in the wage determination applicable to the contract, the contractor shall submit to the contracting officer a statement of the proposed additional classification and minimum wage rate, including fringe benefits payments, if any. Upon approval, the additional classification and rate shall be posted with the wage determination.

(b) *Approval.* Upon receipt of the request for authorization, the contracting officer shall review it to determine whether it meets the following criteria:

(1) The classification is an appropriate one which cannot be fitted into a classification contained in the applicable wage determination; and

(2) The proposed wage rate, including any fringe benefits, conforms to the wage determination contained in the contract.

If the above criteria are met and no interested party objects to the proposed classification, the contracting officer or his representative shall approve the proposal and submit an information copy to the Department of Labor. If the criteria are not met or the interested parties cannot agree on the proposal, the contracting officer or his representative shall submit the proposal, together with available pertinent information, and his recommendation to the Department of Labor for final determination. Upon approval, the contracting officer shall notify the contractor and instruct him to post the approved rate and classification in accordance with § 1–18.705–7.

§ 1–18.705–4 Apprentices and trainees.

(a) As provided in paragraph (a) of the clause set forth in § 1–18.703–1(c), the contractor or subcontractor is required to furnish written evidence of registration of his program and apprentices and trainees, as well as of the ratios allowed and the wage rates required to be paid thereunder for the area of construction before using any apprentices and trainees on the contract work.

(b) All contractors planning to use apprentices and trainees on a construction project are required to obtain written evidence of registration of such employees in a program registered under the State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, Department of Labor. If no such agency exists within a State, an apprentice or trainee must be enrolled under a program registered with the Bureau of Apprenticeship and Training, Department of Labor. The contractor will then submit to the contracting officer this evidence of registration, together with evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project. These data will be maintained by the contracting officer with payroll records.

(c) Exemptions from any requirement of the clause entitled "Apprentices and Trainees" may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary of Labor, Washington, DC 20210. Enforcement activities, including the investigation of complaints of violations, to insure compliance with the requirements of the clause entitled "Apprentices and Trainees" shall be the primary duty of the agency awarding the contract or providing the Federal assistance. The Department of Labor will coordinate its efforts with the various agencies.

§ 1–18.705–5 Subcontracts.

The contracting officer shall obtain a list of all subcontracts, together with a description of the work to be performed thereunder. This list will be useful in obtaining compliance with the requirements for submission of payrolls by the contractor and subcontractors.

§ 1–18.705–6 Payrolls and statements.

(a) *Submission.* Within 7 calendar days after the regular payment date of the payroll week covered, the contractor is required to submit, or cause to be submitted for himself and his subcontractors (1) copies of weekly payrolls in compliance with the clause set forth in § 1–18.703–1(d), and (2) weekly statements of compliance as required by the Copeland Regulations (29 CFR Part 3) incorporated in the contract by the clause set forth in § 1–18.703–1(e) (see 29 CFR 3.3 for form of weekly statement of compliance).

(b) *Examination.* The executive agency concerned shall make such examination of the payrolls and statements as may be necessary to insure compliance with contract, statutory, and regulatory requirements. Particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers, apprentices, or trainees to journeymen.

(c) *Preservation.* Unless specifically excepted by the Department of Labor, payrolls and statements shall be preserved by the executive agency concerned for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during such period.

§ 1–18.705–7 Posting wage determinations.

The contracting officer shall ascertain that a copy of the wage determination is kept posted at the site of the work in a prominent place where it can be easily seen by the workers.

§ 1–18.705–8 Investigations.

(a) *Regular investigations.* The executive agency concerned shall make such investigations as may be necessary to insure compliance with contract, statutory, and regulatory requirements as follows:

(1) Contracts of 6 months or less duration shall be investigated before final payment is made, if feasible.

(2) Contracts of more than 6 months duration shall be investigated with such frequency as may be necessary to insure compliance. The investigations shall include interviews of employees on a sampling basis.

(b) *Special investigations.* Special investigations in detail shall be made when required by complaints or other evidence of violations. Complaints of violations shall be given priority.

(c) *Confidential nature of statements.* When oral or written statements are taken from employees during regular or special investigations they shall be treated as confidential and shall not be disclosed to the employer without the written consent of the employee.

§ 1–18.705–9 Suspensions and deductions of contract payments.

When wage underpayments are found, the contractor shall be requested to make, or cause to be made, restitution to the employees and/or to plans, funds, or programs for any type of fringe benefits required by the applicable wage determination. If the contractor or subcontractor fails or refuses to pay all or any part of the wages due the employees, the contracting officer shall withhold from payments due the contractor an amount equal to the estimated underpayments, as well as any estimated liquidated damages due under the Contract Work Hours and Safety Standards Act. If wage underpayments continue, or the failure or refusal to make restitution appears continuing or willful, or if the contractor fails or refuses to comply with any other contract, statutory, or regulatory requirements, the contracting officer may suspend all contract payments to the contractor until the violations have ceased. If restitution has not been made prior to final payment under the contract, the contracting officer shall submit with the contractor's payment voucher or vouchers a Standard Form 1093, Schedule of Withholdings Under the Davis-Bacon Act, and a statement of the amounts to be withheld for underpayment of wages and liquidated damages pursuant to the Contract Work Hours and Safety Standards Act. These amounts shall be deducted from payments under the contract and shall be disposed of in accordance with agency procedures. Timely action to withhold for underpayments is encouraged by the General Accounting Office.

§ 1–18.705–10 Reports.

(a) *Semiannual reports.* Each agency shall furnish to the Department of Labor by July 31 and January 31 of each calendar year semiannual reports on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and its related acts and the Contract Work Hours and Safety Standards Act covering the periods of January 1 through June 30 and July 1 through December 31, respectively. Such reports shall be prepared in the manner prescribed in Department of Labor circular memoranda.

(b) *Reports of violations.* (1) No report need be made when the underpayments (i) total less than $500, (ii) are nonwillful, (iii) restitution has been effected, and (iv) future compliance has been assured, except where the investigation was expressly requested by the Department of Labor. In the latter case, the investigating agency shall submit a factual summary report in accordance with 29 CFR 5.7(a)(1).

(2) For all other such underpayments the agency shall furnish to the Department of Labor, as soon as practicable, a detailed enforcement report. Such reports shall be prepared in accordance with 29 CFR 5.7(a)(2).

(3) Where there is substantial evidence that violations are willful and in breach of the provisions of section 1001 of Title 18, United States Code, or other criminal statute, the matter shall be forwarded to the Attorney General of the United States for prosecution and the Secretary of Labor shall be informed of such action.

§ 1–18.705–11 Contract terminations.

Whenever a contract is terminated for violation of the labor standards provisions, a report shall be submitted by the agency concerned to the Secretary of Labor and the Comptroller General. The report shall include the name and address of the terminated contractor or subcontractor, the name and address of the contractor or subcontractor who is to complete the work, the amount and number of the latter's contract, and a description of the work thereunder.

§ 1–18.705–12 Cooperation with the Department of Labor.

The contracting agency concerned shall cooperate with representatives of the Department of Labor in the inspection of records, interviews with workers, and all other aspects of investigations undertaken by the Department of Labor. When requested, the contracting agencies shall furnish to the Secretary of Labor any available information with respect to contractors, subcontractors, their contracts, and the nature of the contract work.

§ 1–18.705–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours and Safety Standards Act.

Whenever the head of an agency finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours and Safety Standards Act is incorrect or that the contractor or subcontractor violated inadvertently the povisions of the Contract Work Hours and Safety Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may (a) make an appropriate adjustment in, or release the contractor or subcontractor of liability for, such liquidated damages where the amount of the damages is $100 or less, or (b) make recommendations for adjustment or relief to the Secretary of Labor where the amount of the damages is in excess of $100, as provided in 29 CFR 5.8.

§ 1–18.706 Disposition of disputes arising out of construction contract labor standards enforcement.

The areas of possible differences of opinion between contracting officers and contractors in construction contract labor standards enforcement include misclassification of workers, hours of work, wage rates and payment, withholding practices, and the applicability of the labor standards provisions under varying circumstances. For the most part, these are settled administratively by the agency concerned. If necessary, such differences may be settled with assistance from the Department of Labor, without reference to the Disputes clause of the construction contract. Those disagreements which cannot be settled administratively by the agency shall be subject to the Disputes clause, except for disputes involving the meaning of classifications, wage rates contained in the wage determination of the Secretary of Labor, or the applicability of contract labor provisions. These matters shall be referred to the Secretary of Labor for an opinion, in accordance with 29 CFR 5.12, with sufficient supporting data to explain both sides of the dispute. No final decision on these matters shall be made by the contracting officer pursuant to the Disputes clause. The opinion obtained shall be made a part of the contract file and shall be applied (a) in the investigation of the case, and (b) in the computation of wage underpayments. The contractor will be furnished a copy of the opinion with advice that if aggrieved therewith he may appeal to the Wage Appeals Board of the Department

of Labor in accordance with 29 CFR Part 7.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effect on other issuances. This regulation cancels FPR Temporary Regulation 25.

Effective date. This regulation is effective August 31, 1973, but may be observed earlier.

Dated: August 1, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-16281 Filed 8-7-73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Standards for Payment for Skilled Nursing Home Care

Section 246(b) of P.L. 92-603, Social Security Amendments of 1972, provides that the Secretary of Health, Education, and Welfare will exercise waiver authority with respect to application of the Life Safety Code of the National Fire Protection Association to skilled nursing facilities. The statutory provision was effective July 1, 1973. In order to clarify the procedures to be used pending the issuance of overall regulations on the standards for participation of skilled nursing homes in the Medicaid program, the current regulations are being amended to implement section 246(b) effective August 1, 1973. Under this provision, State survey agencies, as part of the State responsibility for administration of the program, will make recommendations to the Secretary for waivers relating to fire safety standards for individual facilities.

This amendment puts into effect one of the provisions included in the notice of proposed rulemaking for the Medicaid and Medicare programs published on July 12, 1973 (see proposed 20 CFR 405.1134(a), 38 FR 18628). The major difference from existing Medicaid regulations is the making of final determinations on waivers by the Secretary rather than the State agency. Since the amendment carries out an already effective statutory provision, notice of proposed rulemaking and public procedure thereon are dispensed with.

Accordingly, § 249.33, Part 249, is amended as set forth below.

1. Paragraph (a)(1)(vii) is revised to read as follows:

§ 249.33 Standards for payment for skilled nursing home care.

(a) State plan requirements. * * *

(1) * * *

(vii) Meet such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to nursing homes; except that, in consideration of a recommendation by the State survey agency, the Secretary may waive, for such periods as deemed appropriate, specific provisions of such Code which, if rigidly applied, would result in unreasonable hardship upon a skilled nursing facility, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of such Code shall not apply in any State if the Secretary finds, in accordance with applicable provisions of section 1861 of the Social Security Act, that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in skilled nursing facilities. Where waivers permit the participation of an existing facility of two or more stories which is not of at least 2-hour fire resistive construction, blind, nonambulatory, or physically handicapped patients are not housed above the street level floor unless the facility is of 1-hour protected noncombustible construction (as defined in National Fire Protection Association Standard No. 220), fully sprinklered 1-hour protected ordinary construction, or fully sprinklered 1-hour protected woodframe construction. Nonflammable medical gas systems, such as oxygen and nitrous oxide., installed in the facility comply with applicable provisions of National Fire Protection Association Standard No. 56B (Standard for the Use of Inhalation Therapy) 1968 and National Fire Protection Association Standard No. 56F (Nonflammable Medical Gas Systems) 1970.

* * * * *

2. Paragraph (c)(2) is revised to read as follows:

(c) *Conditions under which the single State agencies may waive certain requirements.* * * *

(2) The single State agency may waive the application to a skilled nursing home of one or more specific provisions of 20 CFR 405.1125(i), 405.1134, (other than paragraph (a)) 405.1135, or 405.1136 if it finds on the basis of documented evidence derived from a survey that:

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714 (Medical Assistance Program.))

Effective date: August 1, 1973.

Dated: July 24, 1973.

JAMES S. DWIGHT, Jr.,
Administrtor, Social and Rehabilitation Service.

Approved: August 6, 1973.

FRANK CARLUCCI
Acting Secretary.

[FR Doc.73-16523 Filed 8-7-73;10:40 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-75]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Miscellaneous Amendments

The purpose of this amendment to Part 1 is to delete from the delegation to the Deputy Under Secretary in 49 CFR 1.54(d) the authority to redelegate the function delegated therein as redundant of the general authority to redelegate at 49 CFR 1.52(b)(1), and to revise entirely paragraph (c) of the delegations to the Assistant Secretary for Administration (49 CFR 1.60(c)).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective August 8, 1973, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1. Paragraph (d) of § 1.54 is revised to read as follows:

§ 1.54 Delegations to Deputy Under Secretary.

* * * * *

(d) Request apportionment or reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

* * * * *

2. Paragraph (c) of § 1.60 is revised to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

* * * * *

(c) *Finance.* (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Deputy Under Secretary is responsible), in accordance with 31 U.S.C. 66a.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the Departmental headquarters.

(3) In accordance with 31 U.S.C. 82a-1, grant or recommend relief from accountability for losses or deficiencies of disbursing officers, cashiers, or other accountable officers as follows:

(i) Grant relief for losses or deficiencies of less than $150 for which charges or exceptions have not been raised by the General Accounting Office.

(ii) Recommend relief by the Comptroller General for all other loss or deficiencies.

(4) Settle and pay claims by employees of the Office of the Secretary for personal property losses, as provided by 31 U.S.C. 241(b).

(5) Consider, ascertain, adjust, determine, and settle, for an amount not exceeding $25,000, any tort claim referred to, or arising from the activities of, the Office of the Secretary. Request, through the General Counsel, the approval of the Attorney General for any such award compromise, or settlement in excess of $25,000 (28 U.S.C. 2672).

(6) Waive, in whole or in part, claims resulting from erroneous overpayment of pay to an employee of the Office of the Secretary, as provided by 4 CFR Parts 91, 92 and 93. This authority may be redelegated only to the Director of Management Systems.

(7) Compromise, suspend collection action on, or terminate claims of the United States not exceeding $20,000 which are referred to, or arise out of the activities of, the Office of the Secretary.

(8) Determine the existence and amount of indebtedness and the method of collecting repayments from employees of the Office of the Secretary and collect repayment accordingly, as provided by 5 U.S.C. 5514. This authority may be redelegated only to the Chief, Accounting Operations Center.

(9) Sign Budget Execution reports required by OMB Circular A-34, for the Office of the Secretary.

This action is taken under the authority of section 9(e) of the Department of Transportation Act (49 U.S.C. 1657 (e)).

Issued in Washington, D.C., on July 31, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-16309 Filed 8-7-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1146]

New York Dock Railway

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of August 1973.

It appearing, that the Bush Terminal Railroad Company, in Finance Docket No. 25896, was authorized to abandon its entire line of railroad; that the Bush Terminal Railroad Company ceased railroad operations on December 15, 1971; that the New York Dock Railway has agreed to operate the trackage abandoned by the Bush Terminal Railroad Company; that the Commission is of the opinion that there is need for railroad service to industries located on this trackage; that operations over this trackage by the New York Dock Railway are necessary to restore railroad service to these industries in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1146 Service Order No. 1146.

(a) *New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Company.* The New York Dock Railway be, and it is hereby authorized to operate over trackage abandoned by the Bush Terminal Railroad Company.

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

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

(d) *Effective date.* This order shall become effective at 11:59 p.m., August 2, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16384 Filed 8-7-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective August 8, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, Oregon 97208.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108.

Special Condition: Desert bighorn sheep only.

Charles Sheldon Antelope Range, Nevada, (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1973.

[FR Doc.73-16293 Filed 8-7-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective August 8, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, Oregon 97208.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, P.O. Box 111, Lakeview, Oregon 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97220.

Special Conditions: 1. That portion of the refuge in the Blitzen Valley west of Highway 205 from Diamond Lane south will be open to deer hunting in accordance with regular State season.

2. The special archery area (bow and arrow only) will be opened for hunting from August 25 through September 3, 1973.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. All hunters are required to obtain a refuge permit and check in and out of the refuge daily.

2. The use of rifles is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1973.

[FR Doc.73-16294 Filed 8-7-73;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge

The following special regulation is issued and is effective August 8, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from August 31 through November 4 and November 19 through December 31, 1973, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota.

AUGUST 1, 1973.

[FR Doc.73-16292 Filed 8-7-73;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective August 8, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Crab Orchard National Wildlife Refuge, Illinois, is permitted, from sunrise August 1, 1973, to sunset November 15, 1973, only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1973.

DARRELL D. UPTEGRAFT,
Acting Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Illinois

JULY 31, 1973.

[FR Doc.73-16301 Filed 8-7-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3000, 3200]

GEOTHERMAL RESOURCES

Leasing on Public, Acquired, and Withdrawn Lands; Correction and Extension of Comment Period

The purpose of this notice is to correct the inadvertent omission of § 3230.1–5 from the proposed geothermal regulations published in the FEDERAL REGISTER on July 23, 1973 (38 FR 19748). Section 3230.1–5 sets forth evidence requirements for qualifying to convert claimed geothermal rights to geothermal leases. In addition, this notice clarifies the proposed regulations by correcting several lesser errors.

The time for submission of written comments, suggestions, or objections, with respect to 43 CFR, Parts 3000 and 3200, proposed July 23, 1973, and § 3230.1–5 appearing below, to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, is hereby extended from August 22, 1973 to September 5, 1973.

1. A new § 3230.1–5 is added to Subpart 3230 of the proposed regulations to read:

§ 3230.1–5 Evidence required to qualify for grant of rights to conversion to geothermal leases, or to applications for geothermal leases.

(a) Any person claiming rights to conversion to a geothermal lease must show to the reasonable satisfaction of the authorized officer that substantial expenditures for the exploration, development or production of geothermal steam were made by the applicant who is seeking the conversion on the lands for which a lease is sought or on adjoining, adjacent or nearby lands, including both Federal and non-Federal lands. The substantial expenditures must have been made prior to December 24, 1970, and either by the applicant seeking conversion or by his predecessors in interest.

(b) For purposes of these regulations, an application for a lease or a permit, filed pursuant to applicable mineral leasing acts, pending on September 7, 1965, which subsequently ripened into a lease or permit, and which remains outstanding or has either terminated, expired or been canceled or relinquished, retains the right to conversion to an application for a geothermal lease. Applications for a lease or permit, filed pursuant to applicable mineral leasing acts, pending on September 7, 1965, which were subsequently withdrawn, retain the right to conversion to an application for a geothermal lease. Leases or permits issued pursuant to the applicable mineral leasing acts and outstanding on September 7, 1965, which were subsequently terminated, expired, or were canceled or relinquished, retain the right to conversion to a geothermal lease.

2. Section 3203.3 is corrected to read:

§ 3203.3 Consolidation of leases.

Two or more contiguous leases issued to the same lessee may be consolidated if the total combined acreage does not exceed 2,560 acres, except where a larger acreage is caused by an irregular subdivision or subdivisions as stated in 3203.2.

§ 3241.1–1 [Corrected]

3. Section 3241.1–1 is corrected by deleting "is less than 1,280 acres occasioned by" from paragraph (a)(1).

4. Section 3241.2–2 is corrected to read:

§ 3241.2–2 Number of copies required.

Three copies of all instruments of assignment or transfer, and a single copy of any additional information required by § 3202 of these regulations relating to citizenship or qualifications of corporations and associations, including partnerships, must be filed in the proper BLM Office.

5. Section 3243.4–1 is corrected by: Adding the letter "s" to corporation in paragraph (a); relettering paragraphs (c) and (d) as (b) and (c) respectively.

Dated: August 3, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73–16335 Filed 8–7–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 44]

PROCEDURES FOR DETERMINING NET WEIGHT OF FOOD PRODUCTS

Notice of Intent To Implement Proposed Procedures

Notice is hereby given that the Procedures for Determining Net Weight of Food Products, published in the FEDERAL REGISTER as a notice of proposed rulemaking on Saturday, December 18, 1971 (36 FR 24069) will not be promulgated as a final rulemaking pending resolution of the procedures with other affected government agencies.

In the interim, the Agricultural Marketing Service (AMS) will utilize the principles involved in the proposed net weight procedures by specifying individual weight requirements as well as average requirements in its procurement programs for food products.

During the comment period for the proposal, USDA consulted with representatives of the National Bureau of Standards, the Federal Food and Drug Administration, the Federal Trade Commission, the Office of Consumer Affairs, Canadian Weights and Measures officials and industry representatives.

It is evident that all concerned would benefit from adoption of one uniform procedure. The National Bureau of Standards, which furnishes guidance to State Weights and Measures authorities, is in the process of preparing a revision of their present procedure contained in Handbook 67. The first section of this revision will cover food; sections for other products will be added later. The revision, which will be similar in principle to the above mentioned Notice of Proposed Rule Making, will be keyed to a procedure where the sample average must meet the declared label weight and where there may be no unreasonable shortage in any one container. The amount of shortage to be considered unreasonable will be specified, together with sampling plans to be used on small lots as well as normal size lots. Double sampling plans will also be provided as a means of reducing workload when weights clearly meet requirements.

After the National Bureau of Standards procedure is revised, USDA's AMS plans to utilize applicable portions in its mandatory egg products inspection as well as its voluntary inspection and grading services for all commodities. Comments received from interested parties during the original Notice of Proposed Rule Making comment period have been furnished to National Bureau of Standards, by AMS so that they may be considered.

AMS will also consider these comments and intends to invite additional comments prior to actual adoption of a National Bureau of Standards revised procedure.

JOHN C. BLUM,
Acting Administrator.

AUGUST 2, 1973.

[FR Doc.73–16326 Filed 8–7–73;8:45 am]

Farmers Home Administration

[7 CFR Part 1826]

LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

Farmer Loans

Notice is hereby given that the Farmers Home Administration has under consideration amending Subchapter B, Loans and Grants Primarily for Real Estate Purposes, by adding a new Part 1826, "Farmer Loans." This new Part 1826 implements the guaranteed Farmer Loan Programs authorized by Subtitles A, B, and C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.), as amended by Public Law 92-419, "The Rural Development Act of 1972." This new part sets out the policies and procedures for guaranteeing loans made by private lenders to farmers under the above mentioned Subtitles A, B, and C.

The purpose of guaranteeing loans is to (a) enable use of private funds, rather than Government funds, in making loans, and (b) reduce Government administrative costs by having private lenders make and service the loans.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250. Comments will be received through August 31, 1973. All written submissions made pursuant to this notice will be made available for public inspections at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed, the addition will read as follows:

PART 1826—FARMER LOANS

AUTHORITY: 7 U.S.C. 1989; delegation of authority by Sec. of Agri. (7 CFR 2.23); delegation of authority by Asst. Sec. for Rural Development (7 CFR 2.70).

§ 1826.1 Introductory statement.

This Part 1826 (which is a Handbook of regulations for guaranteed Farmer Loans and is hereinafter called the "Handbook") and related forms of the Farmers Home Administration (FHA) are applicable to lenders, borrowers, and other parties involved in making, guaranteeing, and servicing Farmer Loans as defined herein. Copies of this Handbook and related FHA forms and any amendments or revisions thereof may be obtained from any FHA County Office or FHA State Office.

(a) *Responsibilities of borrowers, lenders, holders, and FHA.* The loan and guarantee transactions impose significant responsibilities on all parties concerned, but they also confer significant benefits on such parties and their communities.

(1) Borrowers become obligated to repay their loans and to perform other duties specified in the promissory notes, security instruments, and other loan documents.

(2) Approved lenders become accountable for making and servicing (and approved subsequent holders for servicing) loans in a manner that will properly protect the interests of the borrowers and those of FHA as guarantor, as well as the interests of the approved lenders and approved holders.

(3) FHA is responsible for seeing that its loan guarantee authority is used to achieve the purposes of the law and the implementing regulations contained in this handbook and related forms. FHA performs these functions under delegated authority from the Secretary of Agriculture and Assistant Secretary for Rural Development. (7 CFR 2.23, 7 CFR 2.70).

(b) *Full faith and credit of U.S.A.* Contracts of Guarantee executed on such loans shall, subject to and in accordance with the contract provisions, constitute obligations supported by the full faith and credit of the United States and incontestible except for fraud or misrepresentation of which the approved lender or approved holder had actual knowledge at the time it became such lender or holder.

(c) *Insured loans.* Any applicant that is eligible for an FHA guaranteed loan, but cannot find an approved lender who is willing to make the loan with an FHA guarantee, may apply for an FHA insured loan.

§ 1826.2 Definitions.

The following definitions are applicable to the terms used in this Handbook and related forms:

(a) *Act.* The Consolidated Farm and Rural Development Act. (7 U.S.C. 1921, et seq.)

(b) *Borrower.* All parties liable for the loan or any part thereof.

(c) *Family farm.* A family farm is a tract(s) (1) that is recognized as a farm rather than a rural residence, (2) that will provide substantial income which, together with any other income, will adequately support the family, pay operating expenses and debts, and (3) for which the operator and his immediate family provide the management and major portion of the labor, except during seasonal peakload periods.

(d) *Farmer loans.* Farm Ownership (FO), Soil and Water (SW), and Recreation (RL) loans authorized in Subtitle A of the Act; Operating (OL) loans au-

thorized in Subtitle B of the Act; and Emergency (EM) loans authorized in Subtitle C of the Act.

(e) *FHA.* The United States of America acting through the Farmers Home Administration, an Agency of the United States Department of Agriculture. References to the National Office, Finance Office, State Office, County Office, State Director, District Supervisor, County Supervisor, or other FHA office or official should be read as prefaced by "FHA." Unless otherwise specifically provided in this Handbook, "FHA" means the County Supervisor or Acting County Supervisor serving the county involved.

(f) *Finance Office.* The office which maintains the FHA financial records. It is located at 1520 Market Street, St. Louis, Missouri 63103. (Phone 314–622–4400)

(g) *Guaranteed loan.* A loan originated by an approved lender and held and serviced by a registered holder under an FHA stated percentage loss Contract of Guarantee. References to "FHA guarantees," "loan guarantees," and similar terminology apply to such guaranteed loans. The term "loan" or "note" also includes the related security instruments. The term "note" also includes "assumption agreement" and related security instruments, where appropriate.

(h) *Handbook.* This Handbook.

(i) *Hazard insurance.* Includes fire, windstorm, lightning, hail, explosion, riot, civil commotion, aircraft, vehicles, smoke, builder's risk, public liability, property damage, flood, workmen's compensation, or any similar insurance that is available and needed to protect the security or that is required by law.

(j) *Holder.* See Lender.

(k) *Lender, holder, or registered holder.* The term lender refers to the party who makes the loan. The lender becomes the holder if it retains the loan. The term holder also refers to a party who acquires the loan from the original lender or a subsequent holder.

(1) The terms lender and holder refer only to parties approved by FHA to make and service or to subsequently acquire and service loans guaranteed by FHA.

(2) The lender will become the registered holder of a particular loan when the Contract of Guarantee is executed. A subsequent holder will become the registered holder of a particular loan when it has acquired the loan and the Finance Office receives from the County Supervisor a copy of the notice of sale executed by the seller-holder on Form FHA 471–7, "Notice and Acknowledgment of Sale of Insured or Guaranteed Loan," and when the Finance Office executes the Acknowledgment of Notice of Sale on the bottom of that form. The registered holder will hereinafter be referred to as the holder, unless the term "registered holder" is used.

(l) *Rural youth.* A person who has not reached the age of 21 and who does not reside in a city or town which has a population in excess of 10,000 inhabitants.

(m) *Servicing loans.* See "Loan Servicing" in § 1826.46.

(n) *State.* Any of the fifty States, Puerto Rico, or the Virgin Islands.

(o) *Transfer and assumption terms.* In relation to transfer and assumption cases, where appropriate, "liquidation" and "loan" shall be construed to mean "transfer and assmuption," "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "transferee."

§ 1826.3 Lender or holder.

(a) *Eligibile lender or holder.* A lender or holder may be any Federal or State chartered bank, savings and loan association, cooperative or private lending agency, or other lender or holder approved by FHA to make and service or to subsequently acquire and service FHA guaranteed loans.

(b) *Request by lender or holder for approval.* Any party desiring to become an approved lender or holder to make and service or subsequently acquire and service guaranteed loans will request approval of eligibility and area(s) of operations on Form FHA 449–18, "Lenders or Holders Request for Approval." Before any such request can be approved, FHA must determine that the lender is an established lender in the field of financing involved, has a reputation for honest and fair dealing with borrowers, appears to be financially able to make and service such loans, and will maintain an office suitably located and staffed with personnel qualified to perform such functions.

(c) *Supervised lenders and holders.* If FHA finds that the requestor is a Federal or State chartered bank, federal land bank, production credit association, savings and loan association, building and loan association, insurance company, credit union, or mortgage loan company that is subject to examination and supervision by an agency of the United States or of the State in which the loan will be made and the security property is or is to be located, the requestor will be approved if it also meets the requirements of paragraphs (e) and (f) of this section. FHA may require the requestor to furnish information showing that it falls within one of the categories described in the preceding sentence.

(d) *Nonsupervised lenders and holders.* Parties requesting approval that do not meet the requirements of paragraph (c) of this section, will be required to submit the following:

(1) Copy of any license or other evidence of authority required by the State as a prerequisite to engaging in the proposed lending activity.

(2) Information on lending operations, including period of time, if any, in lending business, range and volume of lending activities, current financal statement, and such documentation as requested by FHA to substantiate the representations made in the request for approval.

(e) *Loan making and servicing capabilities of lender or holder.* FHA will not approve any lender or holder to make and service or acquire and service loans in any area unless FHA determines that such lender or holder (either directly or through its authorized branch or agent) will be able to properly handle the loan making, closing, and servicing functions.

(f) *Loan making and servicing office.* FHA will not approve any lender or holder to make and service or acquire and service loans in any area unless it determines that such lender or holder maintains and intends to continue to maintain a local office (either its own main or branch office or that of an authorized agent) in or near enough to the county in which the borrower resides and the security property is or will be located, so that the lender or holder (or its authorized branch or agent if it acts through a branch or agent) will be able to properly make (including, but not limited to, checking on and approving any acquisition, construction, repair, or development with loan funds) and/or service the loan.

(1) If the lender or holder advises FHA at the time of submitting Form FHA 449–18 that it plans to make and/or service the loan through a branch office or agent, and the State Director approves that arrangement, he will show the name and address of the branch office or agent on the bottom of the back side of the conformed copy of the Form FHA 449–18 sent to the Finance Office.

(2) If the lender or holder later advises FHA on Form FHA 449–9, "Request for Conditional Commitment to Guarantee Loan," that it plans initially to make and/or service the loan through a local branch office or agent, and if the State Director approves that arrangement, he will send a conformed copy of Form FHA 449–9 to the Finance Office to inform the Finance Office to that effect.

(3) If at a subsequent date the holder plans to service the loan through a local branch office or agent, or a different local branch office or agent, it will advise FHA to that effect by letter, giving the name and address of the branch office or agent. If the State Director approves the arrangement, he will send a conformed copy of the letter to the Finance Office to inform the Finance Office to that effect.

(4) Any such local office or agency arrangement is subject to approval or rejection by FHA. The lender or holder will furnish FHA any information requested by FHA about the branch office or agent to assist FHA in determining whether to approve the arrangement.

(g) *Approval or rejection of request.* The party requesting approval will mail or deliver the original and one executed or conformed copy of the request to FHA. FHA will make such investigations as the County Supervisor or State Director deems necessary and the State Director will notify the requestor in writing whether its request is approved or rejected. This notification will be made on a conformed copy of Form FHA 449–18.

(1) If the request is rejected, the reasons for rejection will be given on the conformed copy of Form FHA 449–18. If the requestor can meet FHA's objections, it may resubmit the request.

(2) If the request is approved, either on initial consideration or reconsideration, the State Director will send a conformed copy of Form FHA 449–18 to the

Finance Office to show the approval. Upon receipt of the copy, the Finance Office will place the lender on the list of Approved Farmer Loan Lenders and Holders for the area or areas involved.

(h) *Termination of approval of lender or holder.* If a lender or holder has not made (or does not hold as registered holder) any guaranteed Farmer Loan or loans within a period of two years after approval or within any subsequent two-year period, or fails or refuses to comply with any requirements in this Handbook, such lender or holder may be dropped from the approved list. The lender or holder will be notified in writing if such action is taken.

(i) *List of approved lenders.* Applicants for guaranteed loans may obtain a list of approved lenders for any area from the County or State Office serving that area.

§§ 1826.4—1826.9 [Reserved]

§ 1826.10 Application and loan processing.

(a) *Applicant may contact FHA or lender.* If any applicant contacts FHA and it thinks that the applicant may qualify for a guaranteed loan, it will furnish the applicant a list of all approved lenders for the county or counties involved and suggest that the applicant contact the approved lender of his choice. Regardless of whether the applicant first contacts FHA or goes directly to an approved lender, if the lender is interested in making a guaranteed loan to the applicant and believes that the applicant will qualify for such a loan, the lender will assist the applicant in preparing an "Application for Guaranteed Loan (Farmer Programs)" on Form FHA 449–6.

(b) *Preparation of loan docket.* If after reviewing the completed application (Form FHA 449–6), the lender is still interested in making a guaranteed loan to the applicant and still believes that the applicant can qualify for such a loan, the lender, with the assistance of the applicant, may prepare a loan docket and proceed with loan processing.

(c) *Loan making.* The responsibility for making (including closing) guaranteed loans rests with the lender. The loan should not be closed until all or part of the loan funds are needed for use by the borrower. The loan will be considered closed when all loan and security instruments have been executed and the mortgage or financing statement, or both, is/are filed for record.

§ 1826.11 Other available financing.

FHA will not guarantee a loan if it determines that the needed financing is available from other sources without the guarantee. Loans that would be made by the lender under its normal loan policies (without a Contract of Guarantee) will not be guaranteed. Loans will not be participated in or insured by FHA if they can be guaranteed and if it would be to the financial advantage of FHA to guarantee them. Except for loans *made* by agencies of the Farm Credit Administration or by State agencies with rural rehabilitation funds, loans made, guaranteed, or insured by any Federal or State agency will not be guaranteed. Ordinarily, loans will not be guaranteed to refinance debts owed to the lender that are repayable on terms the borrower can reasonably be expected to meet. Therefore, a lender should consult FHA before an application for loan guarantee is prepared if the lender desires to use a guaranteed loan to refinance debts owed to it, or to have a previously existing loan guaranteed without being refinanced.

§ 1826.12 Points, discounts, charges, penalties.

FHA will not guarantee a loan if the borrower is required to pay any points, finder's fee, loan origination fee, loan discount fee, advance interest, unearned interest, compound interest, interest on earned interest, service charges, bonus, commission, expense, prepayment penalty, or similar fees or charges, or anything of value for the purpose of obtaining the loan. However, this limitation does not prohibit the borrower from paying expenses which are his responsibility and are incident to consummation of the loan (as distinguished from payments to obtain the loan), such as fees or charges for legal, architectural, appraisal, and other technical services, hazard insurance premiums, and the borrower's share of Social Security taxes for any labor hired by the borrower in connection with making planned improvements. If the borrower cannot pay such expenses and taxes out of his own funds, they may be paid from funds included in the loan for that purpose. Late payment charges can only be made in monthly installment cases. They must be agreed to in writing by the borrower, must be collected from the borrower, cannot be deducted from regular installment payments, and are not covered by the Contract of Guarantee. Late charges cannot be made on any amount paid within 15 days after its due date.

§ 1826.13 Interest rate to borrower.

The rate of interest which the lender may charge the borrower on any type of Farmer Loan may vary from time to time. The National Office will notify County Offices, State Offices, and the Finance Office in writing of (a) the interest rates in effect for such loans when this loan guarantee program becomes effective, and (b) subsequent changes therein. The lender may ascertain the rate for each type of loan by telephoning any FHA office. Interest will be charged only on the actual amount of loan funds borrowed and for the actual time the money is outstanding. Discount or add on interest is not permitted. The interest rate initially established for each loan will remain constant during the existence of the FHA guarantee. Interest on future advances made by the holder to protect the security may be charged at the rate specified in the security instruments.

§ 1826.14 Security requirements.

The lender is responsible for seeing that proper and adequate security is obtained and maintained in existence and of record to protect the interests of the lender or holder and FHA.

(a) *Lien priorities.* Ordinarily, the security will be a first lien. However, a junior lien may be taken with FHA's written consent. When a junior lien is taken, the lender, among other things, should make sure that:

(1) The prior mortgages or other liens do not contain provisions for future advances, summary forfeiture or cancellation or other provisions that may jeopardize the lender's security position or the borrower's ability to pay the loan.

(2) Such provisions of the prior mortgages or other liens, if they exist, are satisfactorily limited, modified, waived, or subordinated.

(b) *Third party liens (laborers, mechanics, etc.).* Among other things in obtaining the required security, the lender is responsible for ascertaining that appropriate releases from laborers, materialmen, contractors, subcontractors suppliers of machinery and equipment and other parties involved, are obtained to assure that there will be no lien or other claims by any such parties against the borrower or the security property.

(c) *All liens must secure entire loan.* All collateral of any nature securing a loan guaranteed by FHA must secure the entire loan. The lender cannot take separate collateral to secure only that portion of the loan or loss not covered by the FHA guarantee.

§ 1826.15 Security instruments and financing statements.

(a) *Mortgages and security agreements.* FHA forms of real estate mortgages (including deeds of trust and deeds to secure debt), and security agreements (including chattel mortgages in Louisiana and Puerto Rico) are required.

(b) *Financing statements.* Commercial financing statement forms that comply with State laws and regulations may be used. They must be adapted to meet FHA requirements by inserting provisions:

(1) Covering the "proceeds and products" of the collateral described, and

(2) That "disposition of the collateral is not authorized hereby."

§ 1826.16 Appraisal of property.

Property that will serve as security for the loan must be appraised by a qualified appraiser who is experienced in appraising the kind of property involved. Appraisals will be made by appraisers employed by, or whose services are contracted for on a fee basis by, the lender.

(a) *Qualifications of appraisers.* The lender will be responsible for determining that its employed or contract fee appraisers have the necessary qualifications and experience. If the lender has any questions in this regard, it should check with FHA before having an appraisal made.

(b) *Appraisal fees or charges.* The lender must determine that the fees or charges are reasonable.

(c) *Appraisal reports.* Appraisal reports will be made on forms approved by the lender.

§§ 1826.17—1826.20 [Reserved]

§ 1826.21 Guarantee of loans.

FHA may guarantee Farmer Loans made by approved lenders to eligible applicants for authorized purposes in accordance with the provisions of this handbook.

§ 1826.22 Guarantee limits.

FHA's liability under each Contract of Guarantee will be the *lesser* of 90 percent of the loss on the borrower's obligations covered in the Contract of Guarantee, or 90 percent of the principal amount advanced to the borrower under the guaranteed loan promissory note or assumed under an assumption agreement.

§ 1826.23 Request for Conditional Commitment to Guarantee Loan.

Submission to FHA of Form FHA 449–9, "Request for Conditional Commitment to Guarantee Loan" and enclosures therewith will constitute the lender's request for issuance of Form FHA 449–14, "Conditional Commitment for Guarantee."

(a) *FHA evaluation.* If FHA finds from the material submitted and any other information it deems necessary, that the applicant appears to be eligible; loan funds are to be used for authorized purposes only; the amount of the loan, interest rate, repayment period and schedule, insurance requirements, plan of operations, and any late payment charges on monthly installments appear to be satisfactory; the proposed security appears to be adequate; the proposed loan appears to be sound; the lender plans to service the loan properly; and all other pertinent requirements likely can and will be met, FHA will present the matter to the FHA County Committee. If FHA cannot make the findings mentioned in the preceding sentence, it will promptly inform the lender in writing of the reasons. If the lender can satisfy FHA's objections, the lender may resubmit the matter to FHA for reconsideration.

(b) *County Committee certification.* After the case has been presented to the County Committee, FHA will notify the lender as to the action taken by the County Committee. If the County Committee rejects the application, FHA will inform the lender of the reasons for the rejection. If the lender then furnishes FHA satisfactory evidence to show that the County Committee's objections have been met, FHA will resubmit the case to the County Committee. If the County Committee's original certification or recertification is favorable, FHA will issue a conditional commitment to guarantee the loan.

§ 1826.24 Conditional commitment to guarantee loan.

The conditional commitment to guarantee the loan will be made on Form FHA 449–14, "Conditional Commitment for Guarantee." The purpose of the form is to advise the lender that the material submitted by the lender to FHA is approved subject to the conditions and requirements set forth in the form, and that FHA will issue a Contract of Guarantee if all such conditions and requirements and others set forth in this Handbook prerequisite to issuance of the Contract of Guarantee, are met. FHA will forward the original executed conditional commitment to the lender, and a conformed copy to the Finance Office.

§ 1826.25 Review of conditional commitment requirements.

On receipt of the Conditional Commitment for Guarantee, the lender should review the matter (and discuss it with the applicant if necessary) to determine whether the conditions and requirements are acceptable. If the conditions and requirements are not acceptable to the applicant or lender, the lender should inform FHA of recommended revisions and the reasons therefor for further consideration.

§ 1826.26 Conditions precedent to issuance of Contract of Guarantee.

The Contract of Guarantee will not be issued until:

(a) *Lender's request and advice.* The lender submits Form FHA 449–21, "Request for Contract of Guarantee," to FHA advising that:

(1) No changes have been made in the loan conditions and requirements since the request was made for issuance of a conditional commitment to guarantee the loan except those, if any, that have been approved in the interim period by FHA in writing.

(2) The loan has been properly closed, and the required security has been or will be obtained.

(3) The borrower has clear title to security property acquired with loan funds or previously owned, subject only to the instruments securing the loan to be guaranteed and any other exceptions approved in writing by FHA.

(4) Collateral held by the lender is considered adequate security for the loan to be guaranteed, and the security instruments are all properly filed or recorded, as appropriate and legally permissible.

(5) Proper hazard and any other required insurance is in effect.

(6) Truth in Lending requirements have been met.

(7) All Equal Opportunity and Nondiscrimination requirements have been met or will be met at the appropriate time.

(b) *FHA investigation.* FHA makes any independent investigation it considers necessary. However, the making of any such investigation will not relieve the lender of any responsibility.

(c) *FHA findings.* FHA finds (on the basis of the lender's advice and such independent investigation it may make) that everything is in order.

§ 1826.27 Issuance of Contract of Guarantee.

(a) *Execution of contract.* If FHA finds everything to be in order, it will execute the Contract of Guarantee which will set forth (specifically or by reference) the terms and conditions of the guarantee. The original Contract of Guarantee will be forwarded to the lender. Conformed copies of the Contract of Guarantee and Promissory Note will be forwarded by FHA to the Finance Office.

(b) *Execution of contract before acquisition or construction.* Ordinarily, execution of the Contract of Guarantee will not be delayed until after all construction, major repairs, acquisition of property, or land development with loan funds has been completed. However, the lender will be responsible for seeing that property listed in the Request for Conditional Commitment to Guarantee Loan is acquired and that construction repairs, and land development are completed promptly and in accordance with plans and specifications approved by FHA. The lender will also see that FHA is notified so that it can make inspections at various stages of construction if FHA has advised the lender that it desires to do so in the particular case.

(c) *Refusal to execute contract.* If FHA determines that it cannot execute the Contract of Guarantee, it will promptly inform the lender in writing of the reasons. If the lender satisfies FHA's objections, the lender may resubmit the matter to FHA for further consideration.

§§ 1826.28–1826.29 [Reserved]

§ 1826.30 Void or voidable contract.

The Contract of Guarantee will be void if it or the guaranteed loan was obtained by fraud or material misrepresentation of which the original lender or registered holder had actual knowledge at the time it became such lender or holder. If any interest subsidy payments have been made to the holder by FHA under a void contract, the holder is required to repay the amount thereof to FHA. The Contract of Guarantee will be voidable, at the option of FHA, if the holder fails to remit to FHA any guarantee fee within the time such remittance is required by this handbook. The method of exercising such option shall be written notice from FHA to the holder or any branch or agent thereof. If the option is exercised, the Contract of Guarantee will become void on the date the notice is mailed or delivered to any such party. If any interest subsidy payments have been made to the holder by FHA under a voidable contract after it became void, the holder is required to repay the amount thereof to FHA.

§ 1826.31 Unenforceable contract.

(a) *Contract unenforceable.* The Contract of Guarantee will be unenforceable:

(1) By or on behalf of any party who is not the original lender or a subsequent registered holder.

(2) As to any loss occurring or caused by events occurring while the loan was not held by the original lender or a subsequent registered holder.

(3) If loan funds are used for purposes other than those shown in Form FHA 449–9 and Form FHA 449–21 on the basis

of which FHA issued the Contract of Guarantee, without FHA's written approval.

(4) If the borrower does not have or obtain title marketable in fact to the security property.

(5) If any note or security instrument is invalid or unenforceable.

(6) If the security instruments do not secure the entire loan or advances.

(7) If the lender does not obtain liens with the priorities specified by the lender in Form FHA 449-9 and Form FHA 449-21 submitted to FHA and as agreed to by FHA, or fails to properly record or file lien or notice instruments to obtain or maintain such lien priorities of record during the existence of the FHA guarantee.

(8) If at any time the holder fails to maintain an office (either its main or branch office or that of an agent) near enough to the security properly location so that, in the judgment of FHA, the servicing functions can be properly and efficiently discharged.

(9) If the holder does not comply with the loan making, construction or other development, servicing, and liquidation requirements in this Handbook. This relates to the provisions of this Handbook at the time of execution of the Contract of Guarantee and to any future provisions of this Handbook not inconsistent with the provisions of said contract or the provisions of this Handbook at that time.

(b) *FHA may pay partial loss under unenforceable contract.* However, if FHA determines that only part of any loss was caused by failure of the holder to comply with paragraph (a) (3) through (9) of this section, FHA will honor the Contract of Guarantee as to the part of such loss which FHA determines to be in excess of that portion of the loss caused by such noncompliance.

§§ 1826.32—1826.34 [Reserved]

§ 1826.35 Guarantee fee payable by holder.

(a) *Payable by holder—fixed rate on principal balance.* A loan guarantee fee will be paid to FHA by the holder. The guarantee fee will not be charged to, collected from, or otherwise passed on to the borrower. The fee will be a fixed percentage rate per annum on the principal balance outstanding at the end of each 6 month period on the guaranteed loan promissory note or assumption agreement.

(b) *Percentage rate of fee.* The percentage rate of the fee will be established by the National Office from time to time. However, the percentage rate of the fee will be stipulated in each Contract of Guarantee and will remain constant during the existence of that Contract of Guarantee. The National Office will notify County Supervisors, State Directors, and the Finance Office in writing of (1) the initial guarantee fee percentage rate established, and (2) subsequent changes therein. Lenders or holders can ascertain the guarantee fee rate in effect at any particular time by telephoning FHA.

(c) *Semiannual payments—date credited.* Guarantee fee payments will be made semiannually for the 6 month periods ending March 31 and September 30 (except that the first and last payments will be for shorter periods unless the loan is guaranteed and paid off on March 31 or September 30). Payments will be credited as of the end of the 6 month period. The guarantee fee will accrue from the date of the Contract of Guarantee.

§ 1826.36 Holders Guarantee Fee Report.

Form FHA 449-19, "Holders Guarantee Fee Report (Semi-annual Report)" showing amounts owed for such preceding 6 months (or shorter) period must be sent to the Finance Office so that it will be received by that office not later than April 15 for the period ending March 31 and October 15 for the period ending September 30.

§ 1826.37 Payment of guarantee fee.

On the basis of information contained in the Holders Guarantee Fee Report, the holder will calculate the amount of the loan guarantee fee for the 6 month (or shorter) period involved, and will remit the amount to the Finance Office along with each Holders Guarantee Fee Report, except as hereinafter provided in interest subsidy cases. The check will be made payable to the Farmers Home Administration. If a semiannual interest subsidy payment is owed by FHA to the holder in an amount equal to or in excess of the semiannual guarantee fee, such remittance checks will not be required. In that event, the guarantee fee will be collected by FHA by deduction of the amount thereof from the interest subsidy payment.

§§ 1826.38—1826.40 [Reserved]

§ 1826.41 Interest subsidy payments.

Interest subsidy rates, if any, on guaranteed loans will be established by FHA from time to time. The subsidy rate fixed in accordance with the Conditional Commitment for Guarantee and set forth in the Contract of Guarantee will remain constant during the period for which the interest subsidy is payable. Lenders or holders can ascertain the subsidy rate in effect at any particular time by calling any FHA office. Interest subsidy payments will be made by U.S. Treasury checks. The subsidy payments will be made semiannually for periods ending March 31 and September 30. Therefore, payments for the first and last guarantee periods usually will cover part of a 6 month period. The holder's account will be credited as of the ending date of the 6 month period immediately preceding the subsidy payment. The interest subsidy payments will be based on the same outstanding principal balance as the guarantee fee payable by the holder. Within 10 days after receipt of a proper Holders Guarantee Fee Report (and fee payment if the fee is not to be collected by deduction from an interest subsidy payment), the Finance Office will send to the holder a Treasury check for the amount of the interest subsidy payment owed for the preceding 6 month period. The amount that would otherwise be paid will be reduced by the amount of any guarantee fee collected by deduction from the total semiannual interest subsidy. Interest subsidy payments will not be made after a transfer to and assumption by an "ineligible transferee."

§ 1826.42 Termination of Contract of Guarantee.

In addition to the right of FHA to terminate the Contract of Guarantee under § 1826.30 for failure to remit guarantee fee payments within the time allowed, the Contract of Guarantee may also be terminated by full repayment of the loan, or by written notice from the holder to the Finance Office that the contract will terminate 30 days after the date of the notice; provided that:

(a) *Notice and enclosures.* The notice is mailed promptly and is accompanied by the guarantee fee payment to the end of that 30 day period, a Holders Guarantee Fee Report for the interim period, and the Contract of Guarantee for cancellation.

(b) *Fees are current.* All previous guarantee fees have been paid.

§§ 1826.43—1826.45 [Reserved]

§ 1826.46 Loan servicing.

The holder is responsible for loan servicing. The term "servicing" as used in this Handbook includes all actions that are necessary after loan closing to collect the indebtedness and to protect the security and security rights. This involves, but is not limited to, obtaining and maintaining compliance with the provisions of the loan end security instruments, any supplementary agreements, and this handbook. The term "servicing" also includes transfer and assumption and liquidation, except in those instances in which more specific terminology is used with respect to those matters. The servicing functions involved in transfers and assumptions and liquidations are set forth under those headings in this Part 1826. Among the holder's more significant servicing functions are those involved in seeing that:

(a) *Purchase of property.* Any property to be acquired with loan funds is acquired as planned and liens are obtained thereon with priorities which the lender advised FHA the lender's security instruments would have. See also § 1826.51 (a).

(b) *Construction or development.* Any buildings or other improvements or major land development to be provided with loan funds are properly completed within a reasonable time, free of any mechanics, materialmen's, or other liens that would affect the lien priority which the lender advised FHA that the lender's security instruments would have. See also § 1826.51(b).

(c) *Collection of indebtedness.* Indebtedness is collected as it falls due (from the borrower, third party convert-

ers, or other parties liable), and transfer and assumption or liquidation action, if approved, is taken as provided for under those respective headings in this Part 1826.

(d) *Hazard insurance.* Adequate hazard insurance (as available and needed for the type of property and operation involved) is obtained and kept effective on the insurable security property, with loss payable clause in favor of the lender as mortgagee or secured party.

(e) *Taxes.* Taxes and any assessments or ground rents against or affecting the security property are paid.

(f) *Litigation.* The loan and security are protected in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigative or third party actions.

(g) *Loss payments and compensation awards.* Any insurance loss payments, condemnation awards, or similar proceeds are applied on the guaranteed loan in accordance with lien priorities on which the guarantee was based; or to rebuilding or otherwise acquiring needed replacement security property of at least equal security value with the written approval of FHA and any other interested parties.

(h) *Security property proceeds.* All proceeds from the disposition of security property are applied in accordance with the lien priorities on which the guarantee was based, except that:

(1) Proceeds from the disposition of basic security may be used for replacement of property of similar nature, equal value, and equal lien priority when the holder determines that such use is necessary for success of the enterprise. Basic security means all real property, fixtures, foundation herds, machinery, and equipment serving as security for the guaranteed loan.

(2) Proceeds from the disposition of non-basic security property may be used for purposes which the holder determines are necessary for the borrower's operations and family living expenses.

(i) *Future advances.* No future advances for purposes other than protection or preservation of the security or security property are made without FHA's written approval. Such advances for such protection or preservation include, but are not limited to, advances for taxes, annual assessments, ground rents, and hazard insurance premiums affecting the security property.

(j) *Personal liability.* The borrower (any party liable) is not released from personal liability for all or any part of the guaranteed loan (except in transfer and assumption cases in which the full amount of the indebtednesss is assumed).

(k) *Alteration of instruments.* No provisions of the loan or security instruments are altered without FHA's written approval.

§§ 1826.47–1826.50 [Reserved]

§ 1826.51 Certificate of Acquisition or Construction.

The following certifications are required on Form FHA 449–11, "Certificate of Acquisition or Construction." See also §§ 1826.26(a) and 1826.46 (a) and (b).

(a) *Acquisition of property.* Each time a substantial amount of property is acquired with loan funds after loan closing, the lender will furnish a certificate to FHA describing the property acquired and stating that it is property that was planned to be acquired with loan funds as shown in the Request for Conditional Commitment to Guarantee loan. The certificate must be signed by the borrower and lender.

(b) *Construction and development.* All buildings and major repairs to buildings must be constructed or performed under contract by a party other than the borrower and members of his immediate family. As soon as construction or substantial repair of buildings or major land development involving use of loan funds has been completed, the lender will furnish to FHA a certificate stating that the construction, repair, or land development has been completed in accordance with the plans and specifications submitted to FHA in connection with the Request for Conditional Commitment to Guarantee Loan. The certificate must be signed by the borrower and lender, and also by the contractor when the work is required to be performed under contract.

§§ 1826.52—1826.55 [Reserved]

§ 1826.56 Equal opportunity and nondiscrimination.

One of the conditions for approval of a lender or subsequent holder is that it agrees not to discriminate between applicants in making, acquiring, or servicing of guaranteed loans because of race, color, religion, sex, age, or national origin. This agreement is contained in Form FHA 449–18, "Lenders or Holders Request for Approval." The following equal opportunity and nondiscrimination forms and requirements are applicable to certain cases involving construction as indicated. (For more detailed information see 7 CFR Part 15, and 41 CFR Part 60).

(a) *Compliance reports.* No prospective contractor or subcontractor will be eligible for a contract or subcontract financed with a guaranteed loan until he has filed all of the compliance reports required of him under any previous contracts.

(b) *Equal Opportunity Agreement.* The lender is responsible for seeing that, before loan closing, each applicant whose loan involves a construction contract of more than $10,000 executes Form FHA 400–1, "Equal Opportunity Agreement."

(c) *Contract or subcontract in excess of $10,000.* If the contract or a subcontract exceeds $10,000, the lender is responsible for seeing that:

(1) The contractor or subcontractor submits Form FHA 400–6, "Compliance Statement," before or as a part of the bid or negotiation.

(2) An Equal Opportunity Clause is part of each contract and subcontract. This clause is incorporated in Form FHA 424–6, "Construction Contract," which may serve as a guide.

(3) With notification of the contract award, the contractor receives:

(i) Form FHA 400–3, "Notice to Contractors and Applicants" signed by the lender, with an attached Equal Employment Opportunity Poster. Posters in Spanish will be provided and displayed where a significant portion of the population is Spanish speaking.

(ii) Form AD–425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," if the contractor or subcontractor is subject to the requirements of paragraph (e) of this section.

(d) *100 or more employees and contract or subcontract exceeds $10,000.* If the contractor or subcontractor has 100 or more employees and the contract or subcontract is for $10,000 or more, the lender will be responsible for seeing that:

(1) In addition to meeting the requirements of paragraph (c) of this section, each such contractor or subcontractor files Standard Form 100, "Employer Information Report EEO–1" with the Joint Reporting Committee within 30 days of the contract or subcontract award unless this report has already been submitted within the last 12 months.

(2) An annual report is filed on or before March 31 as long as the contractor or subcontractor holds a contract equal to $10,000 or more which is financed with a guaranteed loan. Failure to file timely complete, and accurate reports constitutes noncompliance with the Equal Opportunity Clause. Report forms are distributed by the Joint Reporting Committee and any questions on this form should be addressed by the contractor or subcontractor to the Joint Reporting Committee, 1800 G Street, NW, Washington, D.C. 20006.

(e) *50 or more employees and contract or subcontract exceeds $50,000.* If the contract or subcontract is $50,000 or more and the contractor or subcontractor has 50 or more employees, the lender will be responsible for seeing that, in addition to the requirements of paragraph (c) of this section, each such contractor or subcontractor is informed that he must develop a written affirmative action compliance program for each of his establishments and put it on file in each of his personnel offices within 120 days of the commencement of the contract or subcontract. Form AD–425 provides guidelines for the contractor or subcontractor in developing such a program.

(f) *Compliance reviews.* The lender will be responsible for seeing that compliance reviews are made during construction inspections to determine whether the required posters are displayed, the facilities are not segregated, and there is no evidence of discrimination in employment. Findings will be shown on Form FHA 424–12, "Inspection Report," which will be signed by the lender. If there is any evidence of noncompliance, the lender will try to achieve

voluntary compliance. If the lender fails, he will report all the facts to FHA.

(g) *Employee complaints.* Any employee of or applicant for employment with such contractors or subcontractors may file a written complaint of discrimination with FHA.

(1) A written complaint of alleged discrimination must be signed by the complainant and should include the following information:

(i) The name and address (including telephone number, if any) of the complainant.

(ii) The name and address of the person committing the alleged discrimination.

(iii) A description of the acts considered to be discriminatory.

(iv) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(2) Such complaint must be filed not lated than 180 days from the date of the alleged discrimination, unless the time for filing is extended by FHA for good cause shown.

(h) *FHA responsibilities.* In addition to the foregoing requirements of this section and the lender's advice in the Request for Contract of Guarantee that "All Equal Opportunity and Nondiscrimination requirements have been met or will be met at the appropriate time," FHA will make such periodic checks as it deems necessary to assure that all equal opportunity and nondiscrimination requirements are met in each loan case.

§§ 1826.57–1826.59 [Reserved]

§ 1826.60 Transfer and assumption—general.

The transfer of security property by the borrower and assumption of guaranteed loan indebtedness by the transferee will be handled as provided for herein. In transfer and assumption cases, preference will be given to applicants who, after the transfer and assumption are made, will meet the eligibility requirements for the type of loan involved. If the transferee will make any cash down payment in connection with the transfer and assumption, or if any security property is to be sold before the transfer and assumption, the amount of such cash down payment or sale proceeds should be credited on the transferor's guaranteed loan debt before the transfer and assumption are closed. A County Committee certification will not be required. The original borrower may be released from personal liability since the entire indebtedness is being assumed. As stated in § 1826.2, where appropriate in this handbook, "liquidation" and "loan" shall be construed to mean "transfer and assumption," "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "transferee."

§ 1826.61 Eligible transferee—full assumption.

An "eligible transferee" is a person who meets the eligibility requirements for the type of loan involved.

(a) *Determination by holder.* The holder must furnish FHA a statement showing the holder's determinations that:

(1) The transferee is eligible for the type of loan involved.

(2) The transferee has acquired all of the property securing the guaranteed loan balance.

(3) The transferee could not acquire the security property without the guaranteed loan credit.

(4) The market value of the transferred security property is equal to or more than the amount assumed.

(5) The existing security and lien priorities have been maintained or improved.

(6) The transferee appears to have the ability and desire to pay the amount assumed.

(7) Proper hazard insurance is in effect.

(8) Any applicable Truth in Lending requirements have been met.

(9) The transaction has been properly closed and coveyance instruments recorded, if recordable.

(b) *Assumption agreement.* The assumption will be made on Form FHA 449–8, "Assumption Agreement for Guaranteed Loans (Same terms)," if the promissory note repayment schedule remains in effect. If the schedule is changed, Form FHA 449–7, "Assumption Agreement for Guaranteed Loan (New Terms)" will be used.

(c) *Contract of Guarantee.* The existing Contract of Guarantee will continue in effect, so a new Contract of Guarantee will not be issued.

(d) *Payment schedule.* The promissory note repayment schedule cannot be changed by the Assumption Agreement unless the change is approved in writing by FHA, and by the original borrower if he is not released from personal liability.

(e) *Finance Office.* As soon as the transfer and assumption have been completed, the holder will send two conformed copies of the executed Assumption Agreement to FHA along with the statement of determinations required in paragraph (a) of this section. The County Supervisor will forward one copy of the Assumption Agreement to the Finance Office for loan identification and future accounting purposes. That copy will be accompanied by FHA's written approval under paragraph (d) of this section if the repayment schedule is changed.

§ 1826.62 Ineligible transferee—full assumption.

An "ineligible transferee" is a person who does *not* meet the eligibility requirements for the type of loan involved.

(a) *Assumption agreement.* The assumption will be made on Form FHA 449–7, "Assumption Agreement for Guaranteed Loans (New Terms)."

(b) *Transfer and assumption docket.* The holder will prepare and submit a transfer and assumption docket to FHA containing:

(1) The holder's determinations required by § 1826.61(a) (2), (5), (6), (7), (8), and (9).

(2) The holder's determinations that:

(i) The transferee is *not* eligible for the type of loan involved.

(ii) The proposed transfer and assumption appear to be the best method for most adequately protecting the financial interests of the holder and FHA.

(iii) The market value of the security property to be transferred is equal to or more than the unpaid balance on the guaranteed loan, or that the financial situation of the transferee is such that any difference could be readily collected.

(3) The holder's statement as to the term of the assumption and the interest rate to the transferee.

(c) *Term and interest rate.* The term of the assumption cannot exceed 5 years unless FHA makes a written determination that a longer period is necessary to protect the financial interest of FHA as guarantor. Even if that determination is made, the term cannot exceed 10 years. The interest rate may be any legal rate agreed to by the holder and the transferee.

(d) *Interest subsidy.* FHA will *not* pay any interest subsidy to the holder in these cases in which the debt is assumed by an ineligible transferee.

(e) *Payment Schedule.* Since the promissory note repayment schedule will be changed in the Assumption Agreement, the original borrower will have to approve the change in writing if he is not to be released from personal liability.

(f) *Contract of Guarantee.* The existing Contract of Guarantee will continue in effect, so a new Contract of Guarantee will not be issued.

(g) *Approval by FHA.* If FHA finds that the docket is complete and concurs in the holder's determinations, it will issue a letter of tentative approval and send it and the docket to the holder. If the assumption term exceeds 5 years, the letter will contain FHA's determination as to whether the term is necessary to protect the FHA's financial interests as guarantor. If FHA determines that it cannot approve the proposed transaction, it will inform the holder in writing of the reasons and return the holder's docket. If the holder satisfies FHA's objections, it may resubmit the docket to FHA for reconsideration.

(h) *Closing transfer and assumption.* Upon receipt of FHA's approval letter, the holder will proceed with closing the transfer and assumption transaction, including, but not limited to, obtaining execution and delivery of the conveyance instruments and the assumption agreement, compliance with any Truth in Lending requirements, and recordation of said conveyance instruments, if recordable.

(i) *Conformed copies.* As soon as the transfer and assumption transaction has been closed, the holder will furnish two conformed copies of the executed assumption agreement to FHA. FHA will forward one copy to the Finance Office.

(j) *Not substitute for graduation.* This procedure for transfer to and assumption by an ineligible transferee will not be used as a substitute for requiring the transferor to graduate to credit not backed by a Contract of Guarantee if he is able to do so in accordance with the provisions of the security instruments.

§§ 1826.63—1826.65 [Reserved]

§ 1826.66 Liquidation.

If either the holder or FHA concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure or eliminate within a reasonable period of time, it will notify the other party and the matter will be handled as follows:

(a) *Holder's proposed method of liquidation.* Along with the holder's notification to FHA or within 10 days after the holder receives a notification from FHA, the holder will advise FHA of its proposed method of liquidation and will provide FHA with all available information concerning:

(1) The borrower's assets, including claims, contracts, accounts receivable and other contingent assets not serving as security for the loan.

(2) Its estimated value of all of the borrower's assets, including security and nonsecurity property.

(3) The holder's proposed method of making the maximum collection possible on the entire indebtedness, including that covered by the FHA guarantee and that not so covered.

(b) *FHA's response to liquidation proposal.* Within 30 days after receipt of such notification from the holder, FHA will inform the holder:

(1) Whether FHA concurs in the holder's proposed method of liquidation.

(2) Which loss settlement option provided in paragraph (f) of this section FHA has selected. To assist FHA in selecting the loss settlement option, the lender and holder will, upon request, provide FHA such information, and such legal and other instruments and documents (or copies thereof or access thereto), as the lender and holder have with respect to the guaranteed loan transaction.

(c) *Acceleration.* If FHA does not select loss settlement the option in paragraph (f)(2) of this section, "Accept assignment of loan," the holder will proceed as expeditiously as possible with acceleration of the indebtedness, including giving any notices and taking any other actions required by the security instruments or law. A copy of the acceleration notice or other acceleration document will be sent to FHA. If FHA selects the option in paragraph (f)(2) of this section, the indebtedness will not be accelerated.

(d) *Determination of values.* If FHA selects loss settlement the option in paragraph (f)(1) of this section, "Pay loss before liquidation," or loss settlement the option in paragraph (f)(2) of this section, "Accept assignment of loan," within 15 days after FHA has advised the holder of such selection, or preferably while the acceleration proceedings are in process, the holder and FHA will appraise and endeavor to agree on the market value of the security property and any additional amounts that can be readily collected from the borrower (additional debt payment ability). The term "market value" as used in this handbook means the amount for which the property would sell for its highest and best use at voluntary sale. If FHA selects loss settlement the option in paragraph (f)(3) of this section, "Accept title to property from registered holder," or loss settlement option (f)(4) of this section, "Pay loss after liquidation," the determination of values will be made at the time specified in the applicable paragraph.

(1) If the holder and FHA cannot agree on the value of the security property and any additional debt payment ability of the borrower within 15 days after their appraisals are required to be made, they shall within the next 15 day period or earlier if possible, select a disinterested appraiser who will determine such values. The appraiser will make the appraisal report to the holder and FHA.

(2) The appraiser's valuations will be used in calculating the loss if FHA agrees that they are correct. Within 10 days after FHA receives a copy of the appraiser's report, it will notify the holder in writing whether it agrees with the appraiser's valuations.

(3) The fee of such appraiser will be shared equally by FHA and the holder.

(e) *Determination of loss.* The amount of the loss to be paid by FHA will be initially calculated by the holder on Form FHA 449-20, "Report of Loss."

(1) Within 15 days after the determination of values as provided for in paragraph (d) of this section, the holder will execute the original Report of Loss and present it and one conformed copy to FHA for approval. At the same time, the holder will furnish to FHA the original and one conformed copy of Form FHA 449-19, "Holders Guarantee Fee Report (Semi-annual Report)," bringing the last semiannual report up to date.

(2) If FHA has any question regarding the amounts set forth in the Report of Loss, it will investigate the matter. The holder will make its records available to, and otherwise assist FHA in making this investigation. If FHA finds any discrepancies, it will contact the holder and get the necessary corrections made as soon as possible. When FHA finds the Report of Loss to be proper in all respects, it will be "Tentatively Approved" in the space provided on the form for that purpose.

(3) After the Report of Loss has been tentatively approved, FHA will send the original Report of Loss and the original interim Holders Guarantee Fee Report to the Finance Office for issuance of a Treasury check in payment of the amount owed by FHA to the holder. The Finance Office will analyze these reports to see whether the amount claimed is correct. In analyzing the Report of Loss, the Finance Office will assume that the amounts shown in the following Sections of that form are correct:

(i) Section II, "Prior Lien Amounts Owed to Settlement Date."

(ii) Section IV, "Market Value of Security Property."

(iii) Section VII A 2, "Funds in escrow account."

(iv) Section VII A 3, "Net income from security property."

(v) Section VII A 4, "Borrower's debt payment ability."

(vi) Section VIII, "Allowances to Holder for Liquidation Costs."

(4) Notwithstanding any provision in paragraph (f) of this section, if the Finance Office finds the amount claimed by the holder to be incorrect, the Treasury check will be for the amount the Finance Offices finds to be correct. The Finance Office will send an explanation of any changes in amounts along with the Treasury check.

(f) *Loss settlement options (Payment of loss before or after liquidation, acceptance of assignment of loan, acceptance of title to property.)* FHA will have the option to settle its obligation under the Contract of Guarantee in any of the following ways. The foregoing paragraphs (a) through (e) of this section will apply regardless of which option is selected.

(1) *Pay loss before liquidation.* If FHA elects to pay the loss covered by the Contract of Guarantee before the liquidation action is taken by the holder or a third party, upon receipt of the Report of Loss from the holder, the Finance Office will promptly have a U.S. Treasury loss payment check issued and mailed to the holder. The check will be for the amount set forth in Section IX of the Report of Loss (Section IX consists of an adjusted sum arrived at by making certain deductions from and additions to the 90 percent Basic Loss guarantee payment owed by FHA to the holder for losses on the promissory note and future advances. The deductions are for the guarantee fee owed by the holder to FHA, cash in holder's possession in the escrow account or net income from the security property, and any amount that the holder can readily collect from the borrower in excess of the value of the security. The deductions are totalled in Section VII B of the Report of Loss. The additions are for any interest subsidy payments totalled in Section VII E and any allowances for liquidation costs totalled in Section VIII C, which are self-explanatory.) If the liquidation is being conducted by the holder and it subsequently decides:

(i) Not to liquidate, it will refund to FHA any amount paid to it by FHA for liquidation costs.

(ii) To employ a different method of liquidation for which the cost is less than the amount paid to it by FHA for liquidation costs, it will refund the difference to FHA.

(2) *Accept assignment of loan.* If FHA elects to take an assignment of the loan, the amount of the Treasury check will be calculated on the Report of Loss. It will be for the "Market Value of Security

Property" total shown in Section IV C, less the "Prior Lien Amounts" total shown in Section II D (if that sum is less than the "Guaranteed Loan Items" total shown in Section I E), plus the amount of the "Percentage of Basic Loss Guaranteed" shown in Section VI, less the amount of the "Guarantee fee owed by holder" shown in Section VII A 1, plus the amount of any "Interest subsidy" shown in Section VII D 1.

(i) Upon receipt of the Report of Loss, the Finance Office will send the Treasury check to FHA for delivery to the holder when the holder furnishes the following items in the form required by FHA:

(A) Promissory Note endorsed payable to the order of the United States of America.

(B) Security instruments with any required assignments thereof (filed or recorded, if required).

(C) Assignment of any escrow agreement and any funds in the escrow account, and any claims for future advances already made.

(D) Evidence of title and ownership.

(E) Any other instruments required by FHA to perfect its ownership of the guaranteed loan and related rights.

(ii) Any net rental or other income that has been received by the holder from the security property (Section VII A 3 of Report of Loss) should be applied on the guaranteed loan debt before FHA accepts an assignment of the loan. The holder's right to funds in the escrow account (Section VII A 2 of Report of Loss) and the account itself will be assigned to FHA.

(3) *Accept title to property from registered holder.* If FHA elects to wait and accept a conveyance of the former security property from the holder after the holder has acquired title to it by voluntary conveyance in lieu of foreclosure or by purchase at foreclosure or other forced sale:

(i) A determination of value of the former security property will be made within 30 days after title (record title, if conveyance can be filed or recorded) is vested in the holder, except that if a period of redemption exists, this action, at FHA's option, may be delayed until the applicable period of redemption has expired. The Report of Loss will be prepared on the same basis as if the borrower still owned the property. The Settlement Date in the Report of Loss will be approximately 30 days after FHA receives the Report of Loss.

(ii) The Treasury check will be calculated on the Report of Loss. It will be for the "Market Value of Security Property" total shown in Section IV C, less the "Prior Lien Amounts" total shown in Section II D (if the sum is less than the "Guaranteed Loan Items" total shown in Section I E), plus the amount of the "Total Loss Payable to Holder" shown in Section IX (explained in paragraph (f) (1) of this section).

(iii) In Section IV C of the Report of Loss, the total market value of the security property will be the appraised value as determined under paragraph (d) of this section.

(iv) The Finance Office will send the Treasury check to the FHA for delivery to the holder when the holder furnishes the following items in the form required by FHA:

(A) General Warranty Deed covering the acquired real property (FHA may also require a policy of owner's title insurance if it is unwilling to rely on the grantor's warranty, the cost to be shared equally by FHA and the holder).

(B) Bill of Sale or other required conveyance containing a general warranty of title to any acquired personal property (and any fixtures not covered by a warranty deed).

(C) Possession of all conveyed property.

(D) Any other instruments required by FHA to perfect its ownership and possession of the conveyed property.

(4) *Pay loss after liquidation.* FHA may decide to wait and pay the loss covered by the Contract of Guarantee after liquidation by the holder or a third party, regardless of who acquires the security property in the liquidation proceedings. If FHA chooses this loss settlement option, it may elect to pay the loss before or after any applicable redemption period. In any event, under this option, FHA will not take title to said property.

(i) The provisions of paragraph (f) (3) (i) of this section with respect to Determination of Values, Report of Loss, and Settlement Date are applicable here.

(ii) The Treasury loss payment check will be calculated on the Report of Loss, and will be in the *sum* of the "(Adjusted Basic Loss)" shown in Section VII F of that form if liquidation was by a third party, or the amount of the "Total Loss Payable to Holder" shown in Section IX, if liquidation was by the holder.

(iii) The "Market Value of Security Property" total shown in Section IV C of the Report of Loss, will be the appraised value as determined under paragraph (d) of this section or the acquisition price at a forced sale, whichever amount is more.

(iv) The Finance Office will send the loss payment check direct to the holder.

(g) *Maximum amount of loss payment to holder.* Notwithstanding any other provisions of this Handbook, the amount payable by FHA to the holder for loss sustained on the loan and future advances cannot exceed 90% of the loan principal advanced by the lender to the borrower under the guaranteed loan promissory note or assumed by the assuming parties under an assumption agreement in a transfer and assumption case.

(h) *Application of FHA loss payment.* The amount of the loss payment by FHA will be applied by the holder on the guaranteed loan debt.

(i) *Graduation of borrowers.* One of the defaults that may occur involves failure or refusal of the borrower to graduate to credit not backed by a Contract of Guarantee, after FHA determines that he is in a position to graduate under the provisions of the security instruments. Every 5 years after issuance of the Contract of Guarantee, the holder will furnish to FHA a report on the borrower's financial situation. FHA will use the report in determining whether the borrower is able to graduate to credit without a Contract of Guarantee. If FHA so determines on the basis of the holder's report and any other information, or if such a determination is made by FHA at any other time, it will notify the holder in writing to that effect, explaining the basis of the determination. If the lender disagrees, it will notify FHA in writing of the reasons for its disagreement, and FHA will reconsider the matter. If the holder does not disagree with FHA's initial determination, or if FHA does not change its mind on reconsideration, FHA will request the borrower to obtain the credit without the FHA guarantee. If the borrower fails or refuses to do so, FHA will notify the holder and it will proceed with liquidation as in the case of any other substantial default.

§§ 1826.67—1826.70 [Reserved]

§ 1826.71 FO eligibility requirements.

To be eligible for an FO (Farm Ownership) loan each applicant must:

(a) *Citizen.* Be a citizen of the United States.

(b) *Legal capacity.* Possess legal capacity to incur the obligations of the loan.

(c) *Experience or training.* Be an individual who has:

(1) Farming experience or farm training sufficient to assure reasonable prospects of success in the proposed farming operation, and

(2) Other training or experience when nonfarm enterprises are involved to assure success with such proposed operation. A nonfarm enterprise is any business conducted by an eligible farmer to supplement his farm income.

(d) *Character, ability, industry.* Possess the character, ability, and industry necessary to carry out the proposed operation and be a person who will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(e) *Other available financing.* Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(f) *Owner-operator, production.* After the loan is made, be the owner-operator of a family farm which will produce a substantial portion or all of his total income.

§ 1826.72 Preference between FO applicants.

Preference will be given:

(a) *Veterans.* First to applications on hand from veterans over applications of nonveterans on file with the lender at the same time. A veteran is a person who

has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served on active duty in any such forces:

(1) During the period of April 6, 1917, through March 31, 1921;

(2) During the period December 7, 1941, through January 31, 1955; or

(3) For a period of 180 days or more, any part of which occurred after January 31, 1955.

(b) *Other applicants.* Second to applications from persons who are:

(1) Married or have dependent families.

(2) Owners of livestock and farm machinery and equipment necessary to successfully carry on farming operations.

(3) Able to make downpayments.

§ 1826.73 FO loan purposes.

Subject to the prohibitions in § 1826.74 and the loan limitations and special provisions in § 1826.75, FO loans that are consistent with environmental requirements for the area may be made to:

(a) *Purchase or enlargement.* Purchase or enlarge a farm, including any land for recreation or other nonfarm enterprise which is not, or as enlarged will not be, larger than a family farm.

(b) *Improvements.* Construct or improve buildings and facilities on the applicant's farm, including:

(1) Construction of essential but modest farm dwelling and service buildings, including fish farming facilities, structures and hatcheries, and facilities and structures for nonfarm enterprise uses, such as docks, shooting blinds, refreshment or marketing stands, processing or assembly plant, sales building, repair shops, lodging facilities, trailer parks, picnic areas, target ranges, tennis courts, shuffleboard courts, golf driving ranges, campsites, and modest rental housing.

(2) Improvement, alteration, repair, replacement, relocation, or purchase and moving of such essential dwellings and service buildings, facilities and structures.

(3) Purchase and/or installation of domestic water and sewage disposal systems and other equipment or facilities necessary to the effective operation of a farm (including any nonfarm enterprises), provided the items upon installation become part of the real estate or customarily pass with the farm when it is sold.

(c) *Land and water development.* Provide land and water development, acquisition of water supplies, rights, use and conservation essential to the operation of the farm, and any nonfarm enterprise facilities. This includes fencing, land clearing, forestry purposes, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, and trails and lakes. Also, loan funds may be used to pay that part of the cost of facilities, improvements and practices which is to be earned by participation in agricultural cost sharing or Great Plains programs, but only when such costs cannot be covered by purchase orders or assignments to material suppliers or constructors.

(d) *Refinancing of debts.* (1) When an applicant's request includes the use of guaranteed loan funds for the refinancing of debts, the lender must determine before a guaranteed loan can be made that the applicant's present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet without an FHA guarantee, and that he cannot provide the needed funds from his own resources.

(2) Section 1826.11 sets forth certain conditions and limitations with respect to the use of a guaranteed loan to refinance debts owed to the lender or owed to, or insured or guaranteed by, parties other than FHA. Debts owed to FHA also may be refinanced with a guaranteed loan in justifiable cases. However, an FHA loan held by an insured or guaranteed lender will not be refinanced with a guaranteed loan unless the rate on the proposed guaranteed loan (borrower's rate plus any interest subsidy) will not exceed the total existing interest rate to the insured or guaranteed lender.

(e) *Expenses and Social Security Taxes.* Pay expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, appraisal and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements.

(f) *Nonfarm enterprises.* Finance a nonfarm enterprise as hereinbefore provided for in this section, but only when it will provide an additional source of necessary supplemental income.

§ 1826.74 Prohibited FO loan purposes.

An FO loan will not be guaranteed to:

(a) *Personal property.* Purchase items not considered to be a part of the farm, such as farm machinery and equipment, appliances, livestock, construction and maintenance tools, automobiles, trucks, boats, and nonfarm enterprise equipment that would not be considered real estate.

(b) *Land retirement area.* Acquire land or develop a farm which is in an area designated for retirement from agriculture by Federal, State or local agencies.

(c) *Refinancing.* Refinance any debts owed to, or insured or guaranteed by, the lender without prior written consent of FHA. Also see § 1826.11.

(d) *Pay debts not approved.* Pay debts incurred for purposes other than those upon which the Conditional Commitment for Guarantee was based.

§ 1826.75 FO loan limitations and special provisions.

For an FO loan to be guaranteed:

(a) *Indebtedness limitation.* The FO loan plus any other indebtedness against the farm or other security, or both, must not exceed $100,000 or the market value of such security, whichever is less, or the amount certified by the County Committee. This includes all principal and past-due interest indebtedness on existing and proposed security.

(b) *Noncontiguous tracts.* If the farm contains two or more noncontiguous tracts, they must be so located that the farming operation and any nonfarm enterprise can be efficiently conducted, considering the distance and adequacy of rights-of-way or public roads between the tracts.

(c) *Dwellings and other essential buildings.* Buildings adequate for the planned operation of the farm, including any nonfarm enterprise, must be available. In nearly all cases the necessary buildings will be located on the applicant's farm. However, if the applicant owns suitable buildings which are not considered a part of his farm and ordinarily would not pass with the farm in a change of ownership, duplicate buildings on the farm need not be required if adequate security can be obtained. Likewise, duplicate buildings on the farm need not be required if the applicant has a long-term lease on adequate buildings near enough to properly operate the farm and if adequate security can be obtained. The same rule may be applied if the applicant has assurance of long-term occupancy of such buildings he expects to inherit. Mobile homes will not be considered adequate dwellings for FO farms.

(d) *Land and facility development.* Adequate development to place the farm and any nonfarm enterprise in condition for successful operation will be provided at the outset in connection with each loan. In planning farm development, consideration should be given to obtaining recommendations from the Forest Service, Soil Conservation Service, Extention Service, and State of substate planning agencies or local planning groups. In planning such development with the applicant, the lender will encourage him to use any cost-sharing assistance that may be available.

(e) *Performing development.* The lender and borrower will be responsible for proper construction and land development with the amount of funds loaned for that purpose. In this connection, see §§ 1826.3(e), 1826.14(b), and 1826.46(a). This includes, but is not limited to:

(1) Compliance with applicable laws, ordinances, codes, and regulations.

(2) Adequacy of plans, specifications, and estimates.

(3) Sufficiency, quality, and rights to adequate water supply.

(4) Method of construction or development.

(5) Awarding, execution, and provisions of construction or development contracts, and bonding of contractors where necessary.

(6) Seeing that all equal opportunity and nondiscrimination requirements are met. See §§ 1826.26(a)(7) and 1826.56.

(7) Seeing that construction or development is performed expeditiously and properly, including inspection of sites

and construction or development in various stages of completion to determine that the work and material conform with the plans and specifications and any other requirements.

(8) Limiting periodic or partial payments for construction or development to a reasonable percentage of the actual value of work and material in place.

(9) Making final payment only after final inspection has been made and the construction or development has been found proper in all respects.

(10) Obtaining appropriate releases from laborers, materialmen, contractors, subcontractors, or other parties involved, to assure that there will be no lien or other claims by any such parties against the borrower or the security property.

(f) *Liens junior to the lender's FO lien.* A loan will not be approved if a lien junior to the FO lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of loan closing or any indebtedness he may incur in connection with the FO loan, such as for a portion of the purchase price of the farm or money borrowed from others for payments on debts against the farm, unless the total debt against the security would be within the $100,000 debt limit or the market value of the security, whichever is less.

§ 1826.76 FO rates and terms.

(a) *Interest rate to borrower.* See § 1826.13.

(b) *Loan term.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

(c) *Reamortization.* If the borrower pays 25% or more of the loan balance before it is due, from the sale of part of the security with the approval of the holder or with funds derived from other sources, the holder may agree to a reamortization of the balance owed, provided the repayment period does not exceed the remaining portion of the original loan terms and the remaining security is adequate for the balance owed.

§§ 1826.77–1826.80 [Reserved]

§ 1826.81 SW eligibility requirements.

To be eligible for an SW (Soil and Water) loan the applicant must:

(a) *Tenant, owner, partner, corporation; farm.* Be a farm tenant or farm owner, member of a partnership that owns and operates a farm, or a domestic corporation engaged in farming. Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. If the applicant has an undivided interest in the land to be improved, the applicant and his co-owners, individually or jointly, must be unable to provide the necessary improvements with their own resources or obtain the necessary credit elsewhere without an FHA guarantee.

(1) The term "farm" includes the total acreage of one or more tracts of land which is owned or operated by the applicant as a single unit.

(2) The farm must be of such size and productive capacity to produce agricultural commodities for sale in sufficient quantities that the farm will be recognized in the community as a farm rather than a rural residence.

(3) The farm must be one that will provide farm income which together with any income from other sources will pay operating expenses, including maintenance of land, buildings, and other structures, pay debts, have a reasonable reserve for unforseen emergencies, and, if an individual or partnership, enables the family to have a reasonable standard of living.

(b) *Corporation—stockholders unable to provide financing.* If a corporation, the corporation and the principal stockholders as defined in § 1826.112(f) must be unable to provide necessary improvements with its and their own resources or obtain the necessary credit elsewhere without an FHA guarantee.

(c) *Corporation—private domestic.* If a corporation, be organized as a private domestic corporation under appropriate State laws.

(d) *Character, industry, and ability.* Possess the character, industry, and ability to carry out the proposed operations and will honestly endeavor to carry out the undertakings and obligations required in connection with the SW loan.

(e) *Training and experience.* Have training or farm experience necessary to give reasonable assurance of success in farming whenever the soundness of the loan depends on the farming operation.

(f) *Legal Capacity.* Possess legal capacity to incur the obligations of the loan.

(g) *Lease of tenant.*

If a tenant, have a satisfactory written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on the improvements made with the SW loan. In addition, the lease or separate agreement should provide for compensating the tenant for any unexhausted value of the improvements upon termination of the lease, unless a loan is being processed as authorized in § 1826.85(d) with respect to loans on leasehold interests in farms.

§ 1826.82 Preference between SW applicants.

The veterans preference provisions of § 1826.72(a) are applicable to SW loans to individuals.

§ 1826.83 SW loan purposes.

SW loans may be made for the following purposes, and must be consistent with environmental requirements for the area.

(a) *Material, supplies, equipment, services.* Paying the cash costs for materials, supplies, equipment, and services related to land and water development, use, and conservation, such as:

(1) Terraces, dikes, reservoirs, ponds, tanks, cisterns, wells, pipelines, pumping and irrigation equipment, ditches and canals for irrigation and drainage, waterways, and erosion control structures.

(2) Drainage of land which is part of an operating farm unit.

(3) Land clearing.

(4) Sodding, subsoiling, land leveling, liming, and fencing.

(5) Fertilizer and seed used in connection with a soil conservation practice, or the establishment or improvement of permanent pasture.

(6) Forestation for sustained yield and tree planting for erosion control or shelter-belt purposes.

(7) Gasoline, oil, and equipment rental or hire.

(8) Expense incident to obtaining plans and making the loan, such as fees for legal, engineering, and other technical services which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making any planned improvements.

(9) Purchase or repair of special-purpose equipment such as terracing, land leveling, and ditching equipment, provided:

(i) Such equipment is needed for, and will facilitate the completion or maintenance of, the planned improvement, and

(ii) The cost of the equipment plus the other costs related to the improvement will not be more than if performed by contract or other methods.

(b) *Water source.* Acquiring a source of water to be used on land the applicant owns or is acquiring, including:

(1) Purchase of water stock or membership in an incorporated water users association.

(2) Acquisition of a water right through appropriation, agreement, permit, or decree.

(3) Acquisition of a water supply or right, and the land on which it is presently being used, when the water supply or right cannot be purchased without the land, provided:

(i) The value of the land without the water supply or right is only an incidental part of the total price, and

(ii) The water supply and right will be transferred to, and used more effectively on, other land owned by the applicant.

(c) *Site for water or drainage facilities.* Purchase of land or an interest therein for sites or rights-of-way upon which a water or drainage facility will be located.

(d) *Stock, membership, assessments.* Purchase of stock or membership in, or payment of assessments to, an incorporated association or organized group service which will help such association or group service to finance facilities and

improvements for which loan funds may be used.

(e) *Cost sharing programs.* Paying that part of the cost of facilities, improvements, and practices which is to be earned by participation in agricultural cost sharing or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed $500, the applicant will assign the payment to the lender.

(f) *Water supply and distribution.* To provide water supply for dwellings and farm buildings, including such facilities as wells, pumps, farmstead distribution systems, and home plumbing.

§ 1826.84 Prohibited SW loan purposes.

An SW loan will not be guaranteed:

(a) *Items not directly related to main purpose.* For items that are not directly related to land and water development, use, and conservation, such as annual operating expenses, power plants, or power transmission lines other than service drops or lines, or buildings other than those to protect pumping installations.

(b) *Recreation.* For recreational purposes.

(c) *Preexisting debts.* To pay debts incurred prior to the closing of the SW loan except fees for legal, engineering, and other technical services.

§ 1826.85 SW loan limitations and special provisions.

(a) *Indebtedness limitation.* An SW loan will not be guaranteed if:

(1) The borrower's unpaid principal indebtedness plus any past-due interest against the security and the amount of the loan will exceed $100,000. If only nonreal estate items will serve as security, in addition to the limitation above, the borrower's unpaid principal indebtedness plus any past-due interest against the nonreal estate security and plus the amount of the loan will exceed $25,000.

(2) The amount of the loan and the unpaid principal balance plus any past-due interest on other secured debts against the farm will exceed the market value of the farm and, when applicable, the market value of any other security, as determined by the lender, or the loan exceeds the amount certified by the County Committee.

(3) A lien junior to the FHA lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of the loan closing or any indebtedness he may incur in connection with the SW loan, unless such a lien is within the $100,000 debt limit or the market value of the security, whichever is less.

(b) *Land development.* To the extent practicable, recommendations from the Forest Service, Extension Service, and the Soil Conservation Service should be obtained. In planning land development with the applicant, the lender will encourage him to use any available cost-sharing assistance.

(c) *Performing development.* The provisions of § 1826.75(e) are applicable to performing development in SW loan cases.

(d) *Loans on leasehold interests in farms.* A loan may be secured by a mortgage on a leasehold that has a negotiable value that is mortgageable, if otherwise proper, where the lessor owns the fee simple title marketable in fact and neither the leasehold nor the fee title is subject to a prior lien. If in any case involving a prior lien the lender concludes that a sound loan can be made upon a leasehold, he will submit complete information to FHA for review and special authorization prior to approval of the loan.

(1) With respect to achieving the purpose of the loan, obtaining adequate security, and being able to service the loan and enforce the security, the lender as holder of a mortgage upon a lease or leasehold interest must be in a position substantially as good as if it held a second mortgage on a fee simple title. This includes besides lessors' consent to the SW mortgage on the leasehold interest of the lessor, such matters as:

(i) Reasonable security of tenure. The borrower's interest will not be subject to summary forfeiture or cancellation.

(ii) The rights to foreclose the SW mortgage and sell without restrictions that would adversely affect the salability or market value of the security.

(iii) The right of the holder to bid at foreclosure sale or to accept a voluntary conveyance of the security in lieu of foreclosure.

(iv) The right of the holder, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit.

(v) The right of the borrower, in the event of default or inability to continue with the lease and the SW loan, to transfer the leasehold, subject to the SW mortgage, to a transferee who will assume the SW debt.

(vi) Advance notice to the holder of lessor's intention to cancel, terminate, or foreclose upon the lease. Such advance notice will afford sufficient time to permit the holder to ascertain the amount of deliquencies, the total amount of the lessor's and any other prior interest, the market value of the leasehold interest and, if litigation is involved, to refer the case with a report of the facts to its attorney and permit him to take appropriate action.

(vii) Express provisions covering the question of payment by the holder of unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during the holder's occupancy or ownership, pending further servicing or liquidation.

(viii) Any necessary provisions to assure fair compensation to the lessee for any part of the premises taken by condemnation.

(ix) Any other provisions necessary to meet the requirements of this paragraph.

(2) In any State in which real estate or chattel mortgages or security agreements may be taken on leasehold interests and recorded so as to protect the mortgagee or secured party, the holder will see that the security instruments or financing statements are properly filed or recorded.

§ 1826.86 SW rates and terms.

The rates and terms for SW loans are the same as for FO loans set forth in § 1826.76.

§ 1826.87—1826.90 [Reserved]

§ 1826.91 RL eligibility requirements.

To be eligible for an RL (Recreation) loan, the applicant must:

(a) *Farmer.* Be an individual regularly engaged in farming at the time he applies for the initial loan.

(b) *Recreation manager or operator.* Be the manager and operator of the recreation enterprise after the loan is made.

(c) *Other available financing.* Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at reasonable rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(d) *Citizen.* Be a citizen of the United States of America.

(e) *Legal capacity.* Possess legal capacity to incur the obligations of the loan.

(f) *Character, ability, industry.* Possess the character, ability, and industry to carry out the proposed operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(g) *Training or experience.* Have the training or experience necessary to give reasonable assurance of success in the proposed operation.

(h) *Tenant's lease.* If he is a tenant, have a satisfactory written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on the improvements made with the Recreation loan. In addition, the lease or a separate agreement must provide for compensating the tenant for any unexhausted value of the improvements upon termination of the lease, unless the loan is to be secured by a leasehold. For additional provisions with respect to loans on leaseholds, see § 1826.95(f).

§ 1826.92 Preference between RL applicants.

The veterans preference provisions of § 1826.72(a) are applicable to RL loans.

§ 1826.93 RL loan purposes.

Subject to the prohibitions in § 1826.94 and the loan limitations and special provisions in § 1826.95, RL loans that are

consistent with environmental requirements for that area may be made to:

(a) *Personal property and services.* Purchase materials, supplies, animals, fish and birds, and pay for services required in the establishment of outdoor recreation facilities.

(b) *Real property.* Acquire necessary land, easements, and rights-of-way for outdoor recreation uses.

(c) *Land and water development.* Develop land and water resources for outdoor recreation uses.

(d) *Buildings and facilities.* Construct or improve modest and essential buildings and facilities for outdoor recreation uses.

(e) *Refinance debts.* Refinance secured and unsecured debts.

(f) *Equipment, fixtures, facilities.* Purchase and install equipment, fixtures, and other facilities necessary to the efficient operation of the recreation enterprise.

(g) *Operating expenses.* Pay operating expenses necessary to efficient operation of the recreation enterprise, such as labor, fuel, electricity, water, sewer charge, advertising, feed, seed, fertilizer, and hazard insurance premiums, which the borrower cannot pay from his own funds or obtain from other sources at reasonable rates and terms within his ability to pay.

(h) *Fees for services, Social Security taxes.* Pay essential expenses incident to obtaining plans and making the loan, such as fees for legal, architectural, and other technical services which the borrower cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making planned building improvements or installation of equipment and facilities for the recreation enterprise.

§ 1826.94 Prohibited RL loan purposes.

A recreation loan will not be guaranteed if:

(a) *Dwelling and farm service buildings.* The funds will be used to construct farm service buildings or a dwelling for personal occupancy.

(b) *FO debt.* The borrower is indebted for a Farm Ownership loan and his total farming operation has not or will not be converted to recreational enterprises.

§ 1826.95 RL loan limitations and special provisions.

(a) *Indebtedness limitation.* The RL loan plus any other indebtedness against the farm or other security, or both, must not exceed $100,000 or the market value of such security, whichever is less, or the amount certified by the County Committee. This includes all principal and past-due interest indebtedness on existing and proposed security.

(b) *Junior liens.* If a lien junior to the lender's RL lien likely will be taken simultaneously with or immediately subsequent to the closing of the RL loan to secure any debts the borrower may have at the time of the loan closing or any indebtedness he may incur in connection with the RL loan, such a lien must also come within the $100,000 debt limit or the market value of the security, whichever is less.

(c) *Operating expenses.* When a Recreation loan includes funds for the payment of operating expenses, the borrower will be required to pay the operating expenses as expeditiously as feasible, usually within the first year or two but in no case in more than 5 years.

(d) *Land, buildings, and facilities.* Adequate land, buildings, and facilities will be developed to place the recreation enterprise in condition for successful operation at the outset for each loan. To the extent feasible, recommendations from the Forest Service, Extension Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and State Planning and Development agencies should be obtained. In planning such development with the applicant, the lender will encourage him to use any cost-sharing assistance that is available.

(e) *Performing development.* See § 1826.75(e).

(f) *Loans on leasehold interests.* The provisions of § 1826.85(d) with respect to SW loans on leasehold interests in farms are equally applicable to RL loans on leaseholds.

§ 1826.96 RL rates and terms.

(a) *Interest rate to borrower.* See § 1826.13.

(b) *Loan term.* Each employee will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security. However, a loan not secured by real estate or a leasehold will be scheduled for payment over a period not to exceed 20 years from the date of the note.

(c) *Reamortization.* See § 1826.76(f).

§§ 1826.97–1826.100 [Reserved]

§ 1826.101 OL eligibility requirements.

To be eligible for an OL (Operating) loan each applicant must meet the requirements of § 1826.71 except that:

(a) *Farm operator.* After the loan is made, the applicant may only be the "operator," rather than the "owner-operator" of the farm, and

(b) *Rural youth.* Loans may be made to rural youths as defined in § 1826.2 even though they have not reached their majority under State law, provided:

(1) At least one of their parents or guardian and their project advisor recommends the loan.

(2) They are participating in activities of 4–H, Future Farmers of America, Future Homemakers of America, or similar organizations.

§ 1826.102 Preference between OL applicants.

The veterans preference provisions of § 1826.72(a) are applicable to OL loans.

§ 1826.103 OL loan purposes.

Subject to the prohibitations set forth in § 1826.104, the loan limitations and special provisions in § 1826.105 and the limitation on youth loans in paragraph (p) of this section, OL loans may be made for:

(a) *Farm personal property.* Purchase of livestock, poultry, other farm animals, fish, bees, and farm machinery and equipment including forestry enterprise equipment.

(b) *Nonfarm or recreation personal property.* Purchase of nonfarm or recreational enterprise animals, birds, fish, machinery and equipment, facilities, furnishings, inventories, and supplies; and purchase of any essential franchises, contracts, or privileges.

(c) *Undivided interests.* Purchase of undivided interests in the items included in paragraphs (a) and (b) of this section which would be operated under a joint arrangement.

(d) *Supplies, repairs, rental, operating expenses.* Purchase of feed, seed, fertilizer, insecticides, and other supplies, including inventory; the repair or rental of machinery and equipment; and payment of other operating expenses.

(e) *Cash rent and grazing fees.* Payment of equitable cash rent or cash charges for use of essential buildings, pasture, hay, crop or other land, and cost of grazing permits for the crop year being financed, provided:

(1) The applicant is obligated under a written lease or other formal agreement to pay such rent or charges before income will be available from the operation.

(2) Not more than one year's cash rent or cash charges will be paid with loan funds in any one lease year.

(3) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(f) *Property taxes or assessments.* Payment of current year's personal and real property taxes and water or drainage charges or assessments.

(g) *Social Security taxes.* Payment of Social Security taxes in connection with hired labor.

(h) *Insurance premiums.* Payment of real estate and personal property hazard insurance premiums.

(i) *Membership or stock.* Acquisition of memberships and/or stock in farm or nonfarm purchasing, marketing, and service-type cooperative organizations, exclusive of membership in organizations which will acquire, lease, or improve property not otherwise under the control of the members.

(j) *Home equipment and furnishings.* Purchase of essential home equipment and furnishings.

(k) *Refinancing.* Refinancing secured and unsecured debts, provided the amount loaned for such purposes does not exceed the market value of the property involved that will be security for the loan. If a debt owed to the lender is being considered for refinancing, see § 1826.11.

(l) *Milk base.* Purchase of milk base or quota with or without cows.

(m) *Grazing license or permit.* Purchase of grazing license or permit rights of private parties which can be validly sold and transferred or waived separate

from any land lease or other interest in land with or without livestock.

(n) *Real estate improvements.* Real estate improvements or repairs not exceeding $2,500.

(o) *Pollution abatement and control.* Acquisition of equipment and materials for, and development of measures for, pollution abatement and control.

(p) *Rural youths.* Loans to rural youths may be made only for the purpose of initiating, developing and carrying on a farm or nonfarm project in connection with the rural youth's participation in activities of 4–H, Future Farmers of America, Future Homemarkers of America, and similar organizations.

(q) *Living expenses.* Meeting essential family living expenses.

(r) *Appraisal fees and loan closing expenses.* Appraisal fees and expenses incident to loan closing.

§ 1826.104 Prohibited OL loan purposes.

FHA will not guarantee loans for:

(a) *Automobiles.* Purchase of passenger automobiles or the refinancing of debts incurred for such purchase.

(b) *Land purchase, lease payments, refinancing.* Purchase of land or other real estate, or entering into or making payments required under any lease-purchase agreement, or the making of payments on or refinancing of any indebtedness secured by a lien on real estate other than the payment of taxes and water or drainage charges or assessments as authorized in § 1826.103(f). However, this requirement does not prohibit the refinancing of a debt secured by a lien on both real estate and personal property items described in § 1826.103 (a) and (b) to the extent of the applicant's equity in such personal property.

(c) *Income and Social Security taxes.* Payment of Federal or State income taxes or Social Security taxes on the borrower's family income.

(d) *Stock or membership.* Purchase of memberships or stock in production cooperatives.

(e) *Debts not previously approved.* Payment of debts incurred for purposes other than those upon which the Conditional Commitment for Guarantee was based.

§ 1826.105 OL loan limitations and special provisions.

(a) *Maximum amount of loan.* FHA cannot guarantee an OL loan if the principal of the loan plus the principal balance on existing guaranteed, direct, and insured OL loans would exceed $50,000 or the amount certified by the County Committee.

(b) *Joint farming, recreation, and nonfarm operations.*

(1) A joint loan may be made to two eligible applicants living together or living separately and operating jointly not larger than the equivalent of one family farming, recreation, or nonfarm operation.

(2) Separate loans may be made to eligible applicants who are jointly engaged in such an operation, provided not more than three individuals are interested in the operation, and the operation provides the equivalent of not larger than one family operation for each individual.

§ 1826.106 OL rates and terms.

(a) Interest rate to borrower. See § 1826.13.

(b) *Loan term.* The final maturity of the loan cannot exceed 7 years from the date of the promissory note.

(c) *Renewal.* The loan may be renewed if the holder determines that the renewal will assist in the orderly collection of the loan. However, no renewal shall be for a period longer than the original loan term or 5 years, whichever is less. Moreover, no initial renewal nor any combination of such initial and subsequent renewals shall extend the repayment period beyond 5 years from the initial renewal date or the original final maturity date, whichever is earlier.

(d) *Reamortization.* See § 1826.76(c).

§§ 1826.107–1826.110 [Reserved]

§ 1826.111 EM area designations and authorizations.

The County Supervisor will give written notice to approved lenders in his service area as to when the disaster occurred, and when and for what period of time:

(a) *Designated area.* A county or area has been designated for taking applications for particular types of EM loans.

(b) *Isolated production losses—nondesignated area.* Applications may be taken in a county which has not been designated for EM loans, but in which EM loans have been authorized by the State Director because severe production losses have been suffered by not more than 25 farmers who will need EM loans. In a county in which the State Director has determined that such isolated production losses have occurred, lenders will check with the County Supervisor to ascertain that each application comes within the 25 limit.

§ 1826.112 EM eligibility requirements.

To be eligible for an EM (Emergency) loan, an applicant must:

(a) *Citizen.* Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or of a State, and must be authorized to carry on farming operations in the State in which the EM operation is to be conducted.

(b) *Established farmer or rancher.* Be an established farmer or rancher with a reasonably good past record of operations, whether owner-operator or tenant, who manages his farming or ranching operations. An applicant who does not devote full time to his farming or ranching operations may be considered as the manager of his farming or ranching operations if he visits his farm or ranch at frequent intervals often enough to exercise control and see that the operations are being carried on properly.

(c) *Production losses or property damages.* Have suffered production losses or property damage directly related to the unusual and adverse weather conditions which resulted in the major disaster(s) designation by the President, or the natural disaster(s) designation by the Secretary, or the authorization of the State Director because of an isolated production loss. Also, it must be established that all losses or damages upon which eligibility for the loan is based were caused during the time period established for the occurrence of the disaster.

(1) *Production losses.* The production losses must have been of a severe nature. This means that they must have been substantially greater than would be expected from normal fluctuations in yields. In making this required determination about production losses, consideration will be given to the applicant's total farming operations. He will be required to furnish information on Form FHA 441–22, "Statement of Production Losses and Certification," showing the production in each of his crop and livestock enterprises during the year of the disaster and the 2 preceding crop years, and an explanation about how and when the natural disaster caused his production losses. If the production was not normal for any of the 3 years, then the applicant must also furnish such information for his most recent normal year. An applicant meets this eligibility requirement only if his production losses which are *not compensated for by insurance or otherwise,* are the equivalent of 10 percent or more of the dollar value of normal production for his total farming or ranching enterprises. Eligibility established under this subparagraph would only entitle an applicant to an EM loan sufficient to produce a new crop.

(i) To establish eligibility, the lender must convert the applicant's total production after the disaster to gross income adding thereto any insurance or other compensation which may be claimed for these losses, and also calculate his gross income from total production for his most recent normal year. The disaster year figure must be subtracted from the normal year figure to calculate the "loss value" in dollars. The "loss value" will then be calculated as a percentage of the total normal production gross income. This percentage must equal or exceed 10 percent for eligibility. The calculations will be recorded in the lender's loan docket. The gross income will be calculated by using the prevailing market prices for crops in effect at the time of the disaster for each particular commodity as evidenced by the State Crop Reporting Service reports. Lists of prices will be prepared by the State Director and distributed to affected County Supervisors. Approved lenders can obtain such lists from FHA.

(ii) When the applicant has a livestock operation and his losses are to feedcrops, pasture, or grazing, his eligibility will be established by the cost of feed necessarily purchased or grazing rented to replace that which was lost due to the disaster. The cost of the additional feed

purchased or grazing rented must be 10 percent or more of his normal production year gross income from his total operation.

(iii) Where an applicant was unable to plant a substantial portion of his normal crops because of a "qualifying disaster," his production for that portion of his unplanted crops will be shown as zero on Form FHA 441-22 if a substitute or different crop could not be planted. If a substitute or different crop is planted, the acreage and production of that crop will be shown.

(2) Damages or losses not compensated for by insurance or otherwise to farm or ranch dwellings and service buildings, land and water resources, farming or ranching supplies or equipment, or livestock essential to normal farm or ranch operations would qualify an applicant for a loan sufficient only to repair, replace or restore such property. These damages or losses would not qualify the applicant for an EM loan to be used for crop production.

(3) Where an applicant has had disaster damage to feed crops and elects to sell his livestock rather than purchase feed to replace that which he would have produced except for the natural disaster, he cannot claim as loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter had no opportunity for a judgment decision about planting.

(4) Production losses which have occurred to crops or grazing before actual production for the year can be determined will be estimated and shown on Form FHA 441-22 as follows:

(i) For grazing, the number of acres and the estimated percentage of loss will be shown in the appropriate spaces.

(ii) Estimates of damage to other feed crops and cash crops will be shown in units of production.

(5) The lender will make such efforts as are reasonably necessary to check the accuracy of such estimates.

(d) *Legal capacity.* Possess legal capacity to contract for the loan.

(e) *Character, ability, industry.* Be of good character and possess the ability, industry, and experience necessary to carry out the proposed farming or ranching operations and to assure a reasonable prospect for success with the assistance of the loan, and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) *Other available financing.* Be unable with his own resources, or be unable to obtain sufficient credit elsewhere without a guaranteed loan, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources. This must be documented in the lender's case file.

(1) In no case will an EM loan be made to an applicant who is able to obtain the credit he needs elsewhere, without an FHA guarantee, on terms he can reasonably be expected to pay.

(2) For partnerships or corporations, the principal partners or principal stockholders, either individually or collectively must be unable to finance the farming or ranching operations either with their own resources or with credit obtained by them from other sources without an FHA guarantee. Any partner or stockholder owning as much as 20 percent interest in a partnership or a corporation's stock, or a smaller percentage if owned in equal amounts, will be considered as a principal partner or stockholder.

(3) EM loans will not be made to applicants having large net worths or large equities in real estate, chattels, or other property, in relation to the amounts they need to borrow, regardless of their ability to obtain credit from other sources. Such applicants are considered to have options in the use of their resources that would enable them to operate without FHA guarantee assistance.

§ 1826.114 EM loan purposes.

Purposes for which EM loans may be made to fish farmers and oyster planters are set forth in § 1826.116(c) and § 1826.116(d)(3), respectively. Subject to the prohibitions in § 1826.115 and the loan limitations and special provisions in § 1826.116, other EM loans may be guaranteed if made to eligible farmers or ranchers for such of the following purposes as are essential to their farming or ranching operations:

(a) *Supplies, repairs, operating and processing expenses.* Purchase of feed, seed, fertilizer, insecticides, and farm supplies; payment of equipment repair costs, other essential farm operating expenses, and expenses for processing by the applicant of agricultural products produced by him.

(b) *Farm machinery.* Purchase of farm machinery when necessary to replace that destroyed, damaged, or lost through foreclosure or repossession by a prior creditor as the result of the qualifying disaster. Replacement items purchased with loan funds must be reasonably comparable in size and service, but not necessarily identical, to that being replaced.

(c) *Livestock.* Purchase of livestock as follows:

(1) Breeding livestock to replace those lost, destroyed, or disposed of as a result of the qualifying disaster. In such cases, the circumstances surrounding the loss or disposition of the livestock to be replaced will be documented carefully.

(2) Feeder or stocker livestock, provided it has been the applicant's normal practice to have a feeder or stocker enterprise, and the applicant produces more than half of the feed or more than half of the livestock required for the enterprise.

(g) *Unsound loan.* An applicant who meets all of the above criteria should still be denied a guaranteed EM loan if, in the judgment of the lender, he cannot be expected to recover from his losses as a result of the disaster and return to his normal sources of credit within a reasonable period.

§ 1826.113 Subsequent EM loans.

A subsequent loan is one that is made to a borrower who is indebted for an EM loan balance. Subsequent EM loans may be made within the limitations, policies, and authorities contained in this section without regard to the termination date for making initial loans. A subsequent EM loan may be guaranteed when:

(a) *Other available financing.* The applicant is unable to provide the necessary funds or to obtain credit from other sources under the conditions set forth in paragraph (f) of § 1826.112, and his inability to do so has resulted from the disaster which caused the need for the initial loan.

(b) *Ability to pay all EM loans.* There is reasonable assurance that the subsequent loan will be repaid and the balances owed on previous EM loans will be repaid or substantially reduced within a reasonable period.

(c) *Protection of existing EM loans.* The subsequent loan is necessary to protect outstanding EM loans by arranging for the orderly repayment or liquidation thereof. In determining whether a subsequent EM loan is necessary to protect existing EM loans, consideration will be given to the following questions:

(1) Will the lender lose control of future farm or ranch income that ordinarily would be available for payment on the EM loan balance if the subsequent EM loan is not made?

(2) Will the lender's security position be weakened if the subsequent EM loan is not made?

(3) Will the lender take a financial loss if the borrower is forced out of farming or ranching because he could not get credit without a guaranteed subsequent loan?

(3) To establish small feeder or stocker livestock enterprises, or to provide for small increases in the size of such enterprises already established, provided the applicant has the ability to care for livestock properly, it is determined that the establishment or increase in the size of the livestock enterprise is the most feasible method of marketing the feed or crops produced on the farm, the applicant will produce a majority of the feed required for the enterprise, and the enterprise is necessary to develop sound farming operations. It is not the intent of this authorization to assist applicants in making major conversions to livestock operations. Justification for the new enterprise will be documented fully in the loan docket.

(d) *Cash rent.* Payment of customary and equitable cash rent, subject to the following:

(1) When the cash rent, including cash charges as privilege rent, is for the use

of farm buildings, pasture, hayland, cropland for the production of feed crops or grazing land, and all of the following conditions are met:

(i) The applicant is obligated under a written lease, or other formal agreement, to pay such rent or charges in advance of the time income will be available from the farming operations to make such payment. For grazing fees in invoice showing the number of livestock to be grazed, the grazing period, the cost per head, and the total cost may be used in lieu of a written lease. However, when relatively small amounts are involved, an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(ii) Arrangements cannot be made for the rent or charges to fall due when income will be available from the farming operations to make such payment.

(iii) Not more than one year's cash rent or cash charges will be paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(iv) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(v) The feed crops to be produced and any rented pasture or grazing land will be used by the applicant in feeding his stocker, feeder, or productive livestock.

(2) When the cash rent is for the use of land to produce cash crops, and all of the following conditions are met:

(i) The applicant operates not larger than a family farm.

(ii) The applicant's farming operations do not consist primarily of producing vegetable, or other such specialized crops.

(iii) The requirements under paragraphs (d)(1)(i), (ii), (iii), and (iv) of this section are met.

(e) *Taxes, assessments, insurance premiums.* Payment of not more than one year's taxes and insurance premiums on real or personal property owned by the borrower, not more than one year's premium for hazard insurance, Social Security taxes in connection with hired labor only, and water or drainage charges or assessments for not more than one year.

(f) *Unsecured bills.* Payment of current unsecured bills incurred for authorized EM loan purposes in connection with the production of livestock, livestock products, and crops which have not been disposed of, lost, or destroyed, and old unsecured bills incurred for authorized EM loan purposes in connection with the production of livestock, livestock products, or crops which have been disposed of, lost or destroyed.

(1) For this purpose, an unsecured bill is a bill for which the creditor did not receive a lien on any property at the time it was incurred and has not received such a lien since that time. EM loans will not be made for the payment of unsecured bills or notes which can be paid from the sale of livestock, livestock products, or crops to be marketed within a few weeks following the approval of the loan, or cannot be scheduled for payment from the year's income when it normally would be received.

(2) Generally, the amount being advanced for the payment of old unsecured bills should not exceed 5 percent of the total loan.

(g) *Interest on secured debts.* Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, but not to exceed 8 percent per annum, that is due or about to become due on debts secured by liens of other creditors on essential livestock, farm equipment, and farm real estate.

(h) *Depreciation.* Payment of an amount equal to the depreciation in any one year not exceeding 15 percent of the market value of essential farm machinery and equipment under prior lien to another creditor or 15 percent of the amount owed to such creditor, whichever is less.

(i) *Replacement and repair of improvements.* The replacement or repair of essential buildings, silos, storage facilities for feed or water, fences, drainage systems, irrigation facilities, wells, and stock ponds damaged or destroyed by natural disasters. In addition, new wells may be financed, *not* on a replacement basis, where necessary to provide water for domestic use and for livestock where the normal source has been damaged or destroyed by a natural disaster.

(j) *Land leveling, debris clearance.* The releveling of land and the clearing of debris made necessary as a direct result of the qualifying disaster.

(k) *Pastures, plants, trees, perennial crops.* The restoration of permanent pastures and the purchase of trees, rootstock, and plants for reestablishing commercial orchards or berry and other perennial crops, when necessary as a direct result of the qualifying disaster.

(l) *Bills for emergency repairs.* The payment of bills incurred for emergency repairs and improvements to farm real estate, necessary as a direct result of the qualifying disaster, provided:

(1) It is determined that the expenditures were essential to preservation of the propetry or continuation of the applicant's normal farming or livestock operations, and had to be made before an EM loan could be obtained.

(2) The loan for such purposes is approved within a reasonable period following designation of the area. A reasonable period for this purpose generally will not exceed a few weeks.

(m) *Living expenses.* Meeting essential family living expenses.

(n) *Home equipment and furnishings.* Replacement or repair of essential home equipment and furnishings.

(o) *Loan closing expenses.* Expenses incident to loan closing.

§ 1826.115 Prohibited EM loan purposes.

EM loans will not be guaranteed:

(a) *Unsecured bills, interest on secured debts, depreciation.* For purposes authorized in paragraphs (f), (g), and (h) of § 1826.114 unless essential operating expenses are provided for with loan funds and then only where there is reasonable payment prospects for the total amount of credit required for the crop year, and adequate security for the EM loan.

(b) *Refinancing.* To refinance debts, either secured or unsecured, except the payment of bills as authorized in paragraphs (f) and (l) of § 1826.114, without the specific written approval of FHA. Any such written approval will be subject to the conditions, limitations, and requirements of 7 CFR 1832.19.

(c) *Income and Social Security taxes.* To pay Federal or State income taxes, or social security taxes payable by borrowers on their own family income.

(d) *Automobiles.* To purchase passenger automobiles.

(e) *Become established or restablished in farming.* To enable an applicant to become established or reestablished in farming or ranching.

(f) *Expand operations.* To enable an applicant to expand his farming or ranching operations substantially in excess of the size of his operations during the year just prior to the loan application. However, this does not prohibit expansion within the size of family farming operations where additional equipment will not be required and livestock purchases will not exceed those authorized by paragraph (c) of § 1826.114.

(g) *Major adjustments in operations.* To enable an applicant to make major adjustments in his farming or ranching operations. This is not intended, however, to prohibit minor changes such as the shifting or addition of minor crop or livestock enterprises, including the establishment of small acreages of permanent pastures, provided:

(1) The new crop is proven for the area, the applicant has the knowledge and ability to produce the crop, the purchase of additional equipment will not be required and the new enterprise will not result in a substantial expansion of the total crop acreages or the total operating expenses.

(2) The new livestock enterprise meets the requirements of paragraph (c)(3) of § 1826.114.

(h) *Commercial feed lot operations.* To finance commercial feed lot operations.

(i) *Applicant must produce more than ½ of livestock or feed.* To finance livestock or ranching enterprises where the applicant does not produce more than half of the livestock or more than half of the feed required for his enterprise.

(j) *Landlord furnish.* To a landlord to furnish his tenant operators, whether share, cash, or standing rent is paid by these tenants. However, with FHA's written approval, loans may, under justified circumstances, be made to operating landlords or tenants to furnish their sharecroppers.

(k) *Unproven farming operations.* To finance unproven types of farming operations in the area.

(l) *Processing or selling agricultural products.* To finance an applicant's enterprises involving the buying, processing for market, or selling of agricultural products produced by others. However, EM loans may be made to finance such an applicant's farming operations if he agrees in writing to maintain separate records on his farming operations, and assigns to the lender the income to be received from his farming.

(m) *Estates, trusts, partnerships, corporations.* To the following types of applicants:

(1) An estate or a trust.

(2) A corporation owned primarily by an estate, trust, other corporations, or partnerships.

(3) A partnership composed primarily of an estate, trust, corporations, or other partnerships.

(n) *Bankrupts.* To an applicant operating under the jurisdiction of a bankruptcy court.

(o) *National Flood Insurance.* To flood and mudslide victims to repair or replace farm dwellings or service buildings and the contents thereof, damaged or destroyed after 12–31–73, in areas where "National Flood Insurance" was available but not obtained.

§ 1826.116 EM loan limitations and special provisions.

(a) *Federal crop insurance.* Recipients of Emergency loans will be required to carry Federal Crop Insurance during the period their Emergency loans made for crop production purposes are guaranteed, if such insurance is available.

(b) *Orchard rehabilitation.* Emergency (EM) loans may be guaranteed for orchard rehabilitation subject to the requirements of § 1826.111 to § 1826.117, both inclusive, except as modified and supplemented herein. "Orchard rehabilitation" means the renovation or reestablishment of orchards made necessary because of major damage resulting from the natural disaster for which the area was designated.

(1) *Eligibility.* Orchard rehabilitation loans will be made only to otherwise eligible applicants who are owner-operators.

(2) *Loan purposes.* Orchard rehabilitation loans will not be made for the purposes authorized by paragraphs (b), (c), (d), (1), and (n) of § 1826.114. Also, paragraph (f) of § 1826.114 is modified to provide for payment of only those unsecured bills incurred during the crop year for which the loan is made for annual recurring expenses in connection with the production of livestock, livestock products, and crops yet to be sold and from which the advances can be repaid. In addition, paragraph (m) of § 1826.114 is modified to provide that advances will not be made for family living expenses to an applicant for an orchard rehabilitation loan unless his full time will be required for his orchard operations.

(3) *Type of fruits or nuts:* EM loans may be made to enable eligible orchardists to rehabilitate their damaged or destroyed orchards for producing the same type of fruit or nuts, or for producing a different type of fruit or nuts suitable for the area, if the applicant has had adequate experience to assure reasonable prospects for success with that type of fruit or nuts.

(c) *Fish farming.* To be an "established farmer" as that term is used in § 1826.112(b), the applicant must be conducting his own established farming operations consisting in whole or in part of the production of fish for income under controlled conditions in lakes, ponds, streams, or reservoirs.

(1) *Eligibility.* In addition to the requirements in § 1826.112, the applicant must have a record of successful fish farming operations in the past, and have satisfactory plans for marketing his fish farming products.

(2) *Loan purposes.* EM loan purposes to finance fish farming operations include only the following:

(i) Purchase of fish for restocking ponds, lakes, streams, or reservoirs under controlled conditions, and for essential operating expenses in continuing an applicant's normal fish farming operations.

(ii) Purposes authorized by paragraphs (e), (m), and (o) of § 1826.114.

(d) *Oyster Planters.* Emergency (EM) loans may be made to established oyster planters to enable them to continue their normal oyster planting operations, including annual operating costs as well as expenses of rehabilitating oyster farming operations when necessary.

(1) *Definitions.* (i) "Oyster planting" means renovating oyster seed beds and planting, caring for, cultivating, and harvesting planted oysters on the applicant's owned or leased oyster ground. Other types of oyster operations, such as contract planting and gathering wild oysters, are not "oyster planting" operations for this purpose.

(ii) "Oyster planter" means one who performs or actively manages oyster planting functions described in paragraph (d)(1)(i) of this section as his own operation on owned or leased oyster ground. An operator who performs any or all of these functions other than his own oyster planting operations, or is self-employed or employed by others in any type of oyster operations or marine life operations other than oyster planting operations as described in paragraph (d)(1)(i) of this section, is not an oyster planter for this purpose. However, these activities on a limited basis would not disqualify an applicant who conducts such oyster planting operations.

(iii) "Oyster ground" means ground under water on which oyster planting operations are conducted.

(iv) "Rehabilitating oyster planting operations" means restoring such operations to a normal pattern. Generally a period of three years is required for planted oysters to reach the harvesting state. It is the normal pattern for operators to plant one-third of their oyster ground each year in order to have a crop for sale each year. When all of an applicant's planted oysters are destroyed by a natural disaster, the rehabilitation to a normal pattern generally consists of replanting one-third of the applicant's oyster ground during the first year, one-third during the second year, and one-third during the third year. The operations then will have been restored to a normal pattern and subsequent replantings each year will be normal and will not be considered as being made for rehabilitation purposes. It is recognized that there may be variations of the normal pattern of oyster planting operations in some areas. The making of loans will always be adapted to the proven normal pattern of the area.

(2) *Eligibility.* § 1826.112 is supplemented by the addition of the following:

(i) The applicant must furnish satisfactory evidence from other reliable sources, such as banks and other lenders, buyers, and lessors, of a good record of oyster planting operations in the past.

(ii) The applicant must agree in writing to abide by any Federal and State laws, or regulations applicable to oyster planting operations in his area.

(3) *Loan purposes.* EM loans to eligible oyster planters may be made for the following purposes:

(i) Purchase of seed oysters and oyster planting supplies; the repair of oyster planting machinery or equipment; purchase of replacement oyster planting machinery and equipment and other essential operating expenses, including funds for oyster seed bed renovation.

(ii) Family living expenses for applicants who devote a major portion of their time to their oyster planting operations when funds are not available from other sources for this purpose.

(iii) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on equipment and real estate essential to the applicant's oyster planting operations.

(iv) Payment of not more than one year's customary and equitable cash rent or cash charges for the use of grounds leased for oyster planting operations, provided other arrangements cannot be made for the payment of rent and the applicant holds a written lease.

(v) Payment of not more than one year's taxes on personal property and real estate, payment of not more than one year's premiums for insurance on personal property and real estate, and payment of Social taxes in connection with hired labor only.

(vi) Expenses incident to loan closing.

(4) *Loan period.* Section 1826.115 is supplemented to prohibit making an EM loan to finance an applicant's oyster planting, rehabilitation, or other needs for a period longer than one crop year at a time. This is not intended, however, to prohibit subsequent loans in succeeding years on a crop year basis. This prohibition deals only with loan making and not with scheduling loans for repayment.

(5) *Repayment period.* EM loans for authorized purposes in connection with the rehabilitation of oyster planting operations, including annual operating expenses during the rehabilitation period, will be scheduled for repayment

over the shortest period consistent with the applicant's estimated repayment ability from all sources, but not longer than three years from the date of the loan. When an EM loan is made to meet the cost of renovating and replanting oyster beds and the cost is higher than the cost of normal replantings because of a natural disaster, an amount representing the abnormal portion of the cost may be considered as a capital purpose and scheduled for repayment over a period of not more than 7 years.

§ 1826.117 EM rates and terms.

(a) *Interest rate to borrower.* See § 1826.13.

(b) *Loan term.* The final maturity of the loan will not be later than 7 years from the date of the note for loans for other than real estate purposes and not more than 20 years for loans for real estate purposes.

(c) *Renewal.* A loan for operating type purposes is subject to the renewal provisions of § 1826.106. A loan made for real estate type purposes may be renewed if the holder determines that the renewal will assist in the orderly collection of the loan, provided that no such renewal or combination or renewals can extend the repayment period beyond 20 years from the date of the original loan promissory note.

(d) *Reamortization.* If the borrower pays 25 percent or more of the loan balance before it is due, from the sale of part of the real estate security with the approval of the lender or with funds derived from other non-security sources, the lender may agree to a reamortization of the balance owed, provided the repayment period does not exceed the remaining portion of the original loan term and the remaining security is adequate for the balance owed.

(e) *Maximum amount of loan.* FHA cannot guarantee an EM loan if the principal amount of the loan would exceed the amount certified by the County Committee.

§§ 1826.118–1826.120 [Reserved]

§ 1826.121 Forms and forms distribution.

(a) *FHA forms.* The following chart lists the applicable FHA forms, number to be prepared, signatures required, and manner of distribution. These forms may be obtained from FHA.

FHA Form Number	Name of Form	Total Number	Signed By*	Distribution*
400-1	Equal Opportunity Agreement	3	B-0	O-L, C-B, C-FHA
400-3	Notice to Contractors and Applicants	4	L-0	O-Con, C-B, C-L, C-FHA
400-6	Compliance Statement	4	L&Con 3-0	O-L, C-Con, C-B, C-FHA
424-12	Inspection Report	3	L-0	O-L, C-FHA, C-Con
441-22	Statement of Production Losses and Certification	2	B-0	O-L, C-FHA
449-6	Application for Guaranteed Loan (Farmer Programs)	2	B-0	O-L, C-FHA
449-7	Assumption Agreement for Guaranteed Loans (New Terms)	4	B-0	O-L, C-B, C-FHA, C-FC
449-8	Assumption Agreement for Guaranteed Loans (Same Terms)	4	B-0	O-L, C-B, C-FHA, C-FC
449-9	Request for Conditional Commitment to Guarantee Loan	2	L-0	O-FHA, C-L
449-11	Certificate of Acquisition or Construction	4	B&L&Con-0	O-FHA, C-L, C-B, C-Con
449-12	Security Agreement**	3	B-0	O-L, C-B, C-FHA
449-13	Denial Letter	2	FHA-0	O-L, C-FHA
449-14	Conditional Commitment for Guarantee	3	FHA-0	O-L, C-FC, C-FHA
449-15	Promissory Note	4	B-0	O-L, C-FHA, C-B, C-FC
449-16	Mortgage (Deed of Trust)	3	B-0	O-L, C-B, C-FHA
449-17	Contract of Guarantee	3	FHA-0	O-L, C-FHA, C-FC
449-18	Lenders or Holders Request for Approval	4	L-0	O-FHA, C-L, C-FC, C-FHA
449-19	Holders Guarantee Fee Report (Semi-annual Report)	3	L-0	O-FC, C-L, C-FHA
449-20	Report of Loss	3	L-0	O-FC, C-L, C-FHA
449-21	Request for Contract of Guarantee	2	L-0	O-FHA, C-L
471-7	Notice and Acknowledgment of Sale of Insured or Guaranteed Loan	4	L-0	O-FC, C-FC, C-L, C-FHA

"O"—Original; "C"—Copy
"Lender" includes "Holder"
**Chattel Mortgage in L.A. and P.R.

*Signatures and Distribution
"L"—Lender; "B"—Borrower; "FC"—Finance Office
"FHA"—Authorized FHA Official; "Con"—Contractor

(b) *Other forms and information.* Another form that may be obtained from FHA (although it is not an FHA form) is Form AD-425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375." Any needed forms not furnished by FHA will be provided by the lender, holder, or applicant. They may obtain information and copies of other FHA forms that may be helpful in various aspects of loan making, construction and development, and servicing.

(c) *Racial code.* Some FHA forms, such as Form FHA 449-6, Form FHA 449-7, and Form FHA 449-8 contain space for coding the race of the applicant for the loan or assumption. In that code "W" means "White," "N/B" means "Negro(Black)," "S" means "Spanish American," "AI" means "American Indian," and "O" means any other race. The lender is responsible for completing this code on all forms on which it appears, in accordance with his best judgment as to the race involved.

§ 1828.122 Access to records of lenders and holders.

The lender and holder will permit representatives of FHA (or of other agencies of the U.S. Department of Agriculture authorized by that Department) to inspect and make copies of any of the records of the lender or holder pertaining to FHA guaranteed loans. Such inspection and copying may be made during regular office hours of the lender or holder.

§ 1826.123 Review of decisions.

(a) *Decisions of State Directors.* If a State Director rejects any party's request for approval as a lender or holder or for approval to serve any area or terminates the previously approved status of any lender or holder, such lender or holder may request the Administrator of FHA to review the State Director's decision. His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

(1) The request for review must be in writing and must be accompanied by supporting information and documentation. A copy of the request and supporting material must be sent by the requesting party to the State Director at the same time such party forwards the original to the Administrator.

(2) Upon receipt of the copy of this material, the State Director will furnish a full report on the matter to the Administrator.

(3) The Administrator will act on the request as expeditiously as possible under all the circumstances, and will notify the requestor and the State Director in writing of his decision and the reason therefor.

(b) *Decisions of County Supervisors.* If a County Supervisor rejects a request from an approved lender for issuance of a Conditional Commitment for Guarantee or a Contract of Guarantee, or determines that a previously issued Contract of Guarantee is void or voidable or unenforceable, in a particular case, such lender (or holder) may request the State Director to review the County Supervisor's decision.

(1) The matter will be handled in the same manner as in paragraph (a) of this section, except that the County Supervisor and State Director, rather than the State Director and Administrator, will be involved.

(2) If the requesting party is not satisfied with the State Director's decision, such party may follow the procedure in paragraph (a) of this section in obtaining the Administrator's review of the State Director's decision.

Dated: August 2, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-16280 Filed 8-7-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-60]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and

71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Philipsburg, Pa., control zone (38 FR 411, 3506) and transition area (38 FR 555, 3506, 8643).

A review of the requirements of the Philipsburg terminal airspace establishes a need to alter the control zone and transition area to conform to the Terminal Instrument Procedures (TERPS) criteria.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 7, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

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

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philipsburg, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 40° 53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 248° bearing to a 031° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 098° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 187° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 187° bearing to a 248° bearing from the airport; and within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest.

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

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 261° bearing to a 012° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 012° bearing to a 098° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 183° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 261° bearing from the airport; within 3.5 miles each side of the Philipsburg VORTAC 067° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 4 miles each side of the 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest; within 2.5 miles each side of the Philipsburg VORTAC 330° radial, extending from the VORTAC to 6 miles northwest of the VORTAC; and within 3.5 miles each side of the Philipsburg VORTAC 301° radial, extending from the VORTAC to 11.5 miles northwest of the VORTAC.

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

Issued in Jamaica, N.Y., on July 19, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-16319 Filed 8-7-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions from Requirement of Tolerance

Correction

In FR Doc. 73-15050 appering at page 19840 in the issue of Tuesday, July 24, 1973, in the second column on page 19841, the fourth entry from the bottom of the table should read as follows:

2,4,7,9-Tetramethyl-6-decyne-4,7-diol.	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.

FEDERAL HOME LOAN BANK BOARD

[No. 73-1084]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Give-Aways; Extension of Comment Period

AUGUST 2, 1973.

By Resolution No. 73-863, dated June 27, 1973, the Federal Home Loan Bank Board proposed to amend paragraph (a) of § 545.5 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.5(a)) by adding a new alternative provision under which that section could become applicable to Federal savings and loan associations. The proposed amendment would not change the actual give-away prohibitions set forth in paragraph (b) of said § 545.5. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on July 3, 1973 (38 FR 17738-9), and interested persons were invited to submit written data, views, and arguments to the Board by July 27, 1973.

From the comments received thus far, it appears that there is some confusion as to the substantive effects of this proposal in the event that it is adopted by the Board. If the proposal is adopted, the most important effect of proposed paragraph (a)(2) of § 545.5 will be that a Federal association will be prohibited by § 545.5(b) from conditioning the distribution of give-aways on a recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein only if it is located in a State which by regulation applies an equivalent prohibition to its domestic thrift institutions and commercial banks. Federal associations located in States having less restrictive give-away prohibitions would not be subject to §545.5 (b). For example, the New York regulation (General Regulations of the New York Banking Board, Part 9) which prohibits give-aways by domestic thrift institutions and commercial banks contains an exception permitting such institutions to distribute give-aways in connection with the opening of branch offices. As New York's prohibition is less restrictive than the prohibition set forth in paragraph (b) of § 545.5, Federal associations located in New York will not be subject to a give-away prohibition even if the proposal is adopted by the Board.

At present, only Federal associations located in California are subject to the give-away prohibition of § 545.5(b) because only California has adopted the particular type of statutory and regulatory give-away prohibitions which are necessary under existing § 545.5(a) to "trigger" § 545.5(b). If the proposal is adopted, the California situation will not be changed. Also, proposed § 545.5(a)(2) would cause the give-away prohibition of § 545.5(b) to be "triggered" as to Federal associations located in any State which adopts an equivalent regulatory prohibition for domestic thrift institutions and commercial banks. The Board is unaware that any State has done so as yet.

Because of the confusion concerning the effect of the proposed amendment to paragraph (a) of § 545.5, the Board hereby provides an additional comment period on this proposal, until August 24, 1973.

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

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73-16398 Filed 8-7-73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

BANK HOLDING COMPANIES

Nonbanking Activities

The Board of Governors has considered the comments received on its proposal (37 FR 26534) to permit bank holding companies, under the authority of section 4(c)(8) of the Bank Holding Company Act, to engage in real and personal property leasing under substantially the same conditions and has made certain modifications of such proposal, which are set forth hereinafter. Due to the number and complexity of the issues involved in the proposal, the Board believes it in the public interest to gather more information about the proposal at a hearing. Accordingly, the Board has directed that a hearing be held before available members of the Board in Room 1202 of its building at 20th Street and Constitution Avenue, NW., Washington, D.C., on September 12, 1973, at 10 a.m.

The proposed amendment, as modified, reads as follows:

§ 225.4 Nonbanking Activities.

(a) Activities closely related to banking or managing or controlling banks. * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * *

(6) Leasing real and personal property or acting as agent, broker or adviser in leasing such property provided:

(i) The lease is to serve as the functional equivalent of an extension of credit to the lessee of the property;

(ii) The property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction;

(iii) The lease is on a nonoperating basis;

(iv) At the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions[1]) will yield a return from (*a*) rentals, (*b*) estimated tax benefits (investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect), and (*c*) the estimated residual value of the property at the expiration of the initial term of the lease, which in no case shall exceed 10 percent of the acquisition cost of the property to the lessor, that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease;[2]

(v) The maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated cost of financing the property shall be 40 years;

(vi) At the expiration of the lease (including any renewals or extensions with the same lessee), all interest in the property shall be either liquidated or re-leased on a nonoperating basis as soon as practicable but in no event later than two years from the expiration of the lease,*** however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property.

* * * * *

In connection with the hearing, the Board notes that BankAmerica Corporation, San Francisco, California, has requested an opportunity for a hearing with regard to the effect the proposal would have upon the Board's existing personal property leasing regulation (§ 225.4(a)(6) of Regulation Y). Other interested persons are invited to participate by presenting their views on issues raised by the pending proposal. Interested persons need not participate in the hearing through oral presentation in order to have their views considered. All views previously expressed in writing on the pending proposal are under consideration by the Board and are available for inspection and copying in Room 1020 of the Board's building.

Persons interested in participating in the hearing by presenting material orally should inform the Secretary of the Board in writing not later than August 24, 1973. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

Anyone wishing to submit written comments on the revised proposal or issues raised at the hearing may do so at any time before the close of business October 3, 1973.

By order of the Board of Governors, July 26, 1973.

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

[FR Doc.73-16305 Filed 8-7-73;8:45 am]

[1] The Board understands that some Federal, State and local governmental entities may not enter into a lease for a period in excess of 1 year. Such an impediment does not prohibit a company authorized under § 225.4(a) from entering into a lease with such governmental entities if the company reasonably anticipates that such governmental entities will renew the lease annually until such time as the company is fully compensated for its investment in the leased property plus its costs of financing the property. Further, a company authorized under § 225.4(a) may also engage in a so-called "bridge" lease financing of personal property, but not real property, where the lease is short term pending completion of long term financing, by the same or another lender.

[2] The estimate by the lessor of the total cost of financing the property over the term of the lease should reflect, among other factors, the term of the lease, the modes of financing available to the lessor, the credit rating of the lessor and/or the lessee, if a factor in the financing, and prevailing rates in the money and capital markets.

*** In the event of a default on a lease agreement prior to the expiration of the lease term, the lessor shall either re-lease such property, subject to all the conditions of this subsection 6, or liquidate such property as soon as practicable but in no event later than two years from the date of default on a lease agreement.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1107]

[Ex Parte No. 298]

RAILROAD RATE ADJUSTMENT ACT OF 1973

Requirements and Procedures; Correction

AUGUST 1, 1973.

On July 30, 1973, the Commission entered its order herein prescribing certain requirements and procedures to become effective on August 1, 1973. On sheet 4 of that order, the heading of § 1107.1(b)(2) should read as follows:

for the third and fourth quarters of 1973 and each quarter of 1974–

A copy of this notice will be filed with the Director, Office of the Federal Register, for publication therein.

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

[FR Doc.73-16383 Filed 8-7-73;8:45 am]

[49 CFR Part 1201]

[No. 32153 (Sub-No. 5)]

UNIFORM SYSTEMS OF ACCOUNTS

Accumulated Depreciation on Improvements to Leased Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of July 1973.

This proceeding is being instituted on our own motion to consider a revision to the Uniform System of Accounts for Railroad Companies. The proposed revision relates to accounting for depreciation accumulated on improvements made by the lessee to leased property where such improvements are properly includible in asset account 732, "Improvements on Leased Property."

Under the present regulations account 785, "Accrued Depreciation; Leased Property", includes accumulated depreciation on both leased property and improvements on leased property. This account is classified as a liability on the balance sheet. However, only the accrued depreciation on leased property represents the lessee's liability to the lessor.

The intent of this proposal then is to reclassify accrued depreciation on improvements to leased property from the liability side of the balance sheet to the asset side by creating account 733, "Accrued Depreciation; Improvements on

Leased Property", as a valuation account for account. 732 Account 785 would then include only the lessee's unsettled liability to the lessor and be renamed "Accrued Liability; Leased property".

It is intended that the proposed revisions to the accounting rules would become effective immediately upon adoption by the Commission and would be reflected in the annual reports for the year ending December 31, 1973.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 20 of the Interstate Commerce Act and pursuant to section 553 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth in this Notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested person wishing to submit statements of facts, views or arguments shall file 6 copies of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by September 17, 1973.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

I. LIST OF GENERAL BALANCE SHEET ACCOUNTS [AMENDED]

1. Add line item 733 as follows:

733 Accrued depreciation; improvements on leased property.

2. Line item "785 Accrued depreciation; leased property" is changed to:

785 Accrued liability; leased property.

II. INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

1. Paragraph (a) of instruction 5–4 is amended to read:

5–4 Leased property—depreciation. (a) The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned, the rent for which is includible in rent for leased roads and equipment, and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The excess of the total compensation paid over the amount chargeable for depreciation shall be included in the rent account. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 785, "Accrued liability; leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall be made appropriately through account 519, "Miscellaneous income," or 551, Miscellaneous income charges," at the time settlement for depreciation on the property is made with the lessor.

* * * * *

III. GENERAL BALANCE SHEET ACCOUNTS

1. Add new account 733 as follows:

733 Accrued Depreciation; Improvements on Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts for depreciation accrued on improvements to leased property, the cost of which is included in account 732, "Improvements on leased property."

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which this depreciation reserve has been established shall be charged to this account.

(c) Instructions for depreciation accounts, rates of depreciation, and records to be maintained as contained in instruction 5 for owned property shall also apply to improvements on leased property.

2. The present title and text of account 785, "Accrued Depreciation; Leased Property," is cancelled and the following title and text substituted therefor:

785 Accrued Liability; Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued liability on leased road and equipment when settlement between the accounting carrier and the lessor is not made currently. Amounts recorded herein shall include unsettled rent, based on depreciation or other factors, and liability for property retired.

(b) This account shall be divided to show the liability to (1) affiliated companies (See Definition 4), and (2) others.

3. Account 799 "Form of General Balance Sheet Statement" is amended as follows:

Add 733 as follows:

733 Accrued depreciation—Improvements on leased property.

Change line item "785. Accrued depreciation—Leased property" to read:

785 Accrued liability—Leased property.

[FR Doc.73–16382 Filed 8–7–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Skilled Nursing Facilities

Change in preamble statement and in text of proposed regulation, FR Doc. 73–14106 filed 7–11–73; 8:45 a.m., published in the FEDERAL REGISTER of July 12, 1973 (38 FR 18620).

1. With reference to applicable rules during the period prior to the date the proposed regulations are published in final in the FEDERAL REGISTER, the following sentence is added to the penultimate paragraph of the preamble statement to read as follows:

"Section 405.1134, paragraph (a) of this document, including the first sentence thereof which is required by P.L. 92–603, will be effective August 1, 1973."

2. Section 405.1134, paragraph (a). The second sentence is revised to read as follows:

"Where waiver permits the participation of an existing facility of two or more stories which is not of at least 2-hour fire resistive construction, blind, nonambulatory, or physically handicapped patients are not housed above the street level floor unless the facility is of 1-hour protected noncombustible construction (as defined in National Fire Protection Association Standard No. 220), fully sprinklered 1-hour protected ordinary construction, or fully sprinklered 1-hour protected woodframe construction."

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: July 30, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: August 6, 1973.

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

[FR Doc.73–16522 Filed 8–7–73;10:40 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Allen, Curtis L., 505 Pillans Street, Mobile, Alabama, convicted on October 12, 1959, in United States District Court, Mobile, Alabama.

Boyd, Kenneth Lee, 3705 E. 68th Avenue, Anchorage, Alaska, convicted on March 26, 1971, in the United States District Court for Western District of Washington, Seattle, Washington.

Campbell, Jerone N., 14249 Ardmore Avenue, Detroit, Michigan, convicted on December 18, 1969, in Recorder's Court of the City of Detroit, Michigan.

Fehrs, William Virgil, 910 East 60th, Tacoma, Washington, convicted on October 30, 1964, in Superior Court for State of Washington in Pierce County, Tacoma, Washington.

Fleming, James R., 432 Howland Avenue, Pontiac, Michigan, convicted on June 17, 1947, in Oakland County Circuit Court, Oakland County, Michigan.

Gregory, James Richard, 3133 Roberts Avenue, Culver City, California, convicted on October 29, 1959 and December 11, 1959 in Superior Court of State of California in and for the County of Los Angeles.

Hillard, Cleophus, 1360 Vetter Street, Mobile, Alabama, convicted on October 15, 1956, in Court of Hustings, Virginia (Portsmouth).

Knight, Henry C., Sr., 16621—37th Avenue South, Seattle, Washington, convicted on November 9, 1934, in Superior Court of the State of Washington for the County of King.

Litwin, Theodore J., 32644 Oakview Drive, Warren, Michigan, convicted on November 7, 1933, in Circuit Court for County of Macomb, Mt. Clemens, Michigan.

Long, James Buren, P.O. Box 297, Rogersville, Alabama, convicted on March 31, 1958, in Federal Court, Northern District of Alabama, and on February 26, 1965, in Lauderdale County Circuit Court, Florence, Alabama.

Magill, James R., 752 Oak Boulevard, Ephrata, Pennsylvania, convicted on November 16, 1970, in Luzerne County Court.

Midkiff, Eural, Route 3, Ferrum, Virginia, convicted on January 4, 1949, in United States District Court, Roanoke, Virginia.

Shipley, LeRoy, 2330 Wallace Avenue, Terre Haute, Indiana, convicted on December 1, 1953, in Parke County Circuit Court, Parke County, Indiana.

Vanderver, James O., 792 Blaine, Pontiac, Michigan, convicted on June 4, 1956, and February 6, 1961, by the Oakland County Circuit Court, Pontiac, Michigan, and on May 19, 1961, by the Washtenaw County Circuit Court, Ann Arbor, Michigan.

Wells, Arthur H., Jr., 2307 Celeste Drive, Memphis, Tennessee, convicted on August 29, 1957, in 12th Circuit District Court of the State of Mississippi, on January 4, 1961, in 4th Judicial District Court in the State of Iowa, and on March 19, 1965, in United States District Court of Miami, Florida.

Signed at Washington, D.C. this 31st day of July, 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-16397 Filed 8-7-73;8:45 am]

Office of the Secretary

[Treasury Dept. Order No. 208; Rev. 2]

DIRECTOR, OFFICE OF ADMINISTRATIVE PROGRAMS ET AL.

Delegation of Procurement Authority

1. Pursuant to the authority vested in the Secretary of the Treasury by Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, 393), as amended (41 U.S.C. Chap. 4) and by the Reorganization Plan No. 26 of 1950, and pursuant to the authority vested in me as Assistant Secretary for Administration by Treasury Department Order No. 190, Revision 9, 38 FR 17517, authority is hereby delegated to the following officials of the Department of the Treasury to use the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, when procuring property and services, except as precluded by section 307 of the Act:

Director, Office of Administrative Programs Office of the Secretary of the Treasury
Commissioner of Accounts
Director, Bureau of Alcohol, Tobacco and Firearms
Comptroller of the Currency
Director, Consolidated Federal Law Enforcement Training Center
Commissioner of Customs
Director, Bureau of Engraving and Printing
Commissioner of Internal Revenue
Director of the Mint
Commissioner of the Public Debt
Treasurer of the United States
National Director, U.S. Savings Bonds Division
Director, U.S. Secret Service.

2. This authority shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly sections 304 and 307; the Federal Procurement Regulations, 41 CFR Ch. 1; the applicable portions of the Federal Property Management Regulations, 41 CFR Ch. 101; as well as regulations issued by the Department of the Treasury which implement and supplement the Federal Procurement Regulations and the Federal Property Management Regulations, including but not limited to 41 CFR Ch. 10 and Administrative Circular No. 153 Revised.

3. To the extent permitted by the Act, the authority herein delegated to the above-named officials may be redelegated by them by letter or bureau delegation order to any subordinate officer or employee who, by virtue of experience, specialized training and knowledge of applicable laws and regulation, is qualified to act as contracting officer for the United States; provided however, that only the above-named officials shall be deemed to be the "chief officers responsible for procurement" as defined in Section 307(b) of the Act; officials authorized to serve as contracting officers shall be so designated by the issuance of Treasury Form 4014, Certificate of Appointment as Contracting Officer for the United States of America.

4. Treasury Department Order No. 208 (Revision 1), dated July 17, 1972 is hereby rescinded.

Dated: August 2, 1973.

WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.73-16395 Filed 8-7-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Colorado State Multiple Use Advisory Board will hold its annual meeting August 22-23-24, 1973, at the Sleepy Cat Inn, on State Highway 13, Southeast of Meeker, Colorado. The agenda for the meeting will include a tour of the Piceance area, discussion of management problems, pro-

posed reprecincting of grazing districts and planning for the work of the Board.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The acting Advisory Board Chairman is Dale R. Andrus. Written statements may be submitted at the meeting or mailed to Mr. Andrus, % State Director, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Further information concerning this meeting may be obtained from G. C. Hinton, Public Affairs Officer, Bureau of Land Management State Office, Denver, Colorado at (303) 837-4481. Minutes of the meeting will be available for public inspection 30 days after the meeting at the office of the State Director, Bureau of Land Management, Colorado State Bank Building, Denver, Colorado.

CHARLES W. LUSCHER,
Acting State Director.

[FR Doc.73-16310 Filed 8-7-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-67]

STEVENSON COAL CO.

Petition for Modification of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), the Stevenson Coal Company has filed a petition to modify the application of 30 CFR 75.501 to its Mine No. 1 located at Jackson County, Alabama.

30 CFR 75.501 reads as follows:

§ 75.501 *Permissible electric face equipment; coal seams above water table.* On and after March 30, 1974, all electric face equipment, other than equipment referred to in paragraph (b) of § 75.500, which is taken into and used inby the last open crosscut of any coal mine which is operated entirely in coal seams located above the water table and which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, and in which one or more openings were made prior to December 30, 1969, shall be permissible.

Petitioner requests modification of the mandatory safety standard as it applies to a mine opened prior to December 30, 1969, which was closed and recently reopened by petitioner. Petitioner contends that had the equipment been at the mine before December 30, 1969, even though the mine was closed, the equipment could be used after the mine was reopened.

As an alternative method petitioner requests that it be allowed to use non-permissible electric face equipment including one shortwall mining machine and one conventional loader and other non-permissible equipment including three battery-powered, rubber-tired tractors and one hand-held coal drill. Petitioner states that the mine is located above the water table and has no history of being classified as gassy or of methane being detected.

Petitioner contends that the alternative method will provide no less than the same measure of protection afforded the miners in the affected area by application of the mandatory standard. Petitioner contends that the use of non-permissible equipment would only be dangerous in mines below the water table and those having a history of being classified as gassy or containing evidence of methane.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 7, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

JULY 27, 1973.

[FR Doc.73-16302 Filed 8-7-73;8:45 am]

[Docket No. M 74-1]

SHEMCO, INC.

Petition for Modification of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Shemco, Incorporated has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, at Oliver Springs, Tennessee.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to be built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments by September 7, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the Petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 24, 1973.

[FR Doc.73-16295 Filed 8-7-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

WAGNER COLLEGE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by August 28, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

DOCKET NUMBER: 74-00030-33-46070. APPLICANT: Wagner College, Staten Island, New York 10301. ARTICLE: Scanning Electron Microscope, Model HHS-2R. MANUFACTURER: Hitachi Perkin-Elmer, Japan. INTENDED USE OF ARTICLE: The article will be used to perform linescan topographic analysis on thirteen families of the Order Eubacteriales, class Schizomycetes at specific time intervals which will give information and data relative to shape, size, surface undulations, projections, pitting and contours. It is planned to catalog valuable information relative to a rapid means for identification of bacteria, evidence unavailable at the present time. The article will also be used in the course Bacteriology 188, Scanning

Electron Microscopy and for training of medical laboratory scientists and research scientists in the techniques theory and uses of scanning electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 15, 1973.

DOCKET NUMBER: 74-00031-33-46040. APPLICANT: Texas Southern University, 3201 Wheeler Street, Houston, Texas 77004. ARTICLE: Electron Microscope, Model Elmiskop IA. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article will be used to examine the fine structure of cells of the endocrine organs, spleens, lymphnodes and bone marrow of certain vertebrate species; study of the mechanism of infection in insect tissues such as cells of the gut, fat bodies, caecum, salivary glands and epidermis; study viral replication, biosynthesis and transformation in mammalian cell cultures; and to study the ultrastructure of normal and abnormal cells in general. In addition, the article will be used for high resolution studies of several different types of insect viruses. The article will be used in the course Electron Microscopic Anatomy which involves teaching students the theories of fixation, dehydration and embedding tissues for microscopy as well as actual experience in the use of the electron microscope. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS, July 13, 1973.

DOCKET NUMBER: 74-00032-33-46040. APPLICANT: University of Florida, College of Medicine, M-268 Medical Science Building, Box 218, J.H.M. Health Center, Gainesville, Florida 32610. ARTICLE: Electron Microscope, Model Elmiskop 101. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used in the study of biological materials principally tissue specimens from a variety of mammalian organs. The experiments conducted involve, for the most part, alteration of the physiological state of the testicular vascular bed, blockage of the efferent duct systems and the introduction of tracer materials to determine the integrity of the epithelial components after treatment with specific drugs. The article will also be used for teaching purposes in the courses MED 605, Research Methods in Anatomy; MED 678, Advanced Microscopic Anatomy; and MED 632, Techniques in Electron Microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 13, 1973.

DOCKET NUMBER: 74-00033-33-02100. APPLICANT: Medical College of Virginia, Department of Anesthesiology, 1200 E. Broad Street, Richmond, Va. 23298. ARTICLE: Acupuncture anesthesia apparatus with galvonometer. MANUFACTURER: Nihon Riko Medical Engineering Co., Ltd., Japan. INTENDED USE OF ARTICLE: The article will be used to evaluate the use of electroacupuncture (stimulation of acupuncture points by electricity) for the possible treatment of chronic pain and induction of anesthesia in man. The article will also be used to demonstrate the use of electroacupuncture to medical students, nurses, residents, physicians, etc. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 16, 1973.

DOCKET NUMBER: 74-00034-33-90000. APPPLICANT: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. ARTICLE: EMI brain scanning instrument and accessories. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is a revolutionary new development for medical diagnosis of diseases and abnormalities of the brain. The research application of the article will consist of determining which abnormalities of the brain are best visualized by the use of the article and to compare accuracy of this form of diagnosis against other diagnostic methods. Considerable attention will be given to research to enhance visualization of various processes in the brain following infusion of various chemical substances into the patient's vascular system. It is also planned to investigate the possibilities of diagnosis of disease of other organs in *in vitro* studies within the unit, such as liver, kidney, lung and heart to assist in determining the feasibility of using this method of scanning for detection of diseases in organs other than the brain. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: July 18, 1973.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-16376 Filed 8-7-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the establishment by the Secretary, DHEW, on July 16, 1973, of five public advisory committees as follows:

1. *Designation.* Panel on Review of Miscellaneous External Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed miscellaneous external nonprescription-drug products for human use and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

2. *Designation.* Panel on Review of Miscellaneous Internal Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed miscellaneous internal nonprescription-drug products for human use and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

3. *Designation.* Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription-drug products for human use containing vitamin, mineral, and hematinic agents and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

4. *Designation.* Panel on Review of Antiperspirant Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription-drug products for human use for antiperspirant application and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

5. *Designation.* Panel on Review of Oral Cavity Drug Products.

Purpose. The panel will (1) review and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription-drug products for human use containing oral cavity agents and the adequacy of their labeling; (2) advise the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these over-the-counter drug

products are generally recognized as safe and effective and not misbranded; and (3) serve as a forum for the exchange of views regarding the prescription and nonprescription status of these various active ingredients and combinations thereof.

Authority for these committees will expire July 16, 1975, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16381 Filed 8-7-73;8:45 am]

MANUFACTURERS AND DISTRIBUTORS

Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation; Amendment

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623) informing manufacturers and distributors of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification of their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and providing for future additions to or deletions from that list. Certain additions were made to that list in the FEDERAL REGISTER of July 11, 1973 (38 FR 18477), as corrected on July 25, 1973 (38 FR 19920).

In the FEDERAL REGISTER of September 19, 1970 (35 FR 14666), the Food and Drug Administration published its conclusions, pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning certain poorly absorbed sulfonamides (phthalylsulfathiazole, succinylsulfathiazole, and phthalylsulfacetamide), stating that the drugs were regarded as possibly effective or lacking substantial evidence of effectiveness for their various indications for gastrointestinal use. No data were submitted in support of the effectiveness of the drugs and on December 5, 1972 (37 FR 25864) the Commissioner published an order withdrawing approval of the new drug applications.

Subsequent to publication of the December 5 order, the Food and Drug Administration received numerous communications from physicians, including eminent gastroenterologists, objecting to removal of the drugs from the market, asserting that there is a definable population who have an intolerance to salicylazosulfapyridine, the drug that is classified as effective as adjunctive therapy in the management of ulcerative colitis. Therefore, an alternative therapy is needed. Salicylazosulfapyridine has recently been found to be absorbed to a greater degree than previously believed. The Commissioner finds that there is sufficient medical justification for permitting the orally administered forms of the poorly absorbed sulfonamide drugs to remain available provided that additional clinical studies are conducted to determine their effectiveness, and by order published elsewhere in this issue of the FEDERAL REGISTER, he is rescinding those parts of the order of December 5, 1972 pertaining to such forms of the drugs.

Accordingly, a new section is hereby added to paragraph 3 of the aforesaid notice of December 14, 1972, as amended on July 11, 1973, to read as follows:

XIV

POORLY ABSORBED SULFONAMIDES FOR ORAL USE

Sulfasuxidine Tablets (succinylsulfathiazole).
Cremothalidine Suspension (phthalylsulfathiazole).
Sulfathalidine Tablets (phthalylsulfathiazole).
Thalamyd Tablets (phthalylsulfacetamide).

A FEDERAL REGISTER announcement published September 9, 1970 (35 FR 14666) (DESI 5803) stated that these drugs were regarded as lacking substantial evidence of effectiveness for ileitis and possibly effective for their other labeled gastrointestinal indications. One of those indications is ulcerative colitis. Salicylazosulfapyridine is the drug which both the National Academy of Sciences-National Research Council, Drug Efficacy Study Group and the Food and Drug Administration classified as effective as adjunctive therapy in the management of ulcerative colitis (June 23, 1970; 35 FR 10239). However, there is believed to be a definable population having an intollerance to salicylazosulfapyridine, and it has recently been found that that drug is absorbed to a greater degree than previously believed. It is therefore appropriate that alternative therapy be available. Accordingly, the above orally administered drugs may remain on the market labeled as less than effective (possibly effective) drugs provided the sponsors conduct clinical studies to determine their effectiveness. The indications for which the drugs may be labeled are (depending upon which indication(s) is to be studied):

a. In the treatment of ulcerative colitis
b. For diverticulitis
c. In the preoperative preparation and postoperative management of patients undergoing bowel surgery

Labeling guidelines are as follows:

GUIDELINE LABELING FOR POORLY ABSORBED SULFONAMIDES

DESCRIPTION

(To be supplied by sponsor.)

ACTIONS

(To be supplied by sponsor.)

INDICATIONS (OR INDICATION)

(Depending on that which sponsor wishes to claim and upon which they will do clinical trials).

INDICATIONS

Based on a review of this drug by the National Academy of Sciences-National Research Council and/or other information, FDA has classified the indication (or indications) as follows:

Possibly effective as adjunctive therapy:
a. In the treatment of ulcerative colitis
b. For diverticulitis
c. In the preoperative preparation and postoperative management of patients undergoing bowel surgery.

Final classification of this less-than-effective indication(s) requires further investigation.

CONTRAINDICATIONS

(Name of drug) is contraindicated in patients with intestinal and urinary obstruction and in those with a hypersensitivity to sulfonamides. It should not be used in infants under age 2 years or in nursing mothers because sulfonamides pass the placenta and are excreted in the milk. Patients with porphyria should not receive sulfonamides, as these drugs have been reported to precipitate an acute attack.

WARNING: USE IN PREGNANCY

The safe use of sulfonamides in pregnancy has not been established. The benefit to risk ratio must be carefully evaluated when (name of drug) is given during pregnancy especially at term since kernicterus may be produced in the newborn.

The teratogenicity potential of most sulfonamides has not been thoroughly investigated in either animals or humans. However, a significant increase in the incidence of cleft palate and other bony abnormalities of offspring has been observed when certain sulfonamides of the short-, intermediate- and long-acting types were given to pregnant rats and mice at high oral doses (7 to 25 times the human therapeutic dose).

OTHER WARNINGS

Only after critical appraisal should (name of drug) be used in patients with hepatic or renal damage, or blood dyscrasias.

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reaction, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Complete blood counts should be done frequently in patients receiving sulfonamides.

Urinalysis with careful microscopic examinations should be obtained frequently in patients receiving sulfonamides.

PRECAUTIONS

Sulfonamides should be given with caution to patients with severe allergy or bronchial asthma.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

In the presence of extensive ulceration of the colon, absorption of (name of drug) is increased.

In glucose-6-phosphate dehyrogenase deficient individuals, hemolytic anemia may occur. This reaction is frequently dose-related.

If toxicity or hypersensitivity reactions occur, the drug should be discontinued immediately.

ADVERSE REACTIONS

Blood dyscrasias. Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, and methemoglobinemia.

Allergic reactions. Erythema multiforme (Stevens-Johnson Syndrome), generalized

skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, chills, drug fever, allergic myocarditis, polyarteritis nodosa and L. E. phenomena.

Gastrointestinal reactions. Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.

C.N.S. reactions. Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, insomnia and drowsiness.

Renal reactions. Crystalluria, hematuria, proteinuria, toxic nephrosis with oliguria and anuria.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

Rats appear to be especially susceptible to the goitrogenic effects of sulfonamides, and long-term administration has produced thyroid malignancies in the species.

OVERDOSAGE

(To be supplied by sponsor.)

DOSAGE AND ADMINISTRATION

(To be supplied by sponsor.)

Every manufacturer or distributor of one of the products listed above, or of an identical, related, or similar product who intends to conduct studies to determine effectiveness is required to communicate with the Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs on or before October 9, 1973, to discuss and agree to undertake the studies necessary to justify continued marketing of the product.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended; 21 U.S.C. 355, 371), and the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16337 Filed 8-7-73;8:45 am]

[DESI 5803; Docket No. FDC-D-379; NDA 4-687 etc.]

POORLY ABSORBED SULFONAMIDES FOR ORAL AND RECTAL USE

Rescission of Portions of Order Withdrawing Approval of New Drug Applications

In an order published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25864) approval of the following new drug applications was withdrawn:

NDA No.	Drug	NDA Holder
4-687	That portion of the NDA pertaining to Sulfasuxidine Tablets and Powder containing succinylsulfathiazole.	Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.
5-803	Cremothalidine suspension and Sulfathalidine Tablets containing phthalylsulfathiazole.	Merck, Sharp & Dohme.
6-593	Thalamyd Tablets (phthalylsulfacetamide) and Phthalylsulfacetamide Sodium Powder.	Schering Corp., 60 Orange St., Bloomfield, NJ 07003.

The basis for that action was the lack of any submission providing substantial evidence to support indications for gastrointestinal use for which the drugs had been initially classified as possibly effective (35 FR 14666, September 19, 1970). Subsequent to the order of December 5, 1972 the Food and Drug Administration received numerous communications from physicians, including eminent gastroenterologists, objecting to removal of the drugs from the market, asserting that there is a definable population who have an intolerance to salicylazosulfapyridine, the drug that is effective as adjunctive therapy in the management of ulcerative colitis. Therefore, an alternative therapy is needed. Salicylazosulfapyridine has recently been found to be absorbed to a greater degree than previously believed. The Commissioner finds that there is sufficient medical justification for permitting continued availability of orally administered phthalylsulfacetamide, phthalylsulfathiazole, and succinylsulfathiazole pending completion of clinical studies to demonstrate their effectiveness. The FEDERAL REGISTER of December 14, 1972 (37 FR 26623) listed various drugs and the conditions under which they may remain on the market on the basis of medical need, pending completion of clinical studies. The aforesaid drugs for oral administration are, by order published elsewhere in this issue of the FEDERAL REGISTER, being added to that list.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(f), 52 Stat. 1053, as amended; 21 U.S.C. 355(f)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs rescinds the order of December 5, 1972 insofar as it pertains to Sulfasuxidine (succinylsulfathiazole) Tablets (NDA 4-687), Cremothalidine Suspension and Sulfathalidine Tablets containing phthalylsulfathiazole (NDA 5-803), and Thalamyd (phthalylsulfacetamide) Tablets (NDA 6-593). The order is not rescinded with respect to Sulfasuxidine Powder (NDA 4-687) and Phthalylsulfacetamide Sodium Powder (NDA 6-593).

Dated: August 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16338 Filed 8-7-73;8:45 am]

[Docket No. FDC-D-630; NADA Nos. 11-036V and 11-385V]

MERCK SHARP & DOHME RESEARCH LABS.

Nithiazide; Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of June 5, 1973 (38 FR 14782), the Commissioner of Food and Drugs published a notice proposing to withdraw approval of new animal drug application (NADA) No. 11-036V for 16.7 percent Hepzide (Nithiazide) Soluble Powder and NADA No. 11-385V for Hepzide (Nithiazide) 30 percent Medicated Premix; marketed by Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, NJ 07065.

Neither Merck and Co., Inc. nor any other interested persons have filed a written appearance in response to the above cited notice. This is construed as an election by said persons not to avail themselves of the opportunity for a hearing.

Accordingly, based on the grounds set forth in said notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11-036V and NADA No. 11-385V, including all amendments and supplements thereto, is hereby withdrawn effective August 20, 1973.

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16342 Filed 8-7-73;8:45 am]

X-RAY BAGGAGE INSPECTION SYSTEMS

Notice to State Radiation Control Agencies of Radiation Safety Recommendations

The Bureau of Radiological Health, Food and Drug Administration, Department of Health, Education, and Welfare, under the authority conferred by the Public Health Service Act (42 U.S.C. 241 and 243), advises and promotes cooperation among states on matters relating to

the protection of the public health against radiation hazards. The Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.), an amendment to the Public Health Service Act, further provides for the establishment of an electronic product radiation control program designed to protect the public health and safety.

The Food and Drug Administration on April 27, 1973, issued, to State radiation control agencies, recommendations (guidelines) on radiation safety aspects in the design and use of x-ray systems for routine inspection of hand carried (carry-on) luggage in airline terminals.

These recommendations are conceptual in nature and minor variations providing equivalent radiation protection may be appropriate to meet the needs of individual radiation control programs.

The recommendations were developed following consultation with the Federal Aviation Administration (Department of Transportation), the National Bureau of Standards (Department of Commerce), the Occupational Safety and Health Administration (Department of Labor), the Executive Committee of the Conference of Radiation Control Program Directors, and manufacturers. The Federal Aviation Administration (FAA), in addition to specifying certain image quality features for x-ray luggage inspection systems and certain requirements on their use, has stated in a directive to its Regional Directors, that "the airline should obtain or require that the manufacturer obtain the permission or license from the State in which the device will be used."

There are presently no Federal standards or regulations specifically directed to the overall radiation safety aspects of these systems. Federal and State agencies have become increasingly concerned with the need for effective and uniform controls on x-ray baggage inspection systems which will assure adequate radiation protection for operators as well as the general public. The manufacture of several of these x-ray systems will be subject to a radiation safety performance standard which is under development and will be published in the FEDERAL REGISTER as a notice of proposed rule making.

During development of the guidelines, representatives of the Bureau of Radiological Health visited six manufacturers of x-ray baggage systems to obtain background information on these systems planned for commercial distribution. Guidelines proposed for the State radiation control agencies were discussed with the manufacturers during these visits. The manufacturers agreed that the proposed guidelines are practical, do not unnecessarily restrict functional objectives of the equipment, and would be desirable to provide uniform evaluation and control among the states.

Concurrently, a survey of all State radiation control agencies was conducted by the Food and Drug Administration to assess the extent of involvement of the states in evaluation of these devices. Over one-half of the State programs reported that they had been contacted by airlines, manufacturers, and industrial agents regarding the need for registration of x-ray baggage systems and radiation safety requirements. Eight states indicated that they had issued special requirements for such systems. Several indicated that their industrial radiography requirements would be applied to the x-ray baggage inspection systems. The states indicated that guidance from the Bureau of Radiological Health would be useful in conducting evaluations and granting approval for use of these x-ray devices.

Because of rapid developments in the design of x-ray systems for the inspection of baggage at airline terminals, proliferation in applications, and requests for guidance from State radiation control programs, it is the opinion of the Food and Drug Administration that radiation safety considerations for this equipment should be outlined in a manner useful for establishing uniform and effective controls.

The Commisisoner concludes that the recommendations issued to the State radiation control agencies on April 27, 1973, as set forth below, should help to provide radiation protection for operators, passengers, and others involved in the use of x-ray baggage inspection systems. Therefore, the Commissioner urges that these guidelines be used as a basis for a uniform policy by states granting approval for such equipment.

RECOMMENDATIONS TO STATE RADIATION CONTROL AGENCIES

These recommendations are applicable to x-ray systems used in airline terminals for routine inspection of carry-on baggage.

1. It shall not be possible to insert any part of the body into the primary beam.

2. Radiation exposure shall not exceed 0.5 mR in any one hour at a distance of five centimeters from any point on the external surface of the system when operated under "worst case" conditions.

3. The control panel shall be equipped with a key lock. It shall not be possible to remove the key in the "on" position.

4. Doors and access panels which prevent entry to an area where the exposure may exceed 0.5 mR in one hour shall be interlocked.

5. Means shall be provided to indicate to the operator when x-rays are being produced.

6. A deadman switch shall be provided on the exposure controls. The location of the switch will be such that the operator has a clear view of the x-ray system.

RATIONALE AND EXPLANATION OF RECOMMENDATIONS

RECOMMENDATION 1.

The most significant hazard associated with these systems is human exposure to the primary beam of radiation. Generally, operators are not well trained in the hazards of radiation and may not apply diligent caution to prevent exposure of personnel. To minimize exposure, this recommendation is intended to necessitate engineered safeguards to prevent, during routine operations, direct beam exposure of any part of the body, including extremities.

RECOMMENDATION 2.

In the absence of conclusive data regarding the effects of low level irradiation, the underlying philosophy of radiation protection is to maintain radiation exposure of personnel as low as practicable. The guideline of 0.5 mR in any one hour at 5 centimeters from the external surface of the device has been developed for other electronic products used in areas accessible to the public. Due to the nature of operation, it is anticipated that the actual exposure to any individual will be considerably less than that generally considered acceptable by national and international standards-setting organizations.

It is intended that test measurements be made under conditions which maximize radiation levels at accessible areas. In those situations where ports are provided to transport objects into or out of the system, the external surface should be considered as the imaginary plane across the opening.

RECOMMENDATION 3.

Since this equipment is used in public areas and could be hazardous when operated without supervision, it is essential that provisions be provided to secure the system to prevent unauthorized use. It is intended that the key lock feature will provide this security.

Likewise, it is important that the system is capable of benig turned off at any time. It is thus recommended that the key be captured in the "on" position to prevent someone inadvertently carrying off, or otherwise losing, the key when the system is energized.

RECOMMENDATION 4.

Doors and access panels are frequently provided as a means of preventing access to areas where excessive radiation levels may be present. Recommendations for interlocking is provided to insure that x-radiation production is automatically terminated when access to the source of radiation is possible. This prevents risk of unnecessary radiation exposure when protective features are removed or opened.

RECOMMENDATION 5.

An "X-RAY ON" indicator is recommended to clearly indicate the status of x-ray production and potential for exposure.

RECOMMENDATION 6.

The deadman switch feature is recommended to insure operator control of the system at all times when x-rays are being produced. It is also recommended that the device be located in a position such that the operator can maintain surveillance of the system and have the means available to immediately terminate x-radiation production in emergency situations.

Those interested persons who wish to submit comments or suggestion in con-

nection with the recommendations listed above should send them to Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, on or before September 7, 1973. The comments will be considered during further development of the recommendations for use by states in evaluation of x-ray baggage inspection systems.

Dated: August 1, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16340 Filed 8-7-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. STN 50-447]

GENERAL ELECTRIC CO.

Receipt of Standard Safety Analysis Report

General Electric Company, in response to a policy statement of the Atomic Energy Commission (the Commission) entitled "Methods for Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission a seven-volume document entitled "General Electric Standard Safety Analysis Report" (GESSAR), which was docketed July 30, 1973. GESSAR describes and analyzes a standard BWR–6 boiling water nuclear reactor with a Mark III containment system, designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts. GESSAR was tendered on May 2, 1973. Following a preliminary review for completeness, it was accepted on July 20, 1973 for docketing.

When its review of GESSAR is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. This report will be made available to the public. In addition, GESSAR will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review. Copies of the ACRS report will also be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

In accordance with the Commission's policy statement on standardization, the GESSAR design can be referenced as a standardized design in other facility applications when the Regulatory staff's review of GESSAR is substantially complete and when the staff has determined that all site and facility interfaces have been identified, and when the standardized design envelope has been defined. However, such applicants for specific reactors must supply the information required by § 50.34 of 10 CFR Part 50, which should be supplemented by the guidance described in the Commission's "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants."

A copy of GESSAR is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545.

Dated at Bethesda this 31st day of July 1973.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Deputy Director for Reactor Projects Directorate of Licensing.

[FR Doc.73-16333 Filed 8-7-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 5, "Materials and Plant Protection." Regulatory Guide 5.10, "Selection and Use of Pressure-Sensitive Seals on Containers for Onsite Storage of Special Nuclear Materials," provides criteria for selecting, affixing, and testing pressure-sensitive seals used for tamper-safing in connection with onsite storage of SNM.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 5 Regulatory Guides currently being developed include the following:

- Nuclear Material Control Systems and Procedures for Conversion Facilities
- Conduct of Nuclear Material Inventories
- Training and Equipping of Guards and Watchman
- Safe Secure Vehicles
- Quality Assurance Program for Materials Accounting Measurements at a Chemical Reprocessing Plant
- Calibration Techniques for Nuclear Calorimetry
- Mass and Scales Calibration
- Standard Methods for Chemical, Mass Spectrometric, Spectrochemical, Nuclear and Radiochemical Analyses of Plutonium Nitrate and Plutonium Metal
- Armed Escort Duties and Responsibilities
- General Use of Locks in the Protection and Control of Facilities and Special Nuclear Materials
- Nondestructive Assay of SNM Scrap and Waste Inventory Components
- Nondestructive Assay of SNM Residue in Process Equipment
- Nondestructive Assay of Fissile Content of Low Enriched Uranium Fuel Rods

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

Dated at Bethesda, Maryland this 30th day of July 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-16332 Filed 8-7-73;8:45 am]

[Docket No. 50-244-OL]

ROCHESTER GAS & ELECTRIC CORP.

Hearing On Conversion of Provisional Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that, subject to conditions set forth in Memoranda and Orders of June 8, 1973 and August 2, 1973, a hearing will be held concerning the R. E. Ginna Nuclear Power Plant Unit No. 1 (the facility) of the Applicant, the Rochester Gas & Electric Corporation. The hearing to consider the issuance of a full-term operating license for the facility will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Board) named herein, to begin in the vicinity of the facility located on Lake Ontario, Wayne County, New York. Construction of the facility was authorized by Construction Permit No. CPPR–19, issued by the Atomic Energy Commission on April 25, 1966. The facility is presently being operated in accordance with Provisional Operating License No. DPR–18 issued by the Commission on September 19, 1969. The instant facility is subject to the provisions of Section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Edward Luton, Esq., Chairman, Dr. Franklin C. Daiber, and Dr. Emmeth A. Luebke. Dr. A. Dixon Callihan has been designated as a technically qualified alternate, and Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A "Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License; Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50, Appendix D" was published in the FEDERAL REGISTER on December 8, 1972 (37 FR 26144). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave

to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice". Petitions for leave to intervene were thereafter filed by various petitioners, including (1) the State of New York; (2) Mr. Michael Slade; (3) the Rochester Committee for Scientific Information and (4) the Monroe County Conservation Council. As set out in the Memoranda and Orders referred to above, a public hearing will be held. Petitioners, Mr. Michael Slade, and the Rochester Committee for Scientific Information will be admitted as parties to the proceeding. The State of New York will participate in accordance with 10 CFR § 2.715(c).

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR-18 to a full-term operating license dated August 15, 1972, the licensee's Environmental Report dated August 15, 1972, and the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, issued on April 11, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489. As they become available, the following documents also will be available at the above locations: (1) the Safety Evaluation prepared by the Directorate of Licensing; (2) the Commission's final detailed statement on environmental considerations; (3) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (4) the proposed full-term operating license and (5) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of items (1), (2), (3), and (4) may be obtained when they become available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, by September 7, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's Rules of Practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than August 28, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, ATTENTION: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Dated at Washington, D.C., this 2d day of August 1973.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

JAMES R. YORE,
Chairman.

[FR Doc.73-16330 Filed 8-7-73;8:45 am]

SAFETY ANALYSIS REPORTS FOR NUCLEAR POWER PLANTS

Proposed Standard Format and Content for HTGR's

The Atomic Energy Commission's regulations (§ 50.34 of 10 CFR Part 50) require that each application for a construction permit for a nuclear reactor facility include, among other things, a preliminary safety analysis report and that each application for a license to operate such a facility include a final safety analysis report.

To aid applicants in the preparation of safety analysis reports for high-temperature-gas-cooled-reactors (HTGR's), the Commission's Regulatory staff has prepared a proposed "HTGR Edition of the Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants." The new document, which has been issued for comment, identifies the principal information that is needed by the Regulatory staff in evaluating applications for construction permits and operating licenses for HTGR's and describes a format for presenting this information. Use of the HTGR Edition will help to assure that information provided is complete, will assist the Regulatory staff and others in locating information, and will aid in shortening the time needed for review.

The specific information identified and the detailed subdivisions of the HTGR Edition reflect the differences between HTGR's and light-water-cooled-reactors, but retain the material from the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—Revision 1," issued in October, 1972 that is generally applicable to both types.

All interested persons who desire to submit comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by October 31, 1973. Copies of the proposed HTGR edition of the standard format are available from the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 31st day of July 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-16334 Filed 8-7-73;8:45 am]

[Docket Nos. 50-445, 50-446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tendered on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such

views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 30, 1973. The request should be filed in connection with Docket Nos. 50-445-A and 50-446-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas, 76043.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 5, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Comanche Peak Steam Electric Station, Units 1 and 2 is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 24th day of July, 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors, Branch No. 1, Directorate of Licensing.

[FR Doc.73-15673 Filed 7-31-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 25193, 24873]

CENTURY 2000, INC., ET AL.

Postponement of Hearing

By letter of July 30, 1973, the Bureau of Enforcement has requested an indefinite postponement of the hearing now set for August 21, 1973, in the above-entitled case. Concurrently the Bureau filed a motion to dismiss the proceeding [1] and the request to postpone was made to avoid inconvenience to the parties pending the Board's ruling on that motion.

[1] That motion states, inter alia, that the Federal Aviation Administration refused to renew Century's authority when it expired on June 17, 1973, and that Century is no longer in operation.

Delta states informally that it has no objection to the Bureau's request for postponement, and it appears that the interests of all parties would be best served by disposing of that request without further delay.

Accordingly, notice is given that the hearing in the above-entitled proceeding, which is now scheduled for August 21, 1973 (38 FR 17871, July 5, 1973), is hereby postponed indefinitely.

Dated at Washington, D.C., August 2, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-16378 Filed 8-7-73;8:45 am]

[Dockets Nos. 24068, 24823]

VIKING INTERNATIONAL AIR FREIGHT, INC. ET AL.

Notice of Hearing

Viking International Airfreight, Inc., and Eugene Pikousky; Virginia Air Cargo Co., Inc., and Wilson Trucking Corp.

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 29, 1973, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., 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 July 9, 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., August 2, 1973.

WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.73-16379 Filed 8-7-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MICHIGAN

Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

On October 18, 1972, Congress passed new legislation in the form of the Federal Water Pollution Control Act Amendments of 1972. This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the Environmental Protection Agency may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act (33 USC 1251) provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. Environmental Protection Agency (EPA) a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless he determines that 1) adequate authority does not exist to issue permits which comply with all pertinent requirements of the Act, or 2) that adequate authority does not exist to abate violations of the permit (including civil and criminal penalties), or 3) that the State program description does not insure that the Administrator, the public, any other affected State, and other affected agencies are given notice of each application and are given the opportunity, for a public hearing before acting on each such application. The complete description of the State program elements necessary for approval of the State program was published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Michigan has submitted a full and complete Request for State Program Approval and proposes that the Michigan Water Resources Commission, Stevens T. Mason Building, Lansing, Michigan 48913 (Ralph W. Purdy, Executive Secretary 517/373-3560) operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

Francis T. Mayo, Regional Administrator of EPA-Region V, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held at the Sheraton-Cadillac Hotel, Washington Boulevard and Michigan Avenue, in Detroit, Michigan 48231, on September 6, 1973, at 10 a.m. A 3-member hearing panel will preside over the hearing. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Executive Secretary of the Michigan Water Resources Commission or his representative, and the Regional Administrator of EPA-Region V or his representative. Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program submitted. The hearing record will be left open for a period of 5 days following the hearing to allow any person to submit additional written

statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the EPA—Region V Office (1 North Wacker Drive, Chicago, Illinois 60606). Such comments will be made available to the public for inspection and copying and shall be considered by the Regional Administrator in making his recommendations to the Administrator.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (@ 20¢/page) at the EPA—Region V office in Chicago.

Copies of this notice are available upon request from the Enforcement Division of EPA—Region V (312/353-5252).

Please bring the foregoing to the attention of persons you know would be interested in this matter.

Dated: August 2, 1973.

ALAN G. KIRK, II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-16286 Filed 8-7-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1128]

AERO SPECIAL DELIVERY SERVICE, INC.

Order of Revocation

By letter dated July 23, 1973, the Federal Maritime Commission received notification that Aero Special Delivery Service, Inc., 242 Steuart Street, San Francisco, California 94105 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1128 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5/1/72):

It is ordered, that Independent Ocean Freight Forwarder License No. 1128 be returned to the Commission for cancellation.

It is further ordered, that the Independent Ocean Freight Forwarder License of Aero Special Delivery Service, Inc. be and is hereby revoked effective July 23, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Aero Special Delivery Service, Inc.

WM. JARREL SMITH, JR.
Deputy Managing Director.

[FR Doc.73-16344 Filed 8-7-73;8:45 am]

ENCINAL TERMINALS AND CRESCENT WHARF AND WAREHOUSE CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 28, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq.
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

Agreement No. T-2827, between Encinal Terminals (Encinal) and Crescent Wharf and Warehouse Co. (Crescent), provides for the lease to Crescent of certain marine terminal property in Alameda, California, to be used for the docking of vessels, receipt, handling, storage and delivery of waterborne cargo. Charges for land rentals, dockage, wharfage, wharf demurrage and storage, and freight transfer charges appear in Encinal's tariff and are to be collected by Crescent. Revenues from such charges, in addition to other incidental land rentals, will constitute Encinal's compensation. Encinal will receive an annual minimum rental of $500,000 and if rental revenues during the year exceed $800,000, Crescent will pay Encinal $800,000 plus 50 percent of such excess. Crescent will perform all terminal operating services and retain all revenues therefrom.

By order of the Federal Maritime Commission.

Dated: August 3, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16345 Filed 8-7-73;8:45 am]

[Independent Ocean Freight Forwarder License 538]

MOHEGAN INTERNATIONAL CORPORATION OF LOUISIANA

Order of Revocation

On July 18, 1973, the Federal Maritime Commission received notification that Mohegan International Corporation of Louisiana, Sanlin Building, New Orleans, La. 70130 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 538 for revocation, effective August 19, 1973. Operations conducted under License No. 538 will be merged with the Mohegan International Corporation (New York, N.Y.) FMC License No. 269, and those offices operated under FMC License No. 538 at New Orleans, La., and Houston, Texas, will be conducted as branch offices of FMC Licensee No. 269.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 538 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Mohegan International Corporation of Louisiana be and is hereby revoked effective August 19, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Mohegan International Corporation of Louisiana.

WILLIAM JARREL SMITH, JR.
Deputy Managing Director.

[FR Doc.73-16343 Filed 8-7-73;8:45 am]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 20, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to consitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036.

Agreement No. 9615–7, among the member lines of the above-named conference, modifies and extends the conference's self-policing procedures and provides for the appointment of an "Enforcement Authority" to carry out the specified procedures.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: August 3, 1973.

[FR Doc.73–16346 Filed 8–7–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–8124, et al.]

SALES OF NATURAL GAS

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 26, 1973.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

	Docket No. and date filed	Applicant	Purchaser field and location	Price per Mcf	Pressure base
E	G–8124 7–16–73	T. Jack Foster Trust "A" (succ. to T. Jack Foster, et al.) P.O. Box 4100 Foster City, California 94404	El Paso Natural Gas Company..... San Juan Basin Field, San Juan and Rio Arriba Counties, New Mexico	11.0	15.025
D	G–17378 7–20–73	Texaco Inc P.O. Box 3109 Midland, Texas 79701	Transwestern Pipeline Company.... Buler Field, Ochiltree County, Texas	nonproductive	
C F	CI66–945 (CI71–394) 7–13–73	Sun Oil Company (succ. to Anchor Production Company) P.O. Box 2880 Dallas, Texas, 75221	Panhandle Eastern Pipe Line Company N.W. Avard Field, Woods County, Oklahoma	18.448 [1]	14.65
	CI67–248 7–16–73 [2]	Beacon Gasoline Company P.O. Box 396 Minden, Louisiana 71055	Walker Creek Field, Columbia County, Arkansas		
C	CI73–175 7–16–73 [3]	Amoco Production Company P.O. Box 591 Tulsa, Oklahoma 74102	El Paso Natural Gas Company..... Basin Dakota Field, Rio Arriba County, New Mexico	24.0 [4]	15.025
F	CI74–29 (CS71–1064) 7–12–73	Aikins & Owen (Operator), *et al.* (succ. to Salmon Corporation) 4328 East Kellog Wichita, Kansas 67218	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Deckers Prairie Field, Harris County, Texas	16.66225 [5]	14.65
F	CI74–30 (CI68–741) 7–12–73	Aikins & Owen (Operator), *et al.* (succ. to Salmon Corporation)	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Deckers Prairie Field, Harris and Montgomery Counties, Texas	15.0563 [5]	14.65
F	CI74–31 (CI64–176) 7–12–73	Aikins & Owen (Operator, *et al.* (succ. to Salmon Corporation)	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Deckers Prairie Field Montgomery County, Texas	15.0563 [5]	14.65
F	CI74–35 (CI67–797) (CI67–1008) 7–11–73	Aikins & Owen (Operator), *et al.* (succ. to Salmon Corporation)	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Carmichael Field, Jackson County, Texas	16.3946 [6]	14.65

[1] Including Btu adjustment.
[2] Applicant proposes to gather and transport gas for W. H. Hunt
[3] This is an amendment to a pending application.
[4] Subject to upward and downward Btu adjustment.
[5] Subject to downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73–16265 Filed 8–7–73;8:45 am]

[Docket Nos. E–8250 E–8071 E–8142]

ARKANSAS POWER AND LIGHT CO.

Order Accepting and Suspending Proposed Tariff Sheets

JULY 31, 1973.

On June 1, 1973, Arkansas Power and Light Company (APLC) tendered for filing proposed changes in its Rate Schedule U3—Resale Service to Municipally Owned and Privately Owned Electrical Distribution Systems [1] and its proposed changes would increase APLC's revenues from sales and service by $1,969,462 for the twelve month period ending July 31, 1972. The proposed effective date is August 1, 1973. (FPC Rate Designations are shown in Appendix A)

APLC states that no facilities will be installed or modified except to accommodate additional capacity and/or to provide points of delivery for customers' load growth in the future. Furthermore, APLC states that the Company does not propose to apply the 1.3 percent monthly additional facilities charge provided for in the new rate schedules to any presently installed transmission and distribution facilities. Finally, APLC states that the rate of return from service to the municipally owned and privately owned systems is 3.74 percent and from service to rural electric cooperatives the rate of return is a negative .15 percent.

The Company states that the proposed rates will enable the Company to improve its rate of return, which it believes is

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

[1] Benton Municipal Light and Water Works, Water and Light Commission of Hope, City of North Little Rock, Arkansas, City of Osceola, Arkansas, City of Prescott, Arkansas, City of West Memphis, Arkansas, Citizens Light & Power,

[2] Conway Corporation, Farmers Electric Cooperative Corporation, Mississippi County Electric Cooperative, Inc., North Arkansas Electric Cooperative.

vital to attract the necessary amount of capital in order to provide adequate service to its present and future customers.

Notice of filing was issued on June 15, 1973, with protests and petitions to intervene due on or before June 28, 1973. A Protest, Motion to Reject, and Petitions to Intervene of Publicly Owned Wholesale Customers[1] (Customers) was timely filed June 28, 1973. In support of its motion to reject, Customers first allege that APLC's participates in anti-competitive activity and that the proposed rate increase would "squeeze" Customers out of competition with respect to sales to industrial customers.

By order issued May 31, 1973, in Indiana and Michigan Electric Company Docket No. E–7740 we set minimum standards for those who would raise anti-competitive issues. These standards are that the petition to intervene must clearly specify 1) the facts relied upon, 2) the anti-competitive practices challenged, and 3) the requested relief which is within this Commission's authority to direct. Our review of Customers' petition to reject or intervene indicates that it fails to specify the relief which is within this Commission's authority to direct. Accordingly, we shall limit Customers' participation in this proceeding to matters other than the alleged anti-competitive activities. This action is without prejudice to Customers' right to file an appropriate amended petition which sets forth relief for the alleged anti-competitive conduct that is within this Commission's authority to direct.

Customers also allege several other grounds in support of its motion to reject. Firstly, Customers argue that by filing a split test year ending July 31, 1973, APLC has effectively understated its revenues. Secondly, Customers argue that certain factors utilized by APLC in construction of its cost of service are questionable; e.g., the utilization of a single peak allocation for its basis demand allocation. Thirdly, Customers argue that allowance of the nuclear adjustment clause would put the nuclear plant in its rate base while continuing to book interest during construction, since it does not anticipate putting the nuclear plant into operation prior to Spring, 1974. Fourthly, the Customers argue that the introduction of an embedded debt cost adjustment provision and a tax adjustment clause should be rejected as not meeting the justification for escalation factors set for in Commission's Opinion 633, New England Power Company (Docket No. E–7541) and if not rejected, should not be allowed to operate automatically. Fifthly, the Customers state that allowance of APLC's "additional facilities charge" would allow APLC to recover twice for all future line extension-recovery once by the "additional facilities charge" and secondly, recovery would be had in the increase cost of service.

In the event that the filing is not rejected, Customers urge the Commission to suspend the proposed rate schedule changes for the full five month statutory period provided for in section 205 (e) of the Federal Power Act, set the matter for hearing and request permission to intervene in these proceedings. Customers' motion to reject raises substantive issues which cannot be summarily decided and require an evidentiary hearing which we have set forth herein.

On review of APLC's June 1, 1973, filing at Docket No. E–8250 and Customers' motion to reject or in the alternative suspend the filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, preferential or unduly discriminatory or otherwise unlawful and may require a full evidentiary hearing.

On March 8, 1973, APLC tendered for filing in Docket No. E–8071, an initial Power Service Agreement between the City Water and Light Plant of the City of Jonesboro, Arkansas (Jonesboro) and APLC to become effective June 1, 1973.

APLC described the Agreement as lasting for a term of at least seven years, beginning on or about June 1, 1973, and providing for an initial block of at least 5,000 KW during the term of the Agreement. Jonesboro is not now served by APLC and there is no interconnection between their respective systems. APLC states that the city electrical system has need of additional firm capacity and energy to supplement its own generation and other sources of firm power supply in order to adequately supply the city's customers. APLC further states that the rates and charges provided for in the Agreement were arrived at through negotiations with Jonesboro, and they are designed to produce a return approximately equal to the Company's overall rate of return.

The Agreement provides that the demand charge shall be increased by one cent ($.01) per KW of Contract Demand for each full one tenth of one percent (0.1 percent) increase in the Company's embedded cost of long-term debt above the 5.87 percent existing as of July 31, 1972. Furthermore, the energy charge will be increased or decreased to reflect the nearest one-thousandth (.001) mill per kilowatt-hour, the change in the cost of fuel utilized in Company-owned generating stations.

APLC's filing in Docket No. E–8071 was noticed on March 22, 1973 with motions of protest or intervention due on or before April 12, 1973. No motions to protest or intervene were received.

APLC's March 8, 1973, filing at Docket No. E–8071 became effective June 1, 1973. Our review indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we shall institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of those rates.

We note that in a related case in Docket No. E–8142, the Commission in an order issued July 3, 1973, instituted an investigation under section 206 of the Federal Power Act with respect to an embedded debt cost adjustment provision contained in the Power Coordination, Interchange and Transmission Agreement dated April 20, 1972 between APLC and Arkansas Electric Cooperative Corporation. Since the adjustment clause and Docket No. E–8142 is identical to the provision in Docket No. E–8250 and Docket No. E–8071, common issues of law and fact are raised. We will accordingly order consolidation of these dockets. Consistent with this action, we will amend our order of July 3, 1973, in Docket No. E–8142 to provide dates for service of evidence and hearing consistent with our action herein.

The Commission finds:

(1) It is necesssary 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 APLC's Rate Schedules as proposed in Docket No. E–8250 filed May 31, 1973.

(2) 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 under section 206 of the Federal Power Act to determine the justness and reasonableness of the Initial Power Service Agreement in Docket No. E–8071 filed March 8, 1973.

(3) The disposition of this proceeding, should be expedited in accordance with the procedures set below.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered in Docket No. E–8250 the placing of the rate and charges applied for in this proceeding into effect, subject to refund with interest, while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(5) Good cause exists for consolidation of Docket Nos. E–8250, E–8142, and E–8071.

(6) Consistent with our action consolidating Docket Nos. E–8250, E–8071 and E–8142, the procedural dates set forth in our July 3, 1973, order in the latter docket should be amended as hereinafter ordered.

(7) The petition to intervene of Customers should be granted as hereinafter ordered.

(8) The petition to reject in Docket No. E–8250 should be denied.

The Commission orders:

(A) The above enumerated rate schedules in Docket No. E–8250 filed May 31, 1973, are accepted for filing and their effectiveness is suspended until January 1, 1974.

(B) APLC is required in Docket No. E–8250 and in E–8071 to file within 60 days

[1] Conway Corporation, Benton Municipal Light & Water Works, Hope Water & Light Commission, City of North Little Rock, Arkansas, City of Osceola, Arkansas, City of Prescott, Arkansas, City of West Memphis, Arkansas, Farmers Electric Cooperative Corporation, Mississippi County Electric Cooperative, Inc.

of the issuance of this order an updated cost of service for the twelve month test period ending June 30, 1973 (in accordance with regulations 35.13 and 35.12 respectively).

(C) APLC's March 8, 1973 filing at Docket No. E-8071 constituting an initial Power Service Agreement with Jonesboro is hereby accepted for filing to become effective June 1, 1973 as requested.

(D) An investigation into the justness and reasonableness of the initial Power Service Agreement with Jonesboro at Docket No. E-8071 is hereby instituted under section 206 of the Federal Power Act.

(E) Docket Nos. E-8250, E-8142 and E-8071 are hereby consolidated and set for hearing in accordance with the schedule established in ordering paragraph (F) hereof.

(F) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held commencing with a pre-hearing conference on February 5, 1974, 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. 20424, concerning the lawfulness of the rate increase and adjustment clauses set forth above.

(G) On or before January 4, 1974, 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 January 15, 1974. Any rebuttal evidence by APLC shall be served on or before January 29, 1974. Cross-examination on the evidence filed will commence on February 12, 1974.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 13 CFR 3.5 (d)), shall preside at the hearing in this proceeding, and 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.

(I) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, except Customer's participation is limited to matters other than the alleged anti-competitive activities, and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(J) Customer's motion to reject in Docket No. E-8250 is denied.

(K) Nothing contained in this order shall relieve the Applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Gas 91-370, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(L) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

DESIGNATIONS AND DESCRIPTIONS—ARKANSAS POWER AND LIGHT

Dated:

Filed: June 1, 1973

Effective:

FPC Designation	Customer	Description
Supplement No. 5 to Rate Schedule FPC No. 45 (Supersedes Supplement No. 2 to Rate Schedule FPC No. 45)	Farmers Electric Cooperative Corporation	Rate Schedule B1
Supplement No. 1 to Supplement No. 5 to Rate Schedule FPC No. 45	"	Service Regulation
Supplement No. 2 to Rate Schedule FPC No. 49	North Little Rock	Rate Schedule U3
Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 49	"	Service Regulation
Supplement No. 1 to Rate Schedule FPC No. 50	Hope	Rate Schedule U3
Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC No. 50	"	Service Regulation
Supplement No. 1 to Rate Schedule FPC No. 51	Citizens Light & Power Company	Rate Schedule U3
Supplement No. 3 to Rate Schedule FPC No. 55	West Memphis	Rate Schedule U3
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 55	"	Service Regulation
Supplement No. 1 to Rate Schedule FPC No. 56	Prescott	Rate Schedule U3
Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC No. 56	"	Service Regulation
Supplement No. 3 to Rate Schedule FPC No. 57	Conway Corporation	Rate Schedule
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 57	"	Service Regulation
Supplement No. 2 to Rate Schedule FPC No. 60	Benton	Rate Schedule
Supplement No. 1 to Rate Schedule FPC No. 62	North Arkansas Electric Corporation	Rate Schedule B1
Supplement No. 4 to Rate Schedule FPC No. 63 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 63)	Osceola	Rate Schedule U3
Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 63	"	Service Regulation
Supplement No. 4 to Rate Schedule FPC No. 65	Mississippi County Electric Cooperative, Inc.	Rate Schedule B1
Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 65		Service Regulation

[FR Doc.73-16246 Filed 8-7-73;8:45 am]

FEDERAL RESERVE SYSTEM

CONNECTICUT BANCFEDERATION, INC.

Formation of Bank Holding Company

The Connecticut BancFederation, Inc., New Britain, Connecticut, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of more than 80 per cent of the voting shares of the following three banks: 1) The Guaranty Bank & Trust Company, Hartford, Connecticut; 2) New Britain Bank and Trust Company, New Britain, Connecticut; 3) The Terryville Trust Company, Terryville, Connecticut. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 24, 1973.

Board of Governors of the Federal Reserve System, July 31, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16307 Filed 8-7-73;8:45 am]

DEPOSIT GUARANTY CORP.

Acquisition of Bridges Loan & Investment Company, Inc.

Deposit Guaranty Corp., Jackson, Mississippi, 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 all the voting shares of Bridges Loan & Investment Company, Inc., Jackson, Mississippi, a company engaged in the activities of making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and of servicing loans and other extensions of credit for any person. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, was duly published (37 FR 26060). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a one-bank holding company controlling Deposit Guaranty Bank ("Bank"), Jackson, Mississippi. Bank holds $540 million in deposits and is the largest commercial bank in the State.[1]

[1] Banking data are as of June 30, 1972.

With 27 offices, Bank holds close to 14 per cent of total deposits in commercial banks in the State. Bank operates in each of eight communities in Mississippi. During 1972 Applicant attempted to establish a subsidiary *de novo* to engage in mortgage banking in the Jackson area, but those efforts failed, and that subsidiary remains inactive. Bank does, however, engage in mortgage lending for its own account at all of its offices; its principal real estate lending activities are conducted in the Jackson area.

Bridges Loan & Investment Company ("Bridges") operates offices in New Orleans, Shreveport, and Lafayette, Louisiana, and in Gulfport and Jackson in Mississippi. Although Bridges is headquartered in Jackson, it appears that its major activity is conducted outside the Jackson area and that the company's share of activity in the Jackson area has been declining in recent years. On the basis of mortgages serviced, Bridges ranks (as of June 30, 1971) as the 117th largest mortgage company in the United States and the second largest mortgage company headquartered in Mississippi. For its fiscal year ending May 31, 1972, Bridges shows a servicing volume of $210 million, and mortgage originations during that year of $53 million.

Although Applicant's subsidiary bank engages to some extent in the same line of activity as Bridges, the record indicates that there is no significant competition between the two institutions. Of the four areas in Mississippi where Bank has offices and Bridges offers its services, namely, the Jackson area (Hinds, Rankin, and Madison Counties), the Greenville area (Washington County), the Natchez area (Adams County), and the McComb area (Pike County), it appears that, only in the Jackson area, do Bank and Bridges engage in real estate lending to a meaningful extent.

In the Jackson market, in the category of 1–4 family mortgage loans, Bank originated (during 1971) 65 loans with a value of $1.9 million, representing 2 per cent of dollar value of the 1–4 family loans made in the Jackson area. During the same period, Bridges made 610 loans with a value of $12.3 million, representing about 13 per cent of the dollar value of such loans in the market. As a result of consummation of the proposal herein, Applicant would control 15 per cent of all 1–4 family mortgages in the market, making Applicant the largest lender in this category in the Jackson market. While these statistics appear to indicate that there is some competition between the two institutions in the category of 1-4 family mortgage loans, the record shows that Bank makes conventional loans of relatively short term and only to established customers of Bank, not to the general public, whereas Bridges offers FHA and VA mortgage loans to the general public. It appears, therefore, that no meaningful present competition would be eliminated between the two institutions in the 1–4 family mortgage market.

The Board further notes that Applicant has attempted unsuccessfully to enter the Jackson area through the *de novo* establishment of a mortgage subsidiary; there are at present four mortgage companies in the area each of a size comparable to Bridges; there are a large number of mortgage lenders in the area (25—of which six are banks, nine are mortgage companies, and ten are savings and loans associations); the Jackson market is attractive for entry by other firms of major capability. The Jackson area has enjoyed good population and economic growth in the past. The population increased at a 7.4 per cent rate (240,000 to 258,000) from 1965 to 1970, while during the same period the per capita income rose 40 per cent ($2,282 to $3,209). On the record herein, it appears that upon consummation of the proposal, Applicant's market share would not be so great as to preclude the development of competition through the entry of other mortgage lenders into the area nor would Applicant dominate the market.

Applicant's subsidiary bank and Bridges also make loans on commercial property and construction loans in the Jackson area. In the former category during 1971, Bank made 37 loans with a value of some $2 million, and Bridges made four loans with a value of $1.5 million. Applicant would control less than 7 percent of the loans on commercial property in the Jackson area as a result of its acquisition of Bridges. With respect to construction loans during 1971, Bank originated 263 loans with a value of under $14 million, and Bridges made 136 loans with a value of about $2 million. In neither category (loans on commercial property or construction loans) does it appear that Bridges is an aggressive competitor, nor that Bridges' acquisition by Applicant would have a significantly adverse effect on competition in either product line in the Jackson market; moreover, since the Board considers the geographic market for these types of loans to be larger than the banking market, the acquisition would not result in an undue concentration of resources.

In the course of its consideration of the application, the Board has considered comments by the Department of Justice to the effect that consummation of the proposal would eliminate existing and potential competition by "combining a bank with almost half of the commercial bank deposits in Jackson with the largest independent mortgage company in the same geographic area. . . ." However, in the Board's judgment, consummation of the proposal is not likely to eliminate any significant present or potential competition; Applicant will be one of a number of viable and aggressive real estate lenders now competing in the Jackson area. Moreover, as a result of the vigorous growth in the Jackson area and the prospects for continued growth, four of the largest mortgage companies in the country, including the first, sixth, twenty-first, and twenty-fifth largest mortgage servicing firms in the United States, have opened offices in Jackson, and there is evidence that additional firms expect to enter the Jackson area, which facts suggest that the combination of Bank and Bridges would not affect adversely, to any significant degree, competition in the field of mortgage lending in any relevant area.

The Board further notes that Bridges is in need of additional capital to continue its operation, and Applicant has indicated that it would provide an additional $1,000,000 of equity capital to the Company, and also help the company arrange additional lines of credit. Such action by Applicant should strengthen the financial position of Bridges, thereby enabling it to continue the present scope of its mortgage lending activities and to remain an effective or strengthened competitor in its market and further the economic development of the Jackson area. In addition, Bridges would be able to expand its construction lending and to engage in making conventional residential loans, each of which requires additional capital which is now unavailable to Bridges. Bridges' ability to expand into new lines of real estate lending and to continue the present mortgage loan activities should provide additional benefits to the communities served by Bridges. Without financial assistance from Applicant, Bridges would, it is stated, be required to close at least two of its five offices and curtail its lending activities. Increased economic activity in the State of Mississippi, which is a State with low per family income, and in the relevant communities affected by the proposal is regarded by the Board as being in the public interest and serving the convenience and needs of the communities involved. The aforestated public benefits lend weight for approval of the application and tend to offset any adverse effect on competition that may result from consummation of the proposal herein.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4 (c) (8) is favorable. 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.[3] 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 Fed-

[3] Dissenting Statement of Governors Brimmer, Bucher, and Holland filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

eral Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 30, 1973.

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

[FR Doc.73-16306 Filed 8-7-73;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchberg, Virginia, 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 or more of the voting shares (less directors' qualifying shares) of Fidelity National Bank, Roanoke County, Virginia, a proposed new bank. 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 Richmond. Any person wishing to comment on the application should submit his views in writing to the Secertary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 27, 1973.

Board of Governors of the Federal Reserve System, July 31, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-16308 Filed 8-7-73;8:45 am]

PANNATIONAL GROUP, INC.

Acquisition of Bank

PanNational Group, Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares less directors' qualifying shares, of the successor by merger to the Citizens National Bank of Austin, Austin, 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. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Brimmer, Bucher, and Holland.

Applicant,[1] the thirteenth largest bank holding company in Texas, controls two banks with total deposits of $294 million,[2] representing less than one per cent of total commercial bank deposits in the State. Bank is the sixth largest of 14 commercial banks in the Austin banking market controlling deposits of approximately $40.3 million or 3.6 per cent of the deposits of commercial banks in this market. (All banking data are as of December 31, 1972.)

At the present time, Applicant is not represented in the Austin area. Applicant's subsidiary banks are located in the El Paso market, approximately 600 miles west of Austin. No competition exists between Bank and any of the Applicant's subsidiary banks and, in view of the distance separating these banks and Texas law prohibiting branching, it appears unlikely that significant competition would develop in the forseeable future. Moreover, acquisition of Bank by Applicant should have a pro-competitive effect on the Austin banking market in which the four largest banks each hold more than $180 million of deposits and, in the aggregate, control approximately 85 percent of the deposits of the 14 commercial banks in that market. Applicant's entry into the Austin market through acquisition of Bank may result in Bank improving its competitive position *vis a vis* these largest banks in that market and thereby reduce the high concentration of banking resources in the Austin market.

Financial and managerial resources of Applicant, its subsidiary banks, and bank are satisfactory and future prospects appear favorable. Prospects for economic growth in Applicant's home market appear good, as do the prospects in the Austin area. Although the record fails to indicate that the banking needs of residents of the Austin area are going unserved, affiliation of Bank with Applicant could provide Bank's customers with some services not now being offered by Bank and therefore convenience and needs considerations appear consistent with approval. It 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 30th 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 24, 1973.

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

[FR Doc.73-16304 Filed 8-7-73;8:45 am]

[1] In connection with Applicant's application to become a bank holding company, approved by the Board on February 29, 1972, Applicant was required to divest its 28.4 per cent interest in Charles Bassett Center, Inc. (a nonbank subsidiary engaged in shopping center developments) and its 12 per cent interest in Darbyshire Steel Company, Inc. (acquired through loan forclosure in 1972). Applicant has advised the Board that the required divesture will take place by February 1974.

[2] In addition to the present application, Applicant has also filed applications to acquire two other banks. Consummation of all three proposals will mean that Applicant will control $352 million in deposits and will rank thirteenth in the State.

PANNATIONAL GROUP, INC.

Order Approving Acquisition of Bank

PanNational Group, Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares less directors' qualifying shares, of the successor by merger to the Citizens National Bank of Austin, Austin, 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. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant,[1] the thirteenth largest bank holding company in Texas, controls two banks with total deposits of $294 million,[2] representing less than one per cent of total commercial bank deposits in the State. Bank is the sixth largest of 14 commercial banks in the Austin banking market controlling deposits of approximately $40.3 million or 3.6 per cent of the deposits of commercial banks in this

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

[1] In connection with Applicant's application to become a bank holding company, approved by the Board on February 29, 1972, Applicant was required to divest its 28.4 per cent interest in Charles Bassett Center, Inc. (a nonbank subsidiary engaged in shopping center developments) and its 12 per cent interest in Darbyshire Steel Company, Inc. (acquired through loan foreclosure in 1972). Applicant has advised the Board that the required divesture will take place by February 1974.

[2] In addition to the present application, Applicant has also filed applications to acquire two other banks. Consummation of all three proposals will mean that Applicant will control $352 million in deposits and will rank thirteenth in the State.

market. (All banking data are as of December 31, 1972.)

At the present time, Applicant is not represented in the Austin area. Applicant's subsidiary banks are located in the El Paso market, approximately 600 miles west of Austin. No competition exists between Bank and any of the Applicant's subsidiary banks and, in view of the distance separating these banks and Texas law prohibiting branching, it appears unlikely that significant competition would develop in the foreseeable future. Moreover, acquisition of Bank by Applicant should have a procompetitive effect on the Austin banking market in which the four largest banks each hold more than $180 million of deposits and, in the aggregate, control approximately 85 per cent of the deposits of the 14 commercial banks in that market. Applicant's entry into the Austin market through acquisition of Bank may result in Bank improving its competitive position *vis a vis* these largest banks in that market and thereby reduce the high concentration of banking resources in the Austin market.

Financial and managerial resources of Applicant, its subsidiary banks, and Bank are satisfactory and future prospects appear favorable. Prospects for economic growth in Applicant's home market appear good, as do the prospects in the Austin area. Although the record fails to indicate that the banking needs of residents of the Austin area are going unserved, affiliation of Bank with Applicant could provide Bank's customers with some services not now being offered by Bank and therefore convenience and needs considerations appear consistent with approval. It 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 August 23, 1973 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,[1] effective July 24, 1973.

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

[FR Doc.73-16375 Filed 8-7-73;8:45 am]

PATAGONIA CORP.

Order Approving Acquisition of Western American Insurance Agency

Patagonia Corporation, Tucson, Arizona, 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 (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), to acquire Western American Insurance Agency, Phoenix, Arizona ("Agency") and thereby to engage in insurance agency activities. Certain insurance agency activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been duly published (38 FR 3013).[2] 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.[3]

Applicant, the fourth largest banking organization in Arizona, controls one bank with aggregate deposits of $207 million representing 4 percent of the total deposits of commercial banks in Arizona. (All banking data are as of December 31, 1972.) Applicant has nonbanking subsidiaries which are engaged principally in consumer finance activities, leasing of personal property and equipment, and operating a savings and loan association. Applicant has recently received Board approval to acquire Western American Mortgage Company, Phoenix, Arizona ("Mortgage Company").

Applicant proposed to acquire Agency, which has been operated by Mortgage Company's former controlling shareholder in conjunction with Mortgage Company's activities. Agency had gross insurance premiums of $640 thousand and gross commission income of $170 thousand for the year ending March 31, 1972. Approximately $400 thousand of the insurance premiums resulted from the sale of declining coverage term life insurance policies where the coverage was equal to the outstanding balance of a mortgage held or serviced by Mortgage Company, and the sale of homeowners insurance policies and fire and casualty policies where the primary coverage of the policies protects collateral which formed the basis for an extension of credit by Mortgage Company or secures a mortgage serviced by Mortgage Company. Thus, approximately 60 percent of Agency's gross insurance premiums and gross commission income appears to be directly related to an extension of credit by Mortgage Company or directly related to the provision of other financial services by Mortgage Company. While some of the remaining insurance sales of Agency are made to employees of Mortgage Company and customers or former customers of Mortgage Company, the bulk of the remaining insurance premiums appear to be the result of the acquisition of several smaller insurance agencies by Agency.

Based on its past operations, Agency's activities would not appear to be permissible activities for a bank holding company subsidiary under § 225.4(a)(9) of regulation Y in that a substantial portion of Agency's business is not directly related to an extension of credit or the provision of other financial services by the mortgage company with which Agency was affiliated. However, Applicant states that Agency no longer actively solicits general insurance business and will reduce the scope of such Agency activities in the future if the application is approved. In order to assure that Agency is not operated as a general insurance agency, approval of the proposed acquisition is conditioned upon reduction of that portion of the Agency's premium income which is not directly related to an extension of credit by Mortgage Company or directly related to the provision of other financial services by Mortgage Company to less than 5 per cent of the premium income of Agency attributable to directly related coverage[4] within two years from the effective date of this Order.

Although Applicant engages in certain insurance agency activities through a number of its existing subsidiaries, approval of the proposed acquisition would not eliminate any significant existing competition between Applicant's subsidiaries and Agency because of the limited nature of the respective insurance activities. For example, Applicant's subsidiaries sell only a nominal amount of insurance for the protection of real property. Nor does it appear that affiliation of Agency with Applicant would adversely effect the numerous existing competitors in the Tucson and Phoenix areas where Mortgage Company and Agency are engaged in business.

It is anticipated that the provision of insurance by Agency will provide a convenient alternative source of insurance agency services for customers of Mortgage Company. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests,

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Governors Brimmer and Holland.

[2] The published notice of this application included notice of a related application to acquire Western American Mortgage Company, Phoenix, Arizona. When the National Association of Insurance Agents, Inc. and related parties objected to the proposed acquisition of Agency and requested a hearing thereon, Applicant requested separate consideration by the Board of the two applications. Subsequently, the Board approved the acquisition of the mortgage company effective June 29, 1973.

[3] The National Association of Insurance Agents and related parties filed a petition on February 22, 1973, objecting to approval of this application and requesting a hearing be held upon the application. On March 6, 1973, the Board directed that a hearing be held on this application, among others. The Administrative Law Judge designated to conduct the proceeding upon the application scheduled a hearing. Subsequently, the objectors to the application and the Applicant reached agreement among themselves whereby the objections to the application were withdrawn and whereby Applicant agreed to be bound by the final outcome of other specified applications to engage in insurance agency activities. On June 22, 1973, the Administrative Law Judge dismissed the application from the docket and referred the application back to the Board.

[4] This condition does not apply to premium income which is permissible under § 225.4(a)(9)(i).

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) is favorable. Accordingly, the application is hereby approved conditioned upon the reduction of Agency's premium income which is not directly related to an extension of credit by Mortgage Company or directly related to the provision of other financial services by Mortgage Company to less than 5 per cent of the premium income of Agency attributable to the directly related coverage within two years from the effective date of this Order.

The transaction shall not be consummated 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. This determination is also subject to the conditions set forth in § 225.4(c) of regulation Y (12 CFR 225.4(c)) 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.

By order of the Board of Governors,[4] effective July 30, 1973.

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

[FR Doc.73-16373 Filed 8-7-73;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Kimbrough-Kavanaugh and Associates, Inc.

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, 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 90 per cent or more of the voting shares of Kimbrough-Kavanaugh and Associates, Inc., Nashville, Tennessee ("Company"), a company that engages in the activities of mortgage banking, including mortgage origination and servicing, sale of insurance directly related to such mortgages subject to prescribed limitations imposed by Tennessee law; appraisals of real estate for Company and its subsidiaries, and construction lending. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 16112). The time for filing comments and views has expired, and none has been timely received.

Applicant controls three banks with aggregate deposits of $664 million, representing 6.4 per cent of the total deposits in commercial banks in Tennessee. Applicant's lead bank, Commerce Union Bank, Nashville, Tennessee ("Commerce Bank"), with deposits of $608 million is the third largest bank in the Nashville banking market.[1] Commerce Bank is engaged in the origination and servicing of permanent loans on one-to-four family residences and loans on income producing properties. It also makes construction loans. In its most recent fiscal year, Commerce Bank originated 1.6 per cent of all mortgages placed on one-to-four family residences in Davidson County and 2.9 per cent of all mortgages on income-producing properties in that area. The dollar volume of its construction loans totalled $17.3 million in the same period. Applicant does not presently own directly or indirectly any nonbanking subsidiaries.

Company's main office is in Nashville, Tennessee. It also owns Kimbrough-Kavanaugh and Associates, Inc., of Kentucky, Louisville, Kentucky. Applicant proposes that the Nashville office would continue to engage in construction lending; mortgage originating and servicing (residential, commercial and multifamily); in the sale of insurance related to mortgage lending activities; and would also appraise real estate for Applicant and its subsidiaries. The operations of the Louisville, Kentucky, office would continue to be primarily involved in originating and servicing loans on income properties, both commercial and multifamily residential. Applicant also proposes that Company retain shares in Kenneth Smith & Associates, Nashville, Tennessee, which performs data processing services for Company and its subsidiary offices. Applicant further states that Company's (including its subsidiaries) equity interests in real estate which are not utilized as offices in its mortgage banking activities and property management services related thereto will be liquidated or discontinued, respectively, prior to consummation of the acquisition, provided the Board approves the application. Applicant also proposes that Company will continue the sale of property insurance and mortgage insurance for mortgage loans that it arranges or service upon request of customers. The Company will not act as an agent for either type of insurance but will place such insurance with unaffiliated agencies on a commission basis. Applicant assures the Board that all such insurance activities will be conducted in accordance with a determination by the Tennessee Commissioner of Insurance regarding their permissibility under a recently enacted amendment to Section 56-721 of the Tennessee Code Annotated.

Company is one of 16 mortgage companies with offices in Davidson County. It makes no construction loans and originated but 1 percent of all mortgages placed on one-to-four family residence in Davidson County in 1972. Thus, consummation of the proposed acquisition would not eliminate any significant competition between Commerce Bank and Company in either of these product lines. Company is also engaged in the origination of mortgages on income-producing properties. However, only 48 percent of its loans in fiscal 1972 on income-producing properties were made on property situated in Davidson County. Similarly, only 49 percent of those loans originated by Commerce Bank in 1972 were on properties in Davidson County. It appears that lenders located in the County do not confine their mortgage originations on income-producing property to the County itself but that they compete with many potential suppliers located outside the County. In view of the regional scope of the market for loans on income-producing property and the large number of existing competitors for such loans, the Board concludes that consummation of the proposal would not substantially lessen competition in loans originated on income-producing property in Davidson County nor adversely affect competition within the regional market for such loans.

Based on the foregoing and other considerations in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable, and the application is hereby approved subject to the following conditions: (1) divestiture prior to consummation of the acquisition of Company's (including its subsidiaries) equity interests in all real estate not utilized in its mortgage banking activities, and discontinuance of property management services in connection with such interests; and (2) discontinuance of insurance activities by Company which are determined by the Tennessee Commissioner of Insurance to be impermissible under State law. The acquisition shall not be consummated later than three months after the effective date of this Order, unless such period is extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority. This determination is 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.

By order of the Board of Governors,[2] effective July 30, 1973.

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

[FR Doc.73-16374 Filed 8-7-73;8:45 am]

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Daane and Brimmer.

[1] All banking data are as of December 31, 1972, unless otherwise noted.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Daane and Brimmer.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WESTMORELAND COAL CO. AND YOUGHIOGHENY AND OHIO COAL CO.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20264, WESTMORELAND COAL COMPANY,
Wentz No. 1 Mine, USBM ID No. 44 00302 0,
Stonega, Virginia,
Section ID No. 007 (No. 13 Right off 3 East),
Section ID No. 010 (No. 4 Main North Headings),
Section ID No. 012 (No. 2 Main East Headings),
Section ID No. 014 (No. 4 Main West Headings),
Section ID No. 015 (No. 4 East),
Section ID No. 016 (No. 1 Right off 4 North),
Section ID No. 017 (5 North "B" Portal).

(2) ICP Docket No. 20266, WESTMORELAND COAL COMPANY,
Bullitt No. 1 Mine, USBM ID No. 44 00304 0
Appalachia, Virgin'a,
Section ID No. 001 (Main South Headings),
Section ID No. 002 (1 North),
Section ID No. 003 (No. 7 Left off Main South),
Section ID No. 005 (Main West Headings),
Section ID No. 006 (No. 9 Left off Main South Headings),
Section ID No. 008 (No. 1 Right off No. 1 North),
Section ID No. 009 (No. 1 North—1 Left).

(3) ICP Docket No. 20585, THE YOUGHIOGHENY AND OHIO COAL COMPANY,
Allison Mine, USBM ID No. 33 01070 0
Beallsville, Ohio,
Section ID No. 002 (North Returns),
Section ID No. 004 (Main East),
Section ID No. 012 (4 East),
Section ID No. 014 (5 East),
Section ID No. 015 (2 North),
Section ID No. 016 (3 North off 4 West),
Section ID No. 017 (3 North off Main East Left Side),
Section ID No. 018 (3 North off Main East Right Side),
Section ID No. 019 (3 West off 2 North).

(4) ICP Docket No. 20586, THE YOUGHIOGHENY AND OHIO COAL COMPANY,
Nelms No. 1 Mine, USBM ID No. 33 00967 0,
Cadiz, Ohio,
Section ID No. 018 (No. 18 East off No. 6 North),
Section ID No. 020 (No. 5 South off No. 15 West),
Section ID No. 021 (No. 7 North off No. 15 East),
Section ID No. 022 (No. 16 West off No. 6 North),
Section ID No. 024 (No. 11 East off No. 7 South),
Section ID No. 025 (No. 7 North Pillars off Main East).

(5) ICP Docket No. 20587, THE YOUGHIOGHENY AND OHIO COAL COMPANY,
Nelms No. 2 Mine, USBM ID No. 33 00968 0,
Hopedale, Ohio,
Section ID No. 013 (No. 4 South Pillars),
Section ID No. 015 (No. 2 West off No. 5 South),
Section ID No. 017 (No. 3 West off No. 5 South),
Section ID No. 018 (Main East),
Section ID No. 020 (No. 1 East off No. 5 South),
Section ID No. 022 (Right Side Main East),
Section ID No. 023 (No. 1 South off No. 1 East),
Section ID No. 024 (No. 4 West off No. 5 South).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before August 23, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 3, 1973.

[FR Doc.73-16350 Filed 8-7-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notice of Meeting

AUGUST 3, 1973.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two day meeting on August 20th and 21st at Boulder, Colorado. The meeting will be open to the public. The Monday (Aug. 20) session will convene at 9:00 a.m. in room 620 of the NOAA Environmental Research Laboratories' facility, Research Building 3, in the complex at the corner of Arapahoe and 30th Street in Boulder; the Tuesday (Aug. 21) session will convene at 9:00 a.m. in the Main Seminar Room of the National Center for Atmospheric Research (NCAR), located at the end of Table Mesa Drive.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda for this meeting includes a general discussion of Federal reorganization in marine and atmospheric affairs, a presentation of ERL's programs in atmospheric science and a presentation of selected activities at NCAR.

The public will be admitted on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director. Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: 967-3343.

DR. DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.73-16407 Filed 8-7-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-58]

MENTORIS CO.

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to The Mentoris Company, Sacramento, California, a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 3,740,725 for "Automated Attendance Accounting System," issued on June 19, 1973 to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years, will provide for payment of royalties to the U.S. Government and will contain other appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before September 7, 1973, the Chairman, Inventions and Contributions Board, NASA, Washington, DC 20546, receives in writing any of the following, together with supporting documentation: (i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then

recommend to the Administrator whether to grant the exclusive license.

Dated: August 2, 1973.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.73-16348 Filed 8-7-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

AUGUST 2, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities be summarily suspended, this order to be effective for the period from August 3, 1973, through August 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16366 Filed 8-7-73;8:45 am]

[File No. 500-1]

AMERICA'S BEAUTIFUL CITIES

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of America's Beautiful Cities being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m., e.d.t., on August 1, 1973, and continuing through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16354 Filed 8-7-73;8:45 am]

[File No. 500-1]

AVTEK CORP.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Avtek Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t., August 2, 1973, through midnight (e.d.t.) August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16367 Filed 8-7-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16358 Filed 8-7-73;8:45 am]

[File No. 500-1]

BBI, INC.

Order Suspending Trading

AUGUST 1, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16369 Filed 8-7-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973, through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16359 Filed 8-7-73;8:45 am]

[File No. 500-1]

CODITRON CORP.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Coditron Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t., August 2, 1973, through midnight (e.d.t.) August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-16368 Filed 8-7-73;8:45 am]

[File No. 500-1]

FEDERAL HYDRONICS, INC.

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, $.10 par value, and all other securities of Federal Hydronics, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m., e.d.t., on August 1, 1973, and continuing through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16356 Filed 8-7-73;8:45 am]

[70-5375]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey City proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of First Mortgage Bonds, percent Series due 2003. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from October 1, 1973 to the date of delivery) will be determined by competitive bidding. The bonds will be issued under Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor to First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended by a Supplemental Indenture to be dated as of October 1, 1973, and which includes, with certain exceptions, a prohibition until October 1, 1978 against refunding the issue with proceeds of funds borrowed at a lower effective interest cost.

The entire proceeds, excluding premium and accrued interest, realized from the sale of the new bonds ($50,000,000) will be applied to the payment of all or a portion of Jersey Central's short-term bank loans of which approximately $46,800,000 is outstanding. The proceeds of the bank loans which are thus to be prepaid have been or will be used for construction purposes or to reimburse Jersey Central's treasury for expenditures therefrom for construction purposes. Premium relating from the sale of the First Mortgage Bonds will be used for financing the business of Jersey Central, including the payment of expenses in effecting the sale of the bonds. The estimated cost of Jersey Central's 1973 construction program is approximately $205,000,000.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of bonds are estimated to total $140,000, including legal fees of $28,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 29, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16362 Filed 8-7-73;8:45 am]

[31-738]

KEKAHA SUGAR COMPANY, LTD. ET AL.

Notice of Application for Exemption

Notice is hereby given that Kekaha Sugar Company, Limited ("Kekaha"), Oahu Sugar Company, Limited ("Oahu"), Pioneer Mill Company, Limited ("Pioneer"), Puna Sugar Company, Limited ("Puna"), and The Lihue Plantation Company, Limited ("Lihue"), 700 Bishop Street, Honolulu, Hawaii 96813, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 2(a)(3)(A) of the Act as applicable. All interested persons are referred to the application, which is summarized below, for a complete statement.

The five companies are wholly-owned subsidiaries of Amfac, Inc., a Hawaii Corporation, and are primarily engaged in the business of planting, cultivating, growing and harvesting sugar cane and processing the same to produce raw sugar and molasses. As a necessary incident to their factory operations, each company owns facilities which it operates to generate electric energy. The companies have come to sell their surplus energy to local public utilities.

None of the electric energy is sold at retail nor is any sold interstate. None of the companies has any plan for additional electric generating capacity.

The number of kilowatt hours of electric energy sold and revenue from water and electric power sales as a percentage of total revenue of each company for the year ended December 31, 1971 are as follows:

Company	KWH Sold	Water and Electric Power Sales	
Kekaha	10,799,000	$120,000	1.2%
Oahu	927,000	40,000	0.2
Pioneer	2,120,000	168,000	1.9
Puna	50,170,000	359,000	4.6
Lihue	16,722,000	213,000	1.4

In the absence of an exemption, Kekaha, Oahu, Pioneer, Puna, and Lihue would become "electric utility companies" within the definition contained in section 2(a)(3) of the Act. This would make a "holding company" of Amfac which controls these companies. It is asserted that the companies are and will continue to be primarily engaged in the sugar business and will sell only a small amount of excess electrical energy. Accordingly, the companies believe that it is not necessary in the public interest, or for the protection of investors or consumers that it be considered an electric utility company for the purpose of the Act.

Notice is further given that any interested person may, not later than August 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and

proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16291 Filed 8-7-73;8:45 am]

[70-5371]

MIDDLE SOUTH UTILITIES, INC., AND MISSISSIPPI POWER AND LIGHT CO.

Proposed Issue and Sale of First Mortgage Bonds

AUGUST 2, 1973.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, MI 39205, its electric utility subsidiary, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20,000,000 principal amount of its First Mortgage Bonds, —— percent Series due September 1, 2003 ("Bonds"). The annual interest rate on the Bonds (which will be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to Mississippi (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The Bonds will be issued under Mississippi's Mortgage and Deed of Trust dated as of September 1, 1944 to Irving Trust Company and Frederick G. Herbst (D. W. May, successor), as Trustees, as heretofore supplemented and as to be further supplemented by a Fourteenth Supplemental Indenture to be dated as of September 1, 1973, which includes a prohibition until September 1, 1978, against refunding the Bonds, directly or indirectly, with the proceeds of funds borrowed at a lower effective interest cost.

Prior to the issuance and sale by Mississippi of the Bonds, Mississippi proposes to issue and sell to Middle South, and Middle South proposes to acquire from Mississippi, 435,000 presently authorized but unissued shares of Mississippi's common stock without par value ("Common Stock") at its present stated value of $23 per share, aggregating $10,005,000. Middle South proposes to obtain the funds to effectuate the acquisition of the Common Stock through borrowings from commercial banks.[1]

Mississippi proposes to utilize the net proceeds from the issuance and sale of the Bonds and Common Stock to retire short-term debt outstanding, to finance its construction program (estimated at $99,346,000 for 1973) and for other corporate purposes.

Fees and expenses incident to the proposed transactions are estimated at $80,000, including counsel fees of $24,300 and accountants' fees of $7,500. The fees of counsel for the successful bidders are estimated at $10,000, to be paid by the successful bidders.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 24, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16352 Filed 8-7-73;8:45 am]

[1] Middle South has filed with this Commission a declaration, File No. 70-5366, in which it is proposed that Middle South borrow up to $30,000,000 from a group of commercial banks, under terms of a $135,000,000 revolving credit agreement dated as of July 1, 1973.

[70-5376]

OHIO EDISON CO.

Proposed Issue and Sale of Bonds

AUGUST 2, 1973.

Notice is hereby given, that Ohio Edison Company ("Ohio Edison"), 47 North Main St., Akron, OH 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $75,000,000 principal amount of First Mortgage Bonds — percent Series of 1973 due 2003. The interest rate of the bonds (which will be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under Ohio Edison's Indenture dated as of August 1, 1930, to Bankers Trust Company, Trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a Twenty-second Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued, and which includes, with certain exceptions, a prohibition until 5 years after the issuance of the bonds against refunding the issue with proceeds of funds borrowed at a lower effective interest cost.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its service, or for repayment of unsecured short-term debt, incurred by Ohio Edison estimated to be outstanding at the time of issue in the amount of $23,000,000, or for the reimbursement of its treasury for expenditures made for such purposes.

Ohio Edison requests authority for the authentication and issuance to the Trustee in accordance with the sinking fund provisions on or about November 1, 1973, upon the basis of property additions under Article V of the Mortgage, of an aggregate of $533,000 principal amount of its First Mortgage Bonds, 3¼ percent series of 1955 due 1985; in addition to the $7,973,000 principal amount authorized in File No. 70-5300,

(Holding Company Act Release No. 17896) and to withdraw cash which will be used for general corporate purposes.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than August 29, 1973, request in writing a hearing to be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16363 Filed 8-7-73;8:45 am]

[812-3449]

OPPENHEIMER A.I.M. FUND, INC.

Filing of Application

AUGUST 2, 1973.

Notice is hereby given that Oppenheimer A.I.M. Fund, Inc. ("Applicant"), One New York Plaza, New York, N.Y. 10004, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in its prospectus in exchange for substantially all of the assets of Berman Beacon Corporation ("BBC"), a New York corporation. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

BBC is an investment company all of whose outstanding stock is owned of record by only three persons and beneficially by only four persons and which is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an Agreement between Applicant and BBC, substantially all the cash and securities owned by BBC, with a market value of approximately $600,000 on February 28, 1973, will be transferred to Applicant in exchange for shares of Applicant's stock. Applicant is not assuming any of the liabilities of BBC. The number of shares of Applicant's stock to be issued to BBC is to be determined by dividing the aggregate market value of the assets of BBC to be transferred to Applicant by the net asset value per share of Applicant (subject to certain adjustments set forth in the Agreement) both to be determined as of the valuation date. When received by BBC, the shares of Applicant are to be distributed to BBC shareholders and BBC will be dissolved. Applicant states that it has presently no intention of selling any securities it will acquire from BBC.

Applicant states that it has been advised by the management of BBC that the holders of common stock of BBC have no present intention of redeeming or otherwise transferring their legal or beneficial interest in the shares of Applicant to be received by them upon the liquidation of BBC following the transfer of the assets of BBC to the Applicant, other than a transfer of the legal interest in those shares of Applicant to be received to the Alfred Berman Trust ("Trust") which will be established by the BBC shareholders. It is proposed that the Trust in turn will transfer those shares of Applicant to Oppenheimer and Company ("Oppenheimer"), the parent of Applicant's investment adviser, and will become a limited partner of Oppenheimer. The application further states that Oppenheimer represents that it has no present intention to redeem or otherwise transfer the interest of the shares of Applicant to be delivered to it by the Trust.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter for such company shall sell any redeemable security to the public except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant offers its shares to the public, pursuant to its prospectus, for cash at a price equal to the net asset value per share plus varying sales charges dependent upon the quantity of shares purchased, the maximum sales charge being 8.5 precent of the offering price. In support of its application, Applicant alleges that the proposed transaction will enable it to obtain portfolio securities without payment of brokerage commissions and also will increase the size of Applicant which, in the opinion of the Applicant, will tend to reduce the per share expenses of Applicant. Applicant also states that no affiliation presently exists between BBC or its officers, directors or stockholders and Applicant, its officers or directors, and that the Agreement was negotiated at arms length by the two companies.

Notice is further given that any interested person may, not later than August 27, 1973, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commisison upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16361 Filed 8-7-73;8:45 am]

[Release No. 34-10312; File No. S7-490]

OPTION TRADING BY SPECIALISTS, MARKET MAKERS, FLOOR TRADERS, AND BLOCK POSITIONERS

Commission Review and Request for Comments

The Commission announced that it has under review and is requesting public

comment on the question of whether specialists, market makers, floor traders and block positioners should be permitted to trade or otherwise have an interest in options (puts and calls) in any securities in which they are registered, make a market, or trade for their own accounts on exchanges, either from on or off the floor in the over-the-counter market.

In 1935 all the national securities exchanges adopted, at the Commission's request, a rule which provided that no specialist or odd-lot dealer, and no firm of which such specialist or odd-lot dealer is a participant, and no partner of such firm, shall acquire, hold or grant, directly or indirectly, any interest in a put, call, straddle, or option in any security in which such specialist, or odd-lot dealer is registered.[1] All the national securities exchanges also prohibited any other member while on the floor from initiating the purchase or sale on the exchange, for any account in which he or his firm or any participant therein is interested, of any stock in which he, his firm or any participant holds or has granted an option.

These rules came about because of abuses in the use of the option device in the operations of manipulative "pools" during the late 1920's and early 1930's.[2] It was the general consensus of the commentators at the time of the passage of the Securities Exchange Act of 1934 that the "option" enable "manipulators of every sort" "to carry on large-scale operations with a minimum of financial risk." [3] Although such abuses were not limited to pool operations, the granting of an option to pools or their confederates was fund to be at the very heart of most of these manipulative operations. The specialist's services in particular were considered invaluable to the pool managers.[4]

Because of the actual and potential abuses, the original drafts of the Securities Exchange Act would have outlawed the purchase or sale of options through an exchange or in connection with exchange-traded securities. Apparently, however, Congress decided that it was virtually impossible for it to distinguish between a "good" and a "bad" option, and, rather than prohibiting all such options, gave the Commission broad power to regulate their trading under sections 9(b) and (c) of the Securities Exchange Act of 1934.[5] The Commission has not used this rule making authority until quite recently.[6] Self-regulation, including the above exchange rules, was relied on instead; and the Commission believes that, partly as a result of such action by the exchanges, pool-type activities have been substantially curtailed.

Several firms, presently doing business on other exchanges as specialists or market makers have applied for memberships on the new Chicago Board Options Exchange (CBOE) to operate as market makers, board brokers or floor brokers.[7] Some of these other exchanges have therefore been considering changes in their rules to permit such firms to act (and continue to act) on their exchanges as specialists, market makers or floor traders in the same securities that underly options in which such firms would act as dealers on the CBOE, and perhaps elsewhere.[8] The Commission's Division of Market Regulation has asked those exchanges not to change their rules to permit such activities until such time as the Commission completes its own review of this matter.

In its review the Commission will also consider the role of option trading and its relation to the developing of a central market system for listed securities.[9]

At the time of the hearings on the Securities Exchange Act, there was little discussion of possible regulation of transactions in options relating to over-the-counter securities. However, with the recent advent of NASDAQ (the National Association of Securities Dealers, Inc.'s automated quotation system), which for the first time enables broadcasting of quoted prices of over-the-counter securities on a real time basis, manipulation similar to those encountered on the exchanges prior to 1934 may be possible. The Commission, therefore, is interested in determining whether or not over-the-counter market makers in listed and in unlisted securities should likewise be restricted in their dealings in options relating to the same securities in which they make markets.[10]

Accordingly, the Commission invites comments on the questions of whether and to what extent, the various participants in the exchange and over-the-counter markets whose activities may effect the pricing mechanism of securities traded therein should be permitted to have an interest in options in the same securities. Commentators should address themselves to the following considerations, among others:

1. The possibility that such dealing might create for a participant a conflict of interest which would likely impair the maintenance of fair and orderly markets in the underlying securities where the participant is (a) a specialist, (b) an odd-lot dealer, (c) a floor trader, (d) a market maker in listed securities on an exchange and/or a third market maker, (e) a market in the over-the-counter securities, or (f) a block positioner in listed and unlisted securities;

2. The relevance and significance of changed market conditions, since the passage of the Securities Exchange Act, including changes that have taken place in the structure of exchange and over-the-counter markets (such as the relative "institutionalization" of the markets);

3. The future development of a central market system;

4. The significance of the differences, if any, among various categories of members on regional and primary exchanges, including differences with respect to their abilities to affect the pricing mechanism of a given security, and the nature of their respective contributions to the markets;

5. The adequacy of present or potential regulatory controls to prevent misuse of options in the even present restrictions were relaxed.

All interested persons are invited to submit their views and comments on the foregoing issues. Written statements of views and comments should be addressed to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before September 29, 1973. Reference should be made to file number S7-

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[1] This rule was one of the sixteen rules adopted by all the national securities exchanges in 1935, at the request of the Commission (which also formulated the rules), to eliminate some of the undesirable consequences flowing from dealer activities on the national securities exchanges. See, U.S. Securities and Exchange Commission, Report on the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Broker (1936), pp. 60–64, 170.

[2] H.R. Rep. No. 1383, 73d Cong., 2d Sess. (1934), pp. 10–11; see also S. Rep. No. 792, 73d Cong., 2d Sess. (1934), p. 9. For the Senate committee's findings on the extent and use of options in manipulations, see Stock Exchange Practices, Report of Comm. on Banking & Currency, S. Rep. No. 1455, 73d Cong., 2d Sess. (1934), p. 47.

[3] Stock Exchange Practices, Report of Comm. on Banking & Currency, S. Rep. No. 1455, 73d Cong., 2d Sess. (1934) p. 45.

[4] Ibid., p. 47.

[5] Stock Exchange Practice Hearings before Senate Comm. on Banking & Currency, 73d Cong., 2d Sess. (1934), Pt. 15, p. 6515. The House Committee's Report on the Securities Exchange Act, in explaining these subsections, stated "As it is not always easy to trace and prove manipulative activity, it is necessary to rid the market of devices which commonly accompany or cloak these activities." H. Rep. No. 1383, 73d Cong., 2d Sess. (1934), p. 11. See supra n. 2 and 4.

[6] See Release No. 34–9930 (January 9, 1973) proposing Rule 9b–1 and Release No. 34–9994 (February 8, 1973) proposing Rule 9b–2, both under the Securities Exchange Act of 1934.

[7] The two basic functions of a specialist are divided on the CBOE between the board broker (agent) and the market maker (dealer).

[8] Some other exchanges have been considering the establishment of trading markets in options.

[9] See Securities and Exchange Commission, Policy Statement on the Structure of a Central Market System (March 29, 1973), and Statement on the Future Structure of the Securities Markets (February 2, 1972). See also Release No. 34–9950 (January 16, 1973), at pp. 109–129, which discusses, in terms of the needs of both the present and future market structure, the growing similarity between the regulatory problems relating to floor dealings of specialists and floor traders on the one hand and those of "off-floor" trading of securities professionals and block positioners on the other.

[10] See Report of Special Study of Securities Markets of the Securities and Exchange Commission which discusses some of the problems concerning trading in options relating to over-the-counter securities prior to the NASDAQ system. H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963) Pt. 2, pp. 563–567, 676.

490. All such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 1, 1973.

[FR Doc.73-16351 Filed 8-7-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 3, 1973 through August 12, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-16364 Filed 8-7-73;8:45 am]

[File No. 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended; this order to be effective for the period from August 2, 1973 through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16289 Filed 8-7-73;8:45 am]

[File No. 500-1]

SEGGOS INDUSTRIES, INC.

Order Suspending Trading

JULY 31, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Seggos Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:45 a.m., edt, on July 31, 1973 and continuing through August 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16288 Filed 8-7-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES, INC.

Order Suspending Trading

JULY 31, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5 par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 1, 1973 through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16290 Filed 8-7-73;8:45 am]

[File No. 500-1]

PLAYERS GROUP COMPANIES, INC.

Order Suspending Trading

AUGUST 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Players Group Companies, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:00 a.m. (EDT) on August 1, 1973 and continuing through August 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16355 Filed 8-7-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 3, 1973 through August 12, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-16365 Filed 8-7-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

AUGUST 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 2, 1973 through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16357 Filed 8-7-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

AUGUST 2, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 2, 1973 through August 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16360 Filed 8-7-73;8:45 am]

[70-5373]

UTAH POWER & LIGHT CO.

Proposed Issue and Sale of Common Stock at Competitive Bidding

AUGUST 2, 1973.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple St., P.O. Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 800,000 shares of its authorized but unissued common stock, par value $12.80 per share. Utah proposes to use the estimated $30,000,000 in proceeds from the sale of the common stock to pay a portion of its outstanding short-term promissory notes (said notes aggregating approximately $35,000,000 as of September 18, 1973), the proceeds of which are being used for the company's construction program, estimated at $103,000,000 for 1973 and $64,000,000 in 1974.

The declaration states that the Wyoming Public Service Commission and the Idaho Public Utilities Commission have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are to be supplied by amendment.

Notice is further given that any interested person may, not later than August 28, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-16353 Filed 8-7-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0005]

FRANKLIN CORP.

Approval of Application

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 C.F.R. Part 107.701 (1973)), a notice of filing of an application for transfer of control of The Franklin Corporation, License No. 02/02-0005, One Rockefeller Plaza, Suite 2614, New York, New York 10020, was published in the FEDERAL REGISTER on May 25, 1973 (38 FR 13787).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of the Franklin Corporation, subject to any other Federal or State approval which may be necessary.

Dated: August 1, 1973.

JAMES THOMAS PHELAN, *Deputy Associate Administrator, for Investment.*

[FR Doc.73-16303 Filed 8-7-73;8:45 am]

[Declaration of Disaster Loan Area 1007]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of June and July 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Carroll, Dallas, Greene, Guthrie and Polk Counties, Iowa, and adjacent affected areas, suffered damage or destruction resulting from flooding caused by severe storms, heavy rain and flooding occurring June 30 through July 9, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 25, 1973.

Dated: July 27, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-16298 Filed 8-7-73;8:45 am]

[Declaration of Disaster Loan Area 1008]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Michigan;

Whereas, the Small Business Administration has investigated and received reports of investigations in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Wayne and Monroe Counties in the State of Michigan, and adjacent affected areas, suffered damage or destruction resulting from flooding occurring June 17 and 18, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Michigan 48226.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to 1973.

Dated July 30, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-16299 Filed 8-7-73;8:45 am]

[Declaration of Disaster Loan Area 1009]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Franklin and Crawford Counties, Ohio, and adjacent affected areas, suffered damage or destruction resulting from severe storms and flooding occuring June 19 to 26, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 34 North High Street, Columbus, Ohio 43215.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 28, 1973.

Dated: July 31, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-16300 Filed 8-7-73;8:45 am]

[Notice of Disaster Loan Area 995; Amdt. 4]

OKLAHOMA

Amendment To Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood and tornado victims in the following additional counties: Mayes and Le Flore. (See 38 FR 16813, 38 FR 18415, 38 FR 19295 and 38 FR 19939).

The purpose of this amendment is only for Mayes County for the period April 1, 1973 to May 7, 1973, and Mayes and Le Flore Counties for the period May 24, 1973 to May 27, 1973. Applications will be processed under the provisions of Public Law 92-385 where damages occurred prior to April 20, 1973. Applications will be processed under the provisions of Public Law 93-24 where damages occurred April 20, 1973, and thereafter.

Applications may be filed at the:

Small Business Administration, District Office, 30 North Hudson, Oklahoma City, Oklahoma 73102.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than September 18, 1973.

Dated: July 26, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-16296 Filed 8-7-73;8:45 am]

[Notice of Disaster Loan Area 1003; Amendment]

TEXAS

Amendment To 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 additional counties: Newton and Matagorda. (See 38 FR 19878)

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 24, 1973.

Dated: July 27, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-16297 Filed 8-7-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Allen Mallory, food store; Stuart, IA; 5-31-74.

Badt's Pharmacy, Inc., drug store; 248 North Paw Paw Street, Coloma, MI; 5-25-74.

Bayfield Shur-Valu Market, food store; Bayfield, CO; 5-23-73 to 5-16-74.

A. J. Bayless Markets, Inc., food stores: Nos. 62 and 63, Globe, AZ, 5-31-74; No. 65, Safford, AZ, 6-15-73 to 5-31-74; No. 59, Scottsdale, AZ, 6-15-73 to 5-31-74.

Berg & Frost, Inc., drug store; 1009 West 12th Street, Emporia, KS; 6-11-74.

Blank's Pharmacy, drug store; Three South Fort Thomas Avenue, Fort Thomas, KY; 6-19-74.

C. H. Block & Co., Inc., agriculture; Tunica, MS; 6-15-74.

Bonson's Shop Rite, food store; Eagle River, WI; 5-30-74.

Brooks Griffin, agriculture; Elaine, AR; 5-30-74.

Browdy's Fine Foods, food store; 2807 Cahaba Road, Birmingham, AL; 6-11-74.

C & S Hardware, hardware stores, 5-23-74: Nos. 1 and 2, Dallas, TX.

Carson City Hospital, hospital; Elm at Third, Carson City, MI; 6-17-74.

Cary Plantation, agriculture; Cary, MS, 6-4-74.

Cash & Carry Grocery, food store; 100 Russell Street, Portland, TN; 6-12-74.

Colonial Store, restaurant; No. 3, Wichita, KS; 5-31-74.

Dad 'N' Lad, apparel store; 490 Harrison Avenue, Panama City, FL; 5-22-74.

The Dairy Basket, Inc., food store; 9159 South Cicero Avenue, Oak Lawn, IL; 6-14-74.

Dillon Companies, Inc., food stores, 6-8-74: No. 44, Junction City, KS; No. 43, Lawrence, KS.

Elgin West Pharmacy, drug store; 575 Elgin West Pharmacy, drug store; 575 North McLean Boulevard, Elgin, IL; 6-5-74.

Erv's Sav-Rite, food store; 1567 East Stratford Avenue, Salt Lake City, UT; 6-14-74.

Evanna Plantation, Inc., agriculture; Cary, MS; 6-4-74.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon MI; 6-15-74.

Food Fair, Inc., food store; North Highway 27, Somerset, KY; 5-26-74.

Fort Thomas Pharmacy, Inc., drug store; 26 North Fort Thomas Avenue, Fort Thomas, KY; 6-15-74.

Golob Super Market, food store; Arma, KS; 6-14-74.

Grebe's Bakeries, Inc., food stores, 6-14-74: 5933 West Libson Avenue, Milwaukee, WI; 2204 10th Avenue, South Milwaukee, WI; 5132 West Lincoln Avenue, West Allis, WI.

H & L, Inc., food store; 6704 Main Street, Caseville, MI; 6-12-74.

H. E. B. Food Store, food stores, 6-16-74: No. 110, Georgetown, TX; No. 109, Marble Falls, TX.

Handy Andy, Inc., food store, No. 175, Austin, TX; 6-6-74.

J. H. Hill & Sons, agriculture; Indianola, MS; 6-11-74.

Hornbeak Grocery, food store; 115 North Main Street, Ridgely, TN; 6-6-74.

International House of Pancakes, restaurant; 4555 South Noland Road, Independence, MO; 5-14-74.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, AL; 6-14-74.

Jemison Super Saver, food store, Jemison, AL; 6-30-74.

Kopper Kettle Restaurant, restaurants, 6-14-74, except as otherwise indicated: I-80 and 25 Highway, Menlo, IA (5-31-74); I-80 and minden Inter-Change, Minden, IA; I-29 and U.S. Highway 30, Missouri Valley, IA; I-80 and U.S. Highway 81, York, NE.

L & K Food Market, food store; Highway 75 at Wortham Street, Willis, TX; 5-31-74.

Lenger Super Market, Inc., food store; 16 West Burton Street, Grand Rapids, MI; 6-11-74.

Lynn Garrett Drug Co., drug store; 2401 Lebanon Road, Nashville, TN; 6-17-74.

May's Drug Store, drug stores, 6-13-74: No. 186, Bloomington, IL; No. 185, Crystal Lake, IL; No. 182, Freeport, IL; No. 200, McHenry, IL; No. 187, Mundelein, IL; Nos. 188 and 196, Rockford, IL; No. 173, Round Lake, IL; No. 199, Woodstock, IL; No. 180, Beloit, WI.

McDonald's Hamburgers, restaurants, 5-31-74, except as otherwise indicated: 901 Minnesota, Kansas City, KS (5-26-74); 7550 State Avenue, Kansas City, KS (5-26-74); 618 East Santa Fe, Olathe, KS (5-26-74); 9783 A St. Charles Rock Road, St. Louis, MO (6-9-74); 1360 East Avenue, Akron, OH; 409 East Exchange Street, Akron, OH; 1720 West Exchange Street, Akron, OH; 2021 East Market Street, Akron, OH; 1045 East Tallmadge Avenue, Akron, OH; 946 East Waterloo Road, Akron, OH; 425 West Hopocan Avenue, Barberton, OH; 1195 Wooster Road, West, Barberton, OH; 1787 State Road, Cuyahoga Falls, OH; 1280 South Water Street, Kent, OH; 2114 Sunset Boulevard, Steubenville, OH.

McKey Grocery & Market, food store; Centreville, MS; 2-23-74.

Methodist Memorial Homes, Inc., nursing home, 1320 11th Avenue, Holdrege, NE; 6-19-74.

Midlothian Pharmacy, drug store; 4047 West 147th Street, Midlothian, IL; 6-5-74.

Miller's Foodtown, food store; 38 East Center, Moab, UT; 5-7-73 to 3-31-74.

Mother of Mercy Nursing Home, nursing home; Albany, MN; 6-17-74.

Newman Pharmacy, drug store; 3458 West 11th Street, Chicago, IL; 6-5-74.

Pearl Plantation, agriculture; Cary, MS; 6-4-74.

Pence-Humboldt, Inc., food store; Highway 169 North, Humboldt, KS; 6-19-74.

Piggly Wiggly, food stores: Morgan Plaza Shopping Center, Hartselle, AL, 5-20-74; South Market Street, Moulton, AL, 6-15-74; 226 North Waukesha Street, Bonifay, FL, 5-24-74; Cotton Street, Graceville, FL, 5-24-74; NE. West Lafayette Street, Marianna, FL, 5-24-74; 105 Mulberry Street, Durant, MS, 5-21-74; 600 Mulberry Street, Durant, MS, 5-21-74; 16th Street, Laurel, MS, 5-27-74; No. 5, West Florence, SC, 6-6-74; 701 West Ennis Avenue, Ennis, TX, 6-11-74.

Pullman Pharmacy, drug store; 11254 South Michigan Avenue, Chicago, IL, 6-5-74.

Ralph's Jack and Jill, food store; 208 North Walnut, Peabody, KS; 6-8-73 to 5-31-74.

Red Star Pharmacy, drug store; 9200 South Commercial Avenue, Chicago, IL; 6-5-74.

Richard Clothing Co., apparel store; 326 South Washington Street, Marion, IN; 6-7-74.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, MI; 5-21-74.

Riverside Certified Super Market, Inc., food store; 54 East 138th Street, Riverdale, IL; 5-20-74.

Rivin's IGA, food store; Wagner, SD; 5-26-74.

Robie's Food Center, Inc., food store; 700 Willow Street, Franklin, LA; 5-26-74.

Russel Lee Sall, agriculture; 12227 68th Avenue, Allendale, MI; 6-5-74.

Ryke's Bakery, food store; 1788 Terrace Street, Muskegon, MI; 6-10-74.

St. Michael's Hospital, hospital; Tyndall, SD; 5-23-73 to 5-15-74.

Santa Fe Lamplighter, Inc., restaurant; 2405 Cerrillos Road, Santa Fe, NM; 6-14-74.

Shroat Market, food store; 216 South D Street, Marion, IN; 5-25-74.

Stein Greenfield, Inc., garden centers: 3725 108th Street, Greenfield, WI, 5-31-74; 14845 West Capitol Drive, Milwaukee, WI, 5-31-74; 5400 South Seventh Street, Milwaukee, WI, 6-1-73 to 5-30-74.

Sutton's Food City, food store; 2050 North Topeka, Topeka, KS; 3-19-74.

Sutton's Food Mart, food store; 1313 West 21st Street, Topeka, KS; 5-30-73 to 4-1-74.

Thigpen Hardware Co., hardware store; 107-11 South Harvey Avenue, Picayune, MS; 6-15-74.

Van Solkema Farms, Inc., agriculture; 8513 Marlow Avenue, Byron Center, MI; 5-27-74.

Vann Brothers, agriculture; Trenton, SC; 6-4-74.

Vic's Farm Market, food store; 2429 Monroe Street, La Porte, IN; 5-31-74.

Walt Boe's Super Markets, Inc., food store; 57 North Broadway, Pelican Rapids, MN; 6-9-74.

Whittaker, Inc., food store; 7930 North MacArthur, Oklahoma City, OK; 6-2-74.

Willie's Super Market, food store; 2422 Second Avenue, North, Birmingham, AL; 5-26-74.

Willis Nursery Co., agriculture; Ottawa, KS; 6-14-74.

J.W. Yonce & Sons, agriculture; Johnston, SC; 6-11-74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Bill Crook's Food Town, food store; Nashville, TN; bagger, stock clerk; 10 to 11 percent; 6-3-74.

Chets Town and Country, food store; Willmar, MN; carry out, stock clerk; 19 to 23 percent; 6-10-74.

Edward & Anthony Pharmacy, food store; 6510 O'Donnell Street, Baltimore, MD; salesclerk, delivery clerk; 15 to 33 percent; 5-31-74.

Garden Valley Motel, motel; 2860 South Circle Drive, Colorado Springs, CO; general restaurant worker, salesclerk, housekeeper; 5 to 20 percent; 5-29-74.

Jacques Petite of Eastland Mall, restaurant; G-4218 East Court Street, Flint, MI; general restaurant worker; 49 to 77 percent; 5-1-74.

King's Food Host, USA, restaurant; 1505 Lincoln Avenue, Loveland, CO; general restaurant worker; 10 to 25 percent; 5-21-74.

Minyard Food Stores, Inc., food store; 550 East Wheatland, Duncanville, TX; package clerk, salesclerk; 11 to 16 percent; 6-11-74.

Piggy Wiggly, food store; No. 18, Columbus, GA; bagger, carry out, stock clerk, janitorial; 10 to 13 percent; 5-20-74.

Thiesen's Dairy Queen, restaurant; 609 Lafayette, St. Louis, MO; general restaurant worker; 31 to 63 percent; 5-31-74.

Windsor Care Center, nursing home; 2305 Crescent Drive, Cedar Falls, IA; nurse's aide, kitchen helper, housekeeper, office clerk; 6 to 17 percent; 5-30-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before September 7, 1973.

Signed at Washington, D.C. this 1st day of August 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-16417 Filed 8-7-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 314]

ASSIGNMENT OF HEARINGS

AUGUST 3, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No amendments will be entertained after the date of this publication.

No. 35782, Board of Trade of the City of Chicago-V-Burlington Northern, Inc., Et Al, now assigned hearing October 1, 1973, at Chicago, Ill., is cancelled.

MC-119631 Sub 20, Deloma Trucking Company, now assigned August 29, 1973, at Washington, D.C., is cancelled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16385 Filed 8-7-73;8:45 am]

[Ex Parte No. 295]

CLASS I RAILROADS

Increased Freight Rates and Charges, 1973, Nationwide

AUGUST 3, 1973.

It appearing that on June 29, 1973, substantially all of the Class I railroads and numerous other carriers filed schedules of increased rates and charges under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission Order No. 73-4700, of June 11, 1973, as amended, said tariff schedules having been filed subject to possible investigation and suspension and bearing an effective date of July 29, 1973, postponed by tariff supplement until August 13, 1973, in accordance with price stabilization requirements, as follows:

TARIFF OF INCREASED RATES AND CHARGES, X-295, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A-4885, and other designated agents: Tariff X-295 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It further appearing, that by petition and verified statements dated April 20, 1973, as amended May 9, 1973, the above carriers requested the issuance of orders granting relief from outstanding orders entered by the Commission, relief from section 4 of the Act, and all other relief necessary to permit the proposed general increases to become effective, subject to the condition that refund be made in the event that any increases (including interim increases) resulting from the application of the tariff exceeded the increases subsequently approved or prescribed by the Commission.

It further appearing, that interested parties were permitted to file replies to the railroads' petition on or before May 21, 1973, and that protests[1] and requests for suspension of the tariff schedules, as well as replies thereto, were subsequently filed on or before July 17 and July 20, 1973, respectively;

It further appearing, that the proposed increases are not applicable to commodities transported for recycling purposes;

It further appearing, that insofar as increases are hereinafter authorized, pending investigation, said increases will not have a significant adverse effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, that rate increases for commodities or services provided by a public utility are exempt from the Cost of Living Council's proposed Phase IV regulations (6 C.F.R. § 150.56; 38 F.R. 19472, July 20, 1973), but that economic stabilization considerations and guidelines have been taken into account herein, and that the increases, to the extent authorized, are in the aggregate cost-justified and do not reflect future inflationary expectations, will not increase rate of return on capital, and are the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements, recognizing in this regard expected and obtainable productivity gains which, however, are not in the aggregate of sufficient magnitude to offset the carriers' demonstrated needs for additional revenues to meet increased operating expenses;

And it further appearing, that the Commission having considered the evidence and arguments of the parties as set forth in verified statements, replies, and protests, there is reason to believe from preliminary review that the schedules as filed would, if permitted to become effective, result in rates and charges which would be unjust and unreasonable and otherwise unlawful under the Interstate Commerce Act, therefore:

It is ordered, That the operation of the following schedules be, and it is hereby, suspended, and that the use thereof in interstate and foreign commerce be deferred to and including March 12, 1974, unless otherwise ordered by the Commission:

TARIFF OF INCREASED RATES AND CHARGES, X-295, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A-4885, and other designated agents: Tariff X-295 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It is further ordered, That the carriers which are parties to this proceeding, be, and they are hereby, authorized to establish upon not less than 15 days' notice to the Commission and the public by filing and posting in the manner prescribed in the Interstate Commerce Act, an increase in rates and charges not to exceed 3 percent (except for disposition of fractions) subject to maximums no higher than specified in the suspended tariff of increased rates and charges, X-295, or in connecting link supplements proposed to be made subject to said tariff, X-295, and in no event to produce greater revenue in connection with any rate or charge on any particular commodity or service than proposed in X-295, and subject further to a refund provision the same as set forth in the aforesaid tariff of increased rates and charges, X-295, but providing for six (6) percent interest;

It is further ordered, That the rate increases herein authorized, pending investigation, shall be subject to the following limitations and holddowns:

(1) *Grain and grain products.* As in tariff X-295, grain rate increase tables shall progress in one-half cent increments.

(2) *Meats and packinghouse products.* On meats and packinghouse products, the rates may not be increased prior to September 12, 1973.

(3) *Petroleum and coal coke.* On petroleum and coal coke and petroleum, coal or coke briquettes, the rate increase shall not exceed the increase on bituminous coal.

(4) *Salt cake.* On salt cake (sodium sulfate), the rate increase on movements to Southern Territory shall not exceed the increase on caustic soda within Southern Territory.

(5) *Fresh and processed fruits and vegetables.* On fresh and processed fruits and vegetables, including dry edible beans, potatoes and onions, the rate increase shall not exceed 6 cents per hundred pounds.

(6) *Walnuts, shelled or unshelled.* The rate increase on walnuts shall not exceed 6 cents per hundred pounds.

(7) *Foodstuffs, canned or preserved.* On foodstuffs, canned or preserved, the rate increase shall not exceed 6 cents per hundred pounds.

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of all the rates, charges, and regulations which were contained in the suspended schedules, as aforesaid, as well as the schedules herein authorized to be filed, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, all the said schedules to be subject to refund provision;

It is further ordered, That no oral hearing is contemplated and a report upon investigation will be issued upon the record as made, including for this purpose protests as well as replies and verified statements, except that, the railroads having filed a brief herein on July 20, 1973, other parties should be afforded a similar opportunity and accordingly any party to these proceedings (other than the carriers) may file a brief on or before August 24, 1973. Such filing is not required, and no new evidence shall be included therein;

It is further ordered, That in making effective any increases in rates and charges herein authorized, the carriers parties to this proceeding be, and they are hereby, required to maintain and preserve all existing port relationships (including those involving Great Lakes and Pacific Coast ports) duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice;

It is further ordered, That copies of any tariff filed hereunder shall be transmitted by first-class mail to all parties at the same time as the official filing at the Commission;

And it is further ordered, That all outstanding orders of the Commission be, and they are hereby, modified to permit the increases authorized herein to become effective.

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[1] Including a late-filed protest of the Colorado Meat Dealers Association which has been accepted for filing pursuant to its petition for leave to file and a supplementary protest of the American Meat Institute.

[Fourth Section Order No. 20434]

It appearing, that carriers parties to the proceeding applied for relief from the provisions of section 4 of the Act necessary to establish the rates and charges originally sought; that the increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4;

It is ordered, That carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the Act;

It is further ordered, That parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short haul provisions of section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

And it is further ordered, That in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedule containing such rates shall make reference to this order in the manner required by rule 28 of Tariff Circular No. 20.

AMENDMENT TO SPECIAL PERMISSION NO. 73-4700, AS AMENDED, AUTHORIZING CERTAIN DEPARTURES FROM THE COMMISSION'S PUBLISHED TARIFF REGULATIONS

It is ordered, That Special Permission No. 73-4700, as amended, be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order, subject to the terms, conditions and limitations provided therein.

By the Commission.

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

[FR Doc.73-16394 Filed 8-7-73;8:45 am]

[No. MC 34778]

COCHRAN TERMINAL AND TRANSPORTATION CO.

Filing of Petition for Modification, Clarification, and Amendment of Certificate

JULY 17, 1973.

Petitioner: COCHRAN TERMINAL AND TRANSPORTATION CO. Bloomfield, N.J. Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner holds a certificate in No. MC-34778 authorizing it to perform service in interstate or foreign commerce, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in New York, N.Y. By the instant petition, petitioner requests that an order be entered (a) to amend its certificate to read: Between points in the New York, N.Y. commercial zone, as described by the Commission in the report in *New York, N.Y., Commercial Zone*, 1 M.C.C. 665, or (2) the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., commercial zone as defined by the Commission.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before October 8, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

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

[FR Doc.73-16390 Filed 8-7-73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 3, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issued of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Applicant: McLAUGHLIN DRAYING CO. P.O. Box 1797 Sacramento, Calif. 95808 Applicant's representative: Raymond A. Greene, Jr. 100 Pine Street, Suite 2550 San Francisco, Calif. 94111 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Part I: (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points and places on or within 20 miles of the following routes: (a) Interstate Highway 80 between Roseville and San Francisco, inclusive; (b) State Highway 21 between its intersection with Interstate Highway 80 and its intersection with Interstate Highway 680; inclusive; (c) Interstate Highway 680 between its intersection with Interstate Highway 80 and its intersection with State Highway 17, inclusive; (d) State Highway 24 between Oakland and its intersection with Interstate Highway 680, inclusive; (e) Interstate Highway 580 between Oakland and its intersection with Interstate Highway 205, inclusive; (f) Interstate Highway 205 between its intersection with Interstate Highway 580 and U.S. Highway 50, inclusive; (g) U.S. Highway 50 between its intersection with Interstate Highway 205 and Sacramento, inclusive; (h) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Part II: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101;

southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. EXCEPT THAT applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxies; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.73-16389 Filed 8-7-73;8:45 am]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 3, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2245 (Deviation No. 5), THE O. K. TRUCKING COMPANY, 3000 East Crescentville Road, Cincinnati, Ohio 45241, filed July 25, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, via Interstate Highway 70, to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, thence over U.S. Highway 50 to Versailles, Ind., thence over U.S. Highway 421 to Indianapolis, Ind., and return over the same routes.

No. MC-30605 (Deviation No. 23), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kansas 67201, filed July 25, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 66 and 75, 9 miles south and west of Tulsa, Oklahoma, over U.S. Highway 75 to its junction with Indian Nation Turnpike, thence over Indian Nation Turnpike to its junction with U.S. Highway 69, thence over U.S. Highway 69 to its junction with U.S. Highway 75, thence over U.S. Highway 69 and 75 to Dallas, Texas, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Tulsa, Okla., over U.S. Highway 66 to Oklahoma City, Okla., serving all intermediate points, (2) from Oklahoma City, Okla., over U.S. Highway 77 via Norman, Purcell, Pauls Valley, Davis, Springer, and Ardmore, Okla., to Marietta, Okla., serving all intermediate points, (3) from Marietta, Okla., over U.S. Highway 77 (Interstate Highways 35 and 35E) to Dallas, Tex., serving no intermediate points, but serving the junction of U.S. Highways 77 and 377 (Interstate Highways 35 and 35E) for the purpose of joinder only, and (4) from junction U.S. Highway 77 (Interstate Highways 35 and 35E) and U.S. Highway 377 over U.S. Highway 377 to Fort Worth, Tex., serving no intermediate points, and return over the same routes.

By the Commission.

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

[FR Doc. 73-16388 Filed 8-7-73;8:45 am]

[Notice No. 330]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 28, 1973.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74350. By order of August 1, 1973, the Motor Carrier Board approved the transfer to Victor L. Lange, doing business as Lange Truck Lines, Pleasanton, Texas, of the operating rights in Certificate No. MC-26051 and Certificate of Registration No. MC 26051 (Sub-No. 4) issued June 22, 1970 to Boerne Truck Lines, Inc., San Antonio, Texas, authorizing the transportation of general commodities, with exceptions, between Boerne and San Antonio, Tex. and evidencing a right to engage in transportation in interstate commerce as described in Common Carrier Motor Carrier Permanent Certificate of Convenience and Necessity No. 2650 issued by the Railroad Commission of Texas. Wallace H. Nations, 904 Lavaca St., Austin, Texas 78767 Attorney for applicants.

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

[FR Doc.73-16393 Filed 8-7-73;8:45 am]

[Notice 61]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 3, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 128868 (Sub-No. 3) (REPUBLICATION) filed December 5, 1972, published in the FR issue of January 26, 1973, and republished this issue.

Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, a Corporation, Route No. 2, Box 78-A, Round Rock, TX 78664 Applicant's representative: Joe T. Lanham 1102 Perry-Brooks Building Austin, TX 78701 An Order of the Commission, Operating Rights Board, dated July 11, 1973, and served July 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *lime*, in bulk, in tank or hopper type vehicles, (1) from the plant site of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) from the plant site of United States Gypsum Company at or near New Braunfels, Tex., to points in Louisiana, New Mexico, and Oklahoma; (3) from the plant site of Austin White Lime Company, at or near McNeil, Tex., to points in Oklahoma; (4) from the plant site of Round Rock Lime Company, at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; and (5) from the plant site of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128870 (Sub-No. 2) (REPUBLICATION) filed December 5, 1972, published in the FR issue of January 26, 1973, and republished this issue.

Applicant: NATIONAL MATERIALS CORPORATION P.O. Box 187 New Braunfels, TX 78130 Applicant's representative: Joe T. Lanham 1102 Perry-Brooks Building Austin, TX 78701 An Order of the Commission, Operating Rights Board, dated July 11, 1973, and served July 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *lime*, in bulk, in tank or hopper type vehicles, (1) from the plant site of McDonough Bros., Inc., at or near San Antonio, Tex., to points in Louisiana, New Mexico, and Oklahoma; (2) from the plant site of United States Gypsum Company, at or near New Braunfels, Tex., to points in Oklahoma; (3) from the plant site of Austin White Lime Company, at or near McNeil, Tex., to points in Louisiana, New Mexico, and Oklahoma; (4) from the plant site of Round Rock Lime Company, at or near Blum, Tex., to points in Louisiana, New Mexico, and Oklahoma; and (5) from the plant site of Chemical Lime, Inc., at or near Clifton, Tex., to points in Louisiana, New Mexico, and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudice by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136664 (Sub-No. 1) (REPUBLICATION) filed January 29, 1973, published in the FR issue of March 15, 1973, and republished this issue. Applicant: NORTH AMERICA MOVERS OF N. C. INC. 16 Piney Park Road Asheville, N.C. 28806 Applicant's representative: Howard E. Frazier (same address as applicant) An Order of the Commission, Operating Rights Board, dated July 6, 1973, and served July 23, 1973 finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *telephone equipment, materials, and supplies*, between Asheville, N. C., on the one hand, and, on the other, points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Polk, Swain, and Transylvania Counties, N.C., under a continuing contract or contracts with Western Electric Company, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and

would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING PETITIONS

No. MC 18259 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT) filed July 17, 1973. Petitioner: JACKSON DISTRIBUTION CORP. 348 W. Fayette Street Syracuse, N.Y. 13202 Petitioner's representative: Norman M. Pinsky 345 South Warran Street Syracuse N.Y. 13202 Petition presently holds a motor *contract carrier* permit in No. MC-18259 (Sub-No. 2) issued November 25, 1970, authorizing transportation, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment materials, and supplies* used in the conduct of such business, from Syracuse, N.Y., to points in St. Lawrence, Franklin, Steuben, Schulyer, Chemung, Tioga, Broome, Chenango, Delaware, Otsego, Schoharie, Montgomery, Fulton, Herkimer and Schenectady Counties, N.Y., and points in Bradford and Susquehanna Counties, Pa., under a continuing contract or contracts with the following shipper: Sugardale Foods, Inc., Canton, Ohio, Hygrade Food Products Corporation, Detroit, Mich., Geo A. Hormel & Company, Austin, Minn., Armour and Company, Chicago, Ill., Escro Storage & Cartage, Inc., Buffalo, N.Y., Missouri Beef Packers, Inc., Rock Port, Mo., Spencer Packing Co., Spencer, Iowa, Wilson & Company, Syracuse, N.Y., John Morrell & Co., Otumway, Iowa, American Beef Packers, Oakland, Iowa, The Rath Packing Company, Waterloo, Iowa. Dubuque Packing Company, Dubuque, Iowa, South Chicago, Packing Co., Chicago, Ill., The Frank Tea & Spice Co., Cincinnati, Ohio, and Chelsea Milling Co., Chelsea, Mich. By the instant petition, petitioner seeks to: (a) delete The Frank Tea & Spice Co. and Chelsea Milling Co. as contracting shippers, and (b) add Loblaw Stores, Inc. as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114115 (Sub-No. 22) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION) filed July 19, 1973. Petitioner: TRUCKWAY SERVICE, INC. 1099 Oakwood Blvd. Detroit, Mich. 48217 Petitioner's representative: James R. Stiverson 50 West Broad Street Columbus, Ohio 43215 Petitioner presently holds a motor *contract carrier* permit in No. MC-114115 (Sub-No. 22) issued June 22, 1971, authorizing transportation, over irregular routes, of *salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with Morton Salt Company, Division of Morton International, Inc., of Chicago, Ill. By the instant petition, petitioner seeks to modify its commodity description to include *salt products* in the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126528 (NOTICE OF FILING OF PETITION TO MODIFY PERMIT BY ADDING AN ADDITIONAL ORIGIN AND SHIPPER) filed July 23, 1973. Petitioner: BULK HAULERS, INC. P.O. Box 407 Airport Road Nashua, N.H. 03060 Petitioner's representative: T. J. O'Laughlin, Jr. (Same address as petitioner) Petitioner presently holds a motor *contract carrier* permit in No. MC 126528 issued May 10, 1965, authorizing transportation, by motor vehicle, over irregular routes, of *pig iron*, in dump vehicles, from the plant site of the United States Steel Corporation located at Nashua, N.H., to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont, under a continuing contract with the United States Steel Corporation. By the instant petition, petitioner seeks to: (a) include as a point of origin the "plant site of The Hanna Furnace Corporation", and (b) add The Hanna Furnace Corporation at Nashua, N.H. as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-FC-74342. Authority sought by transferee, 160 W. Master St., Inc., 160 W. Master Street, Philadelphia, Pa. 19122, formerly Hilda Pflaumer, 1735 N. 10th St., Philadelphia, Pa. 19122, for purchase of the operating rights of transferor, Trip Transport, Inc., 3301 South Galloway Street, Philadelphia, Pa. 19148. Applicant's representative: James H. Sweeney, 850 Charles St. Gloucester City, N.J. 08030. Operating rights in Certificate No. MC-42087 sought to be transferred: various specified commodities, from, to, or between points in New Jersey, Maryland, Pennsylvania, Delaware, and New York.

The subject application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed, for the purpose of determining, among other things, whether transferee is the real party in interest and if so, whether it is fit, willing, and able properly to perform operations under the rights sought to be acquired; and whether the application otherwise conforms with the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce (49 C.F.R. 1132). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence. The Bureau of Enforcement has been directed to participate as a party in the proceeding for the purpose of presenting evidence and otherwise developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11945. Authority sought for purchase by G & H TRANSPORTATION, INC., 1501 Chapin Rd., Montebello, CA 90640, of the operating rights of B. W. HODGE TRANSPORTATION, INC., and for acquisition by JERRY GOODWILL, both of Montebello, CA 90640, of control of such rights through the purchase. Applicants' attorney: Donald Murchison, 9454 Wilshire Blvd., Beverly Hills, CA 90212. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99936 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11946. Authority sought for control by RYDER SYSTEM, INC., 2701 So. Bayshore Drive, Miami, FL 33133 of (1) MERCHANTS DELIVERY CO., and (2) MERCHANTS CONTRACT DELIVERIES, INC., both of 1212 E. 19th St., Kansas City, MO 61408, and for acquisition by JAMES A. RYDER, RALPH B. RYDER, ROLAND N. REEDY, JAR CORPORATION, JAMES A. RYDER CORPORATION, AND RIDR, INC., all of 2701 So. Bayshore Drive, Miami, FL 33133, of control of MERCHANTS DELIVERY CO., AND MERCHANTS CONTRACT DELIVERIES, INC., through the acquisition by RYDER SYSTEM, INC. Applicants' attorney and representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St., N.W., Washington, DC 20036, and Roderick C. Dickinson, 2701 So. Bayshore Drive, Miami, FL

33133. Operating rights sought to be controlled: (1) *General commodities*, excepting among others classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in a described area of eastern Nebraska, Kansas, Oklahoma and western Missouri, between points in a described area of eastern Kansas and western Missouri, with restrictions; (2) *general commodities*, excepting among others, dangerous explosives, livestock, household goods and commodities in bulk, as a common carrier over irregular routes, from Kansas City, Mo., to points and places in Leavenworth, Johnson, and Wyandotte Counties, Kans.; *such merchandise as is dealt in by retail department stores*, from points and places in Leavenworth, Johnson, and Wyandotte Counties, Kans., to Kansas City, Mo., between Kansas City, Mo., on the one hand, and, on the other, Kansas City, Kans., and points and places in that part of Kansas within ten miles of Kansas City, Mo., and Kansas City, Kans.; *such merchandise as is dealt in by retail department and mail order stores*, from Kansas City, Mo., to points in a described area of Kansas, from Kansas City, Mo., to points in a described area of Kansas; *such merchandise* as is dealt in by retail department and mail order stores, when being returned to such stores for repair or renovation, or in exchange or part payment for new merchandise, from points in a described area of Kansas to Kansas City, Mo. RYDER SYSTEM, INC., holds no authority from this Commission. However, it is affiliated with (1) COMPLETE AUTO TRANSIT, INC., 18544 W. Eight Mile Rd., Southfield, MI 48075, and (2) M. & G. CONVOY, INC., P. O. Box 104, Buffalo, NY 14210, (1) which is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii), and (2) which is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11947. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, S.W., Grand Rapids, MI 49502, of the operating rights of J. P. GALVIN, INC., 10 Maxwell Rd., Milton, MA 02186, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Tower, Atlanta, GA 30303, of control of such rights through the purchase. Applicants' attorneys: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, MI 49502, and Harold G. Danner, 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120454 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Pennsylvania, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Colorado, Nebraska, Wyoming, Kansas, Delaware, Connecticut, North Dakota, South Dakota, Arkansas, Oklahoma, Texas, Tennessee, Louisiana, Maine, New Hampshire, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-35628 (Sub-No. 351), is a matter directly related.

NOTICE

GEORGIA-PACIFIC CORPORATION, 900 S.W. Fifth Avenue, Portland, Oregon 97204, represented by Messers. McNair, Konduros, Corley, Singletary and Dibble, Box J-1965, Jefferson Square, Columbia, South Carolina 29201, hereby give notice that on the 13th day of July, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under the provisions of Section 5(2) of the Interstate Commerce Act for authority and approval to acquire all of the stock of California Western Railroad which operates approximately 40 miles of lines extending from Willits to Fort Bragg all of which is in the State of California. This application has been assigned Finance Docket No. 27442. In the opinion of the applicant, no significant affect on the quality of the human environment will result from the acquisition of said railroad. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 304 I.C.C. 431 (1972), any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), Supra Part (b)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without holding public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

GEORGIA-PACIFIC CORPORATION

By the Commission.

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

[FR Doc.73-16391 Filed 8-7-73;8:45 am]

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 2, 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 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 Commision, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 293 TA) filed July 19, 1973 Applicant: YOUNGER BROTHERS, INC. P.O. Box 14048 (4904 Griggs Road) Houston, Tex. 77021 Applicant's representative: Wray E. Hughes (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from points in Maricopa County, Ariz., to Sistersville, W. Va., for 180 days. SUPPORTING SHIPPER: Motorola Inc., P.O. Box 20921, Phoenix, Ariz. 85036. SEND PROTESTS TO: John F. Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 8610 Federal Bldg., 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 3252 (Sub-No. 86 TA) filed July 13, 1973 Applicant: MERRILL TRANSPORT CO. 1037 Forest Avenue Portland, Maine 04103 Applicant's representative: Francis E. Barrett, Jr. 10 Industrial Park Road Hingham, Mass. 02043 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* requiring specialized equipment or handling, from Bennington, Vt., to Windsor, Conn., for 180 days. SUPPORTING SHIPPER: Bennington Iron Works, Inc., Harmon Road, Box 798, Bennington, Vt. 05201. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 7921 (Sub-No. 1 TA) filed July 23, 1973 Applicant: HARRY MEEKER OVERBAUGH 119 Grandview Avenue Catskill, N.Y. 12414 Applicant's representative: Alfred C. Purello 451 State St. Albany, N.Y. 12203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live wild animals* which are usually found in zoos, circuses and other exhibitions, including rare birds, semi-domesticated animals, fish and reptiles, be-

tween the town of Catskill, N.Y., on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), Alaska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), Hawaii, restricted to the handling of traffic originating at or destined to out of state points, for 180 days. SUPPORTING SHIPPERS: Catskill Game Farm, Catskill, N.Y. 12414; San Diego Zoological Garden, San Diego, Calif. 92112; Cheyenne Mt. Zoological Park, Colorado Springs, Colo. 80901; Busch Gardens, Tampa, Fla. 33612; Hogle Zoological Garden, Salt Lake City, Utah 84110; and Baltimore Zoo, Baltimore, Md. 21217. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 26396 (Sub-No. 84 TA) filed July 17, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems, pipes, pumps, sprinkler systems and accessories*, from Carthage, Mo. and York, Nebr., to points in Montana, for 180 days. SUPPORTING SHIPPER: D & L Irrigation, Hoffman Route, Livingston, Mont. 59047. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. 64932 (Sub-No. 518 TA) filed July 13, 1973 Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453 Applicant's representative: William F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Liquid chemicals*, in bulk, from South Bend, Ind., to points in Ohio, Illinois, Michigan and Wisconsin and (B) *Acid waste*, in bulk, from Clinton, Ind., to Toledo, Ohio, for 90 days. SUPPORTING SHIPPER: Mr. R. J. Persyn, Traffic Manager, Inland Chemical Corporation, 1810 Magnavox Way, Fort Wayne, Ind. 46804. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Building, 219 So. Dearborn, Rm. 1086, Chicago, Ill. 60604.

No. MC 106127 (Sub-No. 9 TA) filed July 19, 1973 Applicant: PETROLEUM TANK LINES, INC. Mlg: Box 570 Office Route 7 Great Barrington, Mass. 01257 Applicant's representative: David M. Marshall 135 State Street Springfield, Mass. 01103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Sheffield, Mass., to Albany and New York, N.Y. and the Commercial Zone of the City of New York and Hartford, Conn.; (2) from Great Barrington, Mass., to Providence, R.I.; Portland, Maine; Bennington, Vt.; New York, N.Y. and the Commercial Zone of the City of New York; and (3) from New Marlboro, Mass., to Bennington, Vt.; Waterbury and Torrington, Conn.; Albany, Lake George and New York, N.Y. and the Commercial Zone of the City of New York and New Freedom, Pa., for 180 days. SUPPORTING SHIPPERS: Berkshire Engineering Corporation, P.O. Box 537, Great Barrington, Mass. 01230; Kor-Van-Co, Inc., Route 7, Sheffield, Mass. 01257; and Berkshire Millwork Corporation, Sheffield Road (Route 7), Great Barrington, Mass. 01230. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building & U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 106278 (Sub-No. 33 TA) filed July 13, 1973. Applicant: E. B. LAW AND SON, INC., P.O. Box 1381, 300 So. Archuleta Rd., Las Cruces, N. Mex. 88001. Applicant's representative: Donald T. Law, P.O. Drawer 1360, Las Cruces, N. Mex. 88001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from points in New Mexico, to points in Arizona, for 180 days. SUPPORTING SHIPPERS: Ranchers Exploration and Development Corp., Post Office Box 880, Miami, Ariz. 85539, and Inspiration Consolidated Copper Company, Inspiration, Ariz. 85537. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Building, 517 Gold Ave., SW, Albuquerque, N. Mex. 87101.

No. MC 107012 (Sub-No. 183 TA) filed July 17, 1973. Applicant: NORTH AMERICAN VAN LINES, P.O. Box 988, Lincoln Highway, East & Meyer Road, Ft. Wayne, Ind. Applicant's representative: Michael Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from Glasgow, Va., to Minneapolis, Minn., for 180 days. SUPPORTING SHIPPER: Prestige Carpet Company, 2611 East Franklin Ave., Minneapolis, Minn. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne St., Ft. Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 652 TA) filed July 16, 1973 Applicant: PRE-FAB TRANSIT CO. 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Dale L. Cox (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from points in Lauderdale County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee and Virginia, for 180 days. SUPPORTING SHIPPER: Roger C. Henderson, President, Henderson Steel Corporation, P.O. Box 3368, Meridian, Miss. 39301. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations Interstate Commerce Commission, Leland Office Bldg., 527 East Capitol Ave. Room 414, Springfield, Ill. 62701.

No. MC 107882 (Sub-No. 31 TA) filed July 13, 1973 Applicant: ARMORED MOTOR SERVICE CORPORATION 160 Ewingville Road Trenton, N.J. 08638 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bonds*, between any point in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Contracts and Negotiations Branch, Federal Supply Service, Bldg. 4 Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 114301 (Sub-No. 78 TA) (CORRECTION) filed June 14, 1973, published in the FEDERAL REGISTER issue of June 28, 1973, and republished as corrected this issue. Applicant: DELAWARE EXPRESS CO. a Corporation P.O. Box 97 Elkton, Md. 21921 Applicant's representative: Chester A. Zyblut 1522 K St., N.W. Washington, D.C. 20005 Note: The purpose of this partial republication is to show that the applicant now wants Maine as the destination states in lieu of Maryland, which was published in error. The rest of the application remains the same.

No. MC 114457 (Sub-No. 156 TA) filed July 20, 1973 Applicant: DART TRANSIT COMPANY 780 North Prior Avenue St. Paul, Minn. 55104 Applicant's representative: Michael P. Zell (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters; boilers, househeating; hot water storage tanks; and garbage disposals;* (restricted against the transportation of commodities which because of size or weight, require the use of special equipment), from Kankakee, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming, for 180 days. SUPPORTING SHIPPER: A. O. Smith Corporation, P.O. Box 584, Milwaukee, Wis. 53201. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114632 (Sub-No. 59 TA) filed July 24, 1973 Applicant: APPLE LINES, INC. P.O. Box 507 225 S. Van Epps Madison, S. Dak. 57042 Applicant's representative: Val M. Higgins 1000 First National Bank Bldg. Minneapolis, Minn. 55402 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat*

products, meat by-products, dairy products and articles distributed by packing houses, from Wagner, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and Wisconsin; and (2) *meat products and meat by-products*, from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and Wisconsin, to Wagner, S. Dak., for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, Samuel Rubenstein, General Traffic Manager, 301 North Fifth Street, Minneapolis, Minn. 55403. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 115904 (Sub-No. 31 TA) filed July 17, 1973 Applicant: LOUIS GROVER 1710 W. Broadway Idaho Falls, Idaho 83401 Applicant's representative: Irene Warr 430 Judge Building Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Gypsum products* (except in bulk), from Sigurd, Utah, to points in Colorado, for 180 days. Note: Applicant does not intend to tack authority or to interline with any other carrier. SUPPORTING SHIPPER: United States Gypsum Co., 525 South Virgil Ave., Los Angeles, Calif. 90020. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC–115955 (Sub-No. 25 TA) filed July 20, 1973 Applicant: SCARI'S DELIVERY SERVICE, INC. Arnold Ave., & Skeets Rd., and P.O. Box 2627 Wilmington, Del. 19805 Applicant's representative: Francis P. Desmond 115 E. 5th St. Chester, Pa. 19103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, in shipments having a prior or subsequent movement via Railroad Trailer on flat car service, between Alexandria, Va., on the one hand, and, on the other, points in Cecil, Harford and Baltimore Counties, Md., and points in Delaware, for 180 days. SUPPORTING SHIPPER: Piggy Back Shippers Assn., of Florida, Inc. P.O. Box 1390 Hialeah, Fla. 33011. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC-116063 (Sub-No. 129 TA) filed July 20, 1973. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC. 2929 W. 5th Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, stains, and varnishes*, in bulk, in tank vehicles, from Garland, Tex., to points in Nebraska, for 180 days. SUPPORTING SHIPPER: K. W. Karpy, Traffic Coordinator, The Sherwin-Williams Company, 101 Prospect Avenue, N.W., Cleveland, Ohio 44115. SEND PROTESTS TO: H. C. Morrison, Sr. District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building 819 Taylor Street Fort Worth, Tex. 76102.

No. MC–119702 (Sub-No. 39 TA) filed July 16, 1973 Applicant: STAHLY CARTAGE CO. P.O. Box 486 130A Hillsboro, Edwardsville, Ill. 62025 Applicant's representative: Robert D. Higgins (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and feed supplements*, in bulk, in tank vehicles, from the plant site of Land O'Lakes, Inc., at or near Dubuque, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: John C. Wyman, Transportation Manager, Land O'Lakes, Inc. 2827–8th Avenue So., Fort Dodge, Iowa 50501. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 Capitol Avenue Room 414 Springfield, Ill. 62701.

No. MC 121698 (Sub-No. 13 TA) filed July 20, 1973 Applicant: MICHAUD TRUCKING, INCORPORATED 133 Birch Street Kingsford, Mich. 49801 Applicant's representative: Earl Michaud (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer, malt, and ale; and related advertisement materials, with empty containers on return*, from Columbus, Ohio, to points in Houghton County, Mich., for 180 days. SUPPORTING SHIPPER: Peterlin Brothers, Inc., Calumet, Mich. 49913. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 126672 (Sub-No. 2 TA) filed July 16, 1973 Applicant: SICOTTE TRANSPORTS LTD. 11175 Parkway Boulevard, Montreal, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Repentigny, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk in tank vehicles and in bags, from the Ports of Entry on the International Boundary Line between the United States and in Canada located at or near Derby Linem Vt., Highgate Springs, Vt., Champlain, N.Y., Trout River, N.Y., Rooseveltown, N.Y., Ogdenburg, N.Y., Alexandria Bay, N.Y., Niagara Falls, N.Y., and Jackman, Me., to points in New Hampshire, Vermont, New York and Maine. Restricted to traffic in foreign commerce originating in Province of Quebec for the account of Wyandotte Cement Inc., for 180 days. SUPPORTING SHIPPERS: Wyandotte Cement Inc., P.O. Box 794, Plattsburgh, New York 12901. SEND PROTEST TO: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vermont 95602.

No. MC 127818 (Sub-No. 2 TA) filed July 17, 1973 Applicant: FREEDMAN CONTRACT HAULING CORP. 736 West Clinton Street Ithaca, N.Y. 14850 Applicant's representative: Norman M. Pinsky, 345 So. Warren Street Syracuse, N.Y. 13202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap* and *waste products and materials* under continuing contracts with Wallace Steel Corp. of Ithaca, N.Y. (2) *iron and steel articles* under continuing contracts with Triangle Steel Corporation, Ithaca, N.Y., between Ithaca, N.Y. on the one hand, and, on the other, points in New York, Pa., Mass., Conn., R.I., New Hampshire, Vermont, New Jersey, Maryland, Delaware, D.C., Va., North Carolina, W. Va., Indiana, Ohio, Michigan and Maine, for 180 days. SUPPORTING SHIPPERS: Triangle Steel Corp., 726 W. Clinton Street, Ithaca, N.Y. 14850, Wallace Steel Corp., 726 W. Clinton Street, Ithaca, N.Y. 14850. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West Syracuse, N.Y. 13202.

No. MC 129410 (Sub-No. 3 TA) filed July 23, 1973 Applicant: ROBERT BONCOSKY, INC. 4811 Tile Line Road Crystal Lake, Ill. 60014 Applicant's representative: Irving Stillerman 29 South LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk) in shipper owned trailers, from the plant and warehouse facilities of Dean Foods Company at or near Janesville, Wis., to the plant and warehouse facilities of Dean Foods Company at or near Rochester, Ind., for 180 days. SUPPORTING SHIPPER: Mr. John B. Pettigrew, Fleet Manager, Dean Foods Company, 3600 River Road, Franklin, Park, Ill. 60131. SEND PROTESTS TO: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129516 (Sub-No. 19 TA) filed July 17, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, Wash. 98926 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or bottled fruit juices* and *fruit drinks*, from Fullerton, Calif., to points of entry on the U.S.-Canada International Boundary line in Idaho, Montana and North Dakota, restricted to shipments moving to or from points in Alberta, Saskatchewan and Manitoba, Canada, for 180 days. SUPPORTING SHIPPER: Scott National Company Limited, Pro-

curement Manager, P.O. Box 4340, Station C, Calgary, Alberta, Canada. 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 134142 (Sub-No. 3 TA) filed July 23, 1973 Applicant: BROWN REFRIGERATED EXPRESS, INC. P.O. Box 603 Ft. Scott, Kans. 66701 Applicant's representative: Daniel B. Johnson Perpetual Building Washington, D.C. 20004 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores in vehicles equipped with mechanical refrigeration (except foodstuffs and commodities in bulk) when being transported at the same time and in the same vehicle with dairy products, (1) From Tulsa, Okla., to Tempe, Ariz.; National City, Santa Fe Springs, Richmond and Sacramento, Calif.; Clackamas, Oreg.; Bellevue and Spokane, Wash.; Butte, Mont.; Denver, Colo.; and Salt Lake City, Utah. (2) From Tulsa, Okla., to Carthage, Mo. with and without dairy products and with and without agricultural commodities, the transportation of which is not otherwise subject to economic regulation. (3) From Carthage, Mo., to the destination points in (1) above. Restricted to a service to be performed under a continuing contract with Safeway Stores, Incorporated, Oakland, Calif. SUPPORTING SHIPPER: Safeway Stores, Incorporated, 5725 East 14th St., Oakland, Calif. 94660. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134323 (Sub-No. 55 TA) filed July 24, 1973 Applicant: JAY LINES, INC. 720 No. Grand Street Mlg: P.O. Box 4146 (Box zip 79105) Amarillo, Tex. 79107 Applicant's representative: Gailyn L. Larsen P.O. Box 81849 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Kingsville, Ohio, to Effingham, Ill. and Edison, N.J., for 180 days. SUPPORTING SHIPPER: Robert C. McArthur, General Traffic Manager, Fedders Corporation, Edison, N.J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134477 (Sub-No. 34 TA) filed July 16, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Pischbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Connecticut, Iowa, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Missouri, New York, Ohio, Pennsylvania, Rhode Island, Texas and Wisconsin, restricted to traffic originating at the above origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135660 (Sub-No. 7 TA) filed July 20, 1973. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. #1, Box 243, Butler, Mo. 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl and accessories* used in the installation of such products, from Linn Creek, Mo., to points in California, Oregon, Arizona and Washington, for 180 days. SUPPORTING SHIPPER: Central Missouri Pipe Company, P.O. Box 75, Linn Creek, Mo. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136987 (Sub-No. 6 TA) filed July 13, 1973 Applicant: REMINGTON FREIGHT LINES INC. 604 N. Main Street Remington, Ind. 47977 Applicant's representative: Floyd Legler (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds; pot scourers*, steel or plastic with or without soap; and *steel wool*, from London, Ohio, to Bristol, Pa.; Salem, Va.; St. Louis, Mo.; Chicago, Ill. Commercial Zone; New York, N.Y. Commercial Zone; and Boston, Mass. Commercial Zone, for 180 days. SUPPORTING SHIPPER: Purex Corporation, Ltd. 6901 McKissock Avenue, St. Louis, Mo. 63147. SEND PROTESTS TO: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne, Fort Wayne, Ind. 46802.

No. MC 138789 (Sub-No. 1 TA), filed July 23, 1973. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from Osburn, Idaho, to Missoula, Mont., for 180 days. SUPPORTING SHIPPER: Evans Products Company, 1121 S.W. Salmon St., Portland, Oreg. 97205. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 138895 (Sub-No. 1 TA) filed July 17, 1973 Applicant: ROBERT NEUBAUER Rural Route 2 Chadwick, Ill. 61014 Applicant's representative: Robert T. Lawley 300 Reisch Building, 4 West Old State Capitol Plaza Springfield, Ill. 62701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds*, from Rock Falls, Ill., to points in Cedar, Clinton, Dubuque, Jackson, Jones, Linn, Muscatine and Scott Counties, Iowa, for the account of DeKalb Feeds, Inc., for 180 days. SUPPORTING SHIPPER: Mr. Bernard J. Heimann, Plant Manager, DeKalb Feeds, Inc., P.O. Box 11, Rock Falls, Ill. 61071. SEND PROTESTS TO: Richard O. Chandler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 138901 (Sub-No. 1 TA) filed July 23, 1973 Applicant: LARRY McSWEENEY Solida Road South Point, Ohio 45680 Applicant's representative: John M. Friedman 2930 Putnam Ave. Hurricane, W. Va. 25526 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and nonferrous pipe and/or conduit*, from the facilities of Jones & Laughlin Steel Corp., Cincinnati, Ohio, to Leach, Ky.; Huntington, W. Va. and points in the Huntington, W. Va. terminal area; Charleston, W. Va. and points in the Charleston, W. Va. commercial zone as defined by the Commission, and Alloy, W. Va., for 180 days. SUPPORTING SHIPPER: Jones & Laughlin Steel Corp., Cincinnati, Ohio, Att.: Roger W. Phillips, Sales Manager, 11501 Reading Road, Cincinnati, Ohio 45241. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

MOTOR CARRIERS OF PASSENGERS

No. MC 115300 (Sub-No. 1 TA) filed July 17, 1973. Applicant: CHARLES SIMMONS, SR. doing business as HILTON HEAD TRUCK LINE P.O. Box 1026 Hilton Head Island, S.C. 29928 Applicant's representative: J. Thomas Mikell P.O. Box 1107 Beaufort, S.C. 29902 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage and express freight* in packages not to exceed 150 pounds each in weight and charter service between Savannah, Ga.; Levy, S.C.; Hardeeville, S.C.; Bluffton, S.C.; Pritchardville, S.C. and Hilton Head Island, S.C., for 180

days. SUPPORTING SHIPPERS: There are approximately 12 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: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main St., Columbia, S.C. 29201.

By The Commission.

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

[FR Doc.73-16386 Filed 8-7-73;8:45 am]

[Notice 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 3, 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 C.F.R. 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 4963 (Sub-No. 42 TA) filed July 23, 1973 Applicant: ALLEGHANY CORPORATION doing business as JONES MOTOR Bridge St. & Schuylkill Rd. Spring City, Pa. 19475 Applicant's representative: Roland Rice Suite 618, Perpetual Bldg. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, wooden, *parts* thereof and *counter tops*, with or without vinyl covering or plastic, and *sinks*, set up or knock down, from Fenwick, Moorefield and Paw Paw, W. Va. and Berryville, Orange and Winchester, Va., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Ohio and Missouri, for 180 days. SUPPORTING SHIPPER: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. 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 60189 (Sub-No. 1 TA) filed July 23, 1973 Applicant: CHAMBERS MOVING & STORAGE CO. 301 South 4th Avenue Phoenix, Ariz. 85004 Applicant's representative: E. P. (Jack) Breedlove (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Interstate Commerce Commission, between points in Arizona and points in Kern, Los Angeles, Orange, Riverside, San Diego, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, and Imperial Counties, Calif., for 180 days. SUPPORTING SHIPPERS: (1) Ramada Inns, Inc., Phoenix, Ariz. and (2) Holly Development Company, Scottsdale, Ariz. SEND PROTESTS TO: District Supervisor Baylor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 94578 (Sub-No. 2 TA) filed July 25, 1973 Applicant: CHARLES J. METTLER AND ROSEMARY J. METTLER, doing business as METTLER TRUCKING 4110 Milton Ave. East Tacoma, Wash. 98424 Applicant's representative: William H. Grady 1215 Norton Building Seattle, Wash. 98104 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and door cores*, from Lacey, Wash., to Portland, Beaverton and Medford, Oreg. and Sacramento, Calif. and (2) *particle board*, from Medford, Oreg., to Lacey, Wash., for 180 days. SUPPORTING SHIPPER: Nu-Dor, Inc., P.O. Box 3532, Lacey, Wash. 98503. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 95376 (Sub-No. 7 TA) filed July 23, 1973 Applicant: MCVEY TRUCKING, INC. R.R. #1 Oakwood, Ill. 61858 Applicant's representative: Mr. Clyde Meachum 41 ON the Mall Danville, Ill. 61832 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expeller chips and unground blood meal* (commonly referred to as "meal scraps"), the authority requested would not involve the use of tank vehicles, from Anderson, Ind., to Danville, Ill., for 180 days. SUPPORTING SHIPPERS: Mr. Wil. Lavery, General Manager, Shur-Gain Feed Division of Wiliam Davies, Co., Inc., 628 East Fairchild Street, Danville, Ill. 61832. SEND PROTESTS TO: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg. 219 S. Dearborn St., Room 1086, Chicago, Illinois 60604.

No. MC 109637 (Sub-No. 392 TA) filed July 23, 1973 Applicant: SOUTHERN TANK LINES, INC. 10 West Baltimore Avenue Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *#2 Fuel Oil*, in bulk, in tank vehicles, (1) from Frankfort, Ky., to Lawrenceburg, Ind.; Schenley, Pa.; and Tullahoma, Tenn.; (2) from Chattanooga, Tenn., to Frankfort, Ky.; Lawrenceburg, Ind.; Schenley, Pa.; and Louisville, Ky.; (3) Tullahoma, Tenn., to Lawrenceburg, Ind.; Schenley, Pa.; Frankfort, Ky.; and Louisville Ky.; (4) from Lawrenceburg, Ind., to Frankfort, Ky.; Tullahoma, Tenn.; Schenely, Pa.; and Louisville Ky.; and (5) from Hooven, Ohio, to Schenley, Pa., for 180 days. SUPPORTING SHIPPER: Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, Ohio 45202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr. Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111812 (Sub-No. 497 TA) filed July 25, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 W. 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: *Wine and distilled mineral spirits*, from Hammondsport, N.Y., to Rapid City, S. Dak., for 180 days. SUPPORTING SHIPPER: Western Wholesale Liquor, P.O. Box 1271, 401 Seventh Street, Rapid City, S. Dak. 57701, W. E. Bettels, Executive Vice President. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 112893 (Sub-No. 48 TA) filed July 25, 1973 Applicant: BULK TRANSPORT COMPANY Mlg: P.O. Box 186 Pleasant Prairie, Wis. 53158 and Off: I-94 & Century Highway C Bristol, Wis. 53104 Applicant's representative: Fred H. Figge (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Green Bay, Madison, Milwaukee and Two Rivers, Wis., to Walcott, Iowa, for 180 days. SUPPORTING SHIPPER: Oak Creek Service, Inc., 9600 20th Street, Oak Creek, Wis. 53154 (C. F. Newburg, 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 113974 (Sub-No. 48 TA) filed July 23, 1973 Applicant: PITTSBURGH

& NEW ENGLAND TRUCKING CO. 211 Washington Avenue Dravosburg, Pa. 15034 Applicant's representative: F. R. Hiller (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roof deck, flooring, bridge deck and accessories*, from Carnegie, Pa., to points in Michigan, North of I–94, for 180 days. SUPPORTING SHIPPER: Reeves Bowman, Division of Cyclops Corp., 137 Iron Avenue, Dover, Ohio 44622. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114121 (Sub-No. 2 TA) filed July 25, 1973 Applicant: SUPERIOR CARTAGE OF WASHINGTON, INC. 150 South Horton Street Seattle, Wash. 98134 Applicant's representative: Earnest D. Salm 8179 Havasu Circle Buena Park, Calif. 90621 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in freight forwarder service, which have had an immediate prior transportation service in interstate commerce by Superior Fast Freight, (1) from Seattle to Everett, Wash., over Interstate Highway 5, with service at all intermediate points, and at off-route points located within the Seattle and Everett Commercial Zones, and those located within 5 miles of Interstate Highway 5; (2) between Seattle and Tacoma, Wash. over Interstate Highway 5, with service at all intermediate points, and at all off-route points located within the Seattle and Tacoma Commercial Zones and those located within 5 miles of Interstate Highway 5, for 180 days. RESTRICTION: Restricted against service between points located south of the Seattle Commercial Zone, on the one hand, and, on the other, points located north of the Seattle Commercial Zone. SUPPORTING SHIPPER: Superior Fast Freight, 611 North Mission Road, Los Angeles, Calif. 90033. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash.

No. MC 119774 (Sub-No. 70 TA) filed July 23, 1973 Applicant: EAGLE TRUCKING COMPANY P.O. Box 471 301 East Main Street Kilgore, Tex. 75662 Applicant's representative: Bernard H. English 6270 Firth Road Fort Worth, Tex. 76116 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, pipe connections, and pipe couplings*, (other than those commodities as described in *Mercer Extension—Oil Field Commodities* 74 MCC 459), from Lone Star, Tex., to points in Indiana, Kentucky, Michigan, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. RESTRICTION: Restricted to traffic originating at Lone Star, Tex. and further restricted to traffic destined to the named states. SUPPORTING SHIPPER: Lone Star Steel Company, P.O. Box 35088, Dallas, Tex. 75235. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119774 (Sub-No. 71 TA) filed July 24, 1973 Applicant: EAGLE TRUCKING COMPANY P.O. Box 471 301 E. Main Street Kilgore, Tex. 75662 Applicant's representative: Bernard H. English 6270 Firth Road Fort Worth, Tex. 76116 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum wire and cable products*, from Alcoa Conductor Products Company, Division of Aluminum Company of America plantsite at Scottsville, Tex., to points in Florida, for 180 days. RESTRICTION: Restricted to traffic originating at the plantsite and storage facilities of Alcoa Conductor Products at Scottsville, Tex. SUPPORTING SHIPPER: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, Pa. 15219. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120325 (Sub-No. 2 TA) filed July 25, 1973 Applicant: FRAMES, MORRISON & RYAN, INC. 1233 Wright's Lane West Chester, Pa. 19380 Applicant's representative: Francis P. Desmond 115 E. 5th St. Chester, Pa. 19013 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, explosives A and B and items requiring special equipment), between Uwchlan Township, Chester County, Pa., on the one hand, and, on the other, Philadelphia, Pa., for 180 days. SUPPORTING SHIPPER: National Foam System, Inc., 150 Gordon Drive, Lionville, Pa. 19353. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 124221 (Sub-No. 40 TA) filed July 17, 1973 Applicant: HOWARD BAER P.O. Box 27, Rt. 98W. Morton, Ill. 61550 Applicant's representative: Robert W. Loser, Attorney 1009 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and imitation dairy products (Melerin), in vehicles equipped with mechanical refrigeration; (2) *cottage cheese, yogurt, ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers, in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of The Kroger Co., at Indianapolis, Ind., to points in Georgia (except points in Atlanta, Georgia and its Commerical Zone); and (3) *refused, rejected and outdated merchandise*, from points in Georgia to the original shipping plant and storage facilities at Indianapolis, Ind. RESTRICTIONS: Operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with The Kroger Co., Cincinnati, Ohio. Also restricted to shipments originating at the plant site and storage facilities of The Kroger Co., at Indianapolis, Indiana, and destined to stores of The Kroger Co., Super-X Drug Stores, a wholly-owned subsidiary of The Kroger Co., and storage facilities in the state of Georgia; or, from the sites of The Kroger Co. stores, Super-X Drug Stores, and storage facilities in Georgia destined to The Kroger Co., plant and storage facilities at Indianapolis, Indiana. Note: The purpose of this application is to enable the applicant to give a complete service from the site and storage facilities of The Kroger Co. at Indianapolis, Indiana to points in the state of Georgia, in addition to those in Atlanta, Georgia and its Commercial Zone, which is a part of applicant's authority under docket number MC–124221 (Sub-No. 35). The return portion of this application is to insure The Kroger Co. the return of not only empty shipping containers and devices, but in addition thereto, refused, rejected, and outdated merchandise, for 180 days. SUPPORTING SHIPPERS: Albert E. Rauch, Traffic Manager, Kroger Brands Division, The Kroger Company, 1240 State Avenue, Cincinnati, Ohio 45204. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 125518 (Sub-No. 3 TA) filed July 5, 1973 Applicant: CLETUS RUHLMAN doing business as RUHLMAN TRUCKING COMPANY 265 South Riverside Drive New Miami, Ohio 45011 Applicant's representative: Norbert B. Flick Executive Building Cincinnati, Ohio 45202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, other than construction or road building, in bulk, in dump trucks, from Middletown and Hamilton, Ohio, to Dunkirk, Gas City, Marion and Winchester, Ind., for 180 days. SUPPORTING SHIPPER: The Calumite Company, P.O. Box 157, Lower Ferry Road, Trenton, N.J. 08628. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 127042 (Sub-No. 121 TA) filed July 18, 1973 Applicant: HAGEN, INC. 4120 Floyd Blvd. P.O. Box 98 Leeds Station Sioux City, Iowa 51108 Applicant's representative: Joseph W. Harvey (same address as above) Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Indiana, California, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, Utah, South Dakota, Washington, Wisconsin and Wyoming, for 180 days. RESTRICTION: Restricted to traffic originating at the named origin. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., N. L. Cummins, V. Pres.—Physical Distribution, 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 127042 (Sub-No. 122 TA) filed July 18, 1973 Applicant: HAGEN, INC. 4120 Floyd Blvd. P.O. Box 98-Leeds Station Sioux City, Iowa 51108 Applicant's representative: Joseph W. Harvey (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sealants, coatings, adhesives, tape, sound, deadener, undercoating, condensation preventative and control coatings, caulking and sealing compounds, glue, and paint*, in vehicles equipped with mechanical refrigeration, from Kankakee, Illinois, to points in California, Colorado, Idaho, Kansas, and Nebraska, for 180 days. SUPPORTING SHIPPERS: Mortell Company, Kankakee, Illinois 60901. SEND PROTESTS TO: District Supervisor Carroll Russell, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 128383 (Sub-No. 36 TA) filed July 25, 1973 Applicant: PINTO TRUCKING SERVICE, INC. 1414 Calcon Hook Rd. Sharon Hill, Pa. 19079 Applicant's representative: James W. Patterson 123 S. Broad St. Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, commodities the transportation of which requires special equipment and household goods, as defined by the Commission), Between John F. Kennedy International Airport, New York, N.Y.; and Philadelphia International Airport, Philadelphia, Pa.; on the one hand, and, on the other, Douglas Municipal Airport, Charlotte, N.C.; Hartsfield International Airport, Atlanta, Ga.; and Miami International Airport, Miami, Fla. Restricted to the transportation of traffic having a prior or subsequent movement by air, or to traffic moving in substituted motor-for-air-service, for 180 days. SUPPORTING SHIPPERS: Avianca Airlines, 16 E. 48th St., New York, N.Y. 10017, Aeromexico, Cargo Bldg. 84, JFK Airport, Jamaica, N.Y. 11430, Bor-Air Freight Co., Inc., 351 W. 38th St., New York, N.Y. 10018, Finnair, 10 E. 40th St., New York City, N.Y. 10016, Air France, 1350 Avenue of the Americas, New York, N.Y. 10019, Iberia Air Lines, 97—77 Queens Blvd., Rego Park, N.Y. 11374, Five Star Air Freight Corporation, 3rd & Governor Printz Blvd., Lester, Pa. 19113, A.B.C. Air Freight, 265 West 14th St., New York City, N.Y. 10011, SEND PROTESTS TO: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 135871 (Sub-No. 17 TA) filed July 25, 1973 Applicant: H.G.M. TRANSPORT COMPANY 1079 West Side Avenue Jersey City, N.J. 07306 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: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, for the account of Schottenstein's, between Jersey City, N.J. and New York, N.Y., on the one hand, and, on the other, Columbus, Ohio, for 180 days. SUPPORTING SHIPPER: Schottenstein Stores Corporation, 3251 Westerville Road, Columbus, Ohio 43224. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136989 (Sub-No. 4 TA) filed July 24, 1973 Applicant: R. F. BOX doing Business as BOX TRUCKING 1401 Dartmouth Dr., NE Albuquerque, N. Mex. 87106 Applicant's representative: Edwin E. Piper, Jr. 1115 Simms Building Albuquerque, N. Mex. 87101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs), from the plantsite of GAF Corporation at or near Allentown (Whitehall Township), Pa., to points in Idaho, Montana, and Colorado (except Montezuma, La Plata, Archuleta, Conejos, Costilla, and Las Animas Counties, Colo.), for the account of GAF Corporation, for 180 days. SUPPORTING SHIPPER: GAF Corporation, General Traffic Department, South Bound Brook, N.J. 08880. SEND PROTESTS TO: William R. Murdoch, District Superivsor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Ave., SW, Albuquerque, N. Mex. 87101.

No. MC 138618 (Sub-No. 2 TA) filed July 25, 1973 Applicant: FRANKLIN LUMBER COMPANY, INC. 2667 N. Jackson P.O. Box 416, Russellville, Ala. 35653 Applicant's representative: D. H. Markstein 512 Massey Building Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transpoting: *Lumber*, re-sawn at the plantsite of applicant in Russellville, Ala., from Jasper, Double Springs, and Russellville, Ala., to points in Florida, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Georgia, Wisconsin, Missouri, Iowa, Mississippi, Minnesota, New York and Pennsylvania, under a continuing contract with TMA Forest Products, Division of Tennessee River Pulp and Paper Company, Jasper, Ala., for 180 days. SUPPORTING SHIPPER: TMA Forest Products, Division of Tennessee River Pulp & Paper Company, Post Office Box 1425, Jasper, Ala. 35501. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commision, Room 814—2121 Building, Birmingham, Ala. 35203.

No. MC 138923 filed July 20, 1973 Applicant: RONALD SCHAMBERGER, INC. 160 South 1100 West Salt Lake City, Utah 84104 Applicant's representative: Denis R. Morrill 455 South Third East Salt Lake City, Utah 84111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* from the plant site of Interstate Brick Company southwest of Salt Lake City, Utah, to Los Angeles, Calif., and its commercial zone, San Francisco, Calif., and its commercial zone, and Sacramento, Calif., and its commercial zone, for 180 days. SUPPORTING SHIPPERS: Interstate Brick Division of Entrada Industries, Inc., 9210 South 5200 West, West Jordan, Utah, (Darro H. Glissmeyer, Sales Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, 5239 Federal Building, Bureau of Operations, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138924 TA filed July 23, 1973 Applicant: A. SAM & SONS PRODUCE COMPANY, INC. West Lake Road Dunkirk, N.Y. 14048 Applicant's representative: Virgil H. Smith 1587 Phoenix Boulevard Suite 12 Atlanta, Ga. 30349 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used by growers of Horticultural products: (a) between points in Alabama, Georgia, Illinois, New Jersey, Maryland, Ohio, Michigan, Minnesota, Pennsylvania, Texas, and Oklahoma City, Okla.; (b) between points listed in paragraph (a) above, on the one hand, and points in the United States on and East of U.S. Highway 85, on the other hand; (c) from Charleston and Travelers Rest, S.C.; Florence, Ky.; Troup, Tex.; and Leominster, Mass., on the one hand, to points in the United States on and East of U.S. Highway 85, on the other hand; and (d) from Rochester, N.Y., to points in the United States on and East of U.S. Highway 85; and (2) *commodities*, the transportation of which is partially exempt under Provisions of Section 203(b)(6) of the Interstate Commerce Act, if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities listed in (1)(a), (b), (c) and (d), above, for 180 days. SUPPORTING SHIPPERS: Geo. J. Ball, Inc., P.O. Box 335, West Chicago, Ill. 60185 and Joseph Harris Company, Inc., Morton Farm, Rochester, N.Y. 14624. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron St., Buffalo, N.Y. 14202.

Motor Carriers of Passengers

No. MC 119843 (Sub-No 7 TA) filed July 24, 1973 Applicant: ROESCH LINES, INC. 844 E. Ninth Street P.O. Box 229 San Bernardino, Calif. 92402 Applicant's representative: Donald Murchison 9454 Wilshire Blvd., Suite 400 Beverly Hills, Calif. 90212 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations from San Bernardino and/or Sun City, California, to Nevada, Arizona, Utah, Colorado, South Dakota, Wyoming, Montana, Idaho, Washington, Oregon and return over the same routes, for 180 days. SUPPORTING SHIPPERS: Hemet Chapter #51 of the American Association of Retired Persons, Inc., Hemet, Calif. 92343. Young Men's Christian Association, Uptown Family Branch, 808 East 21st St., San Bernardino, Calif. 92404. Young Men's Christian Association, Downtown Branch, Fifth and F Streets, San Bernardino, Calif. 92410. Fontana Chapter 555, American Association of Retired Persons, P.O. Box 1095 Fontana, Calif. 92335. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angels St., Los Angeles, California 90012.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-16387 Filed 8-7-73;8:45 am]

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