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PART I

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Rules Going Into Effect Today

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

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Associate Attorney General is excepted under Schedule C.

Effective August 21, 1973, § 213.3310 (a) (8) is added as set out below.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.*

* * * * *

(8) Associate Attorney General.

(5 U.S.C. 3301, 3302; E.O. 10547, 3 CFR 1954–58 Comp., p. 218)

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

[FR Doc.73-17772 Filed 8-20-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 15—NONDISCRIMINATION

Subpart B—Nondiscrimination—Direct USDA Programs and Activities

PROHIBITION OF SEX DISCRIMINATION

The statement of authority for Subpart B is corrected to delete reference to Sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1. Subpart B is amended to extend coverage to prohibit discrimination on the basis of sex and to substitute the term religion for the term creed.

As corrected, authority for this Subpart is as follows:

AUTHORITY: 5 U.S.C. 301.

Section 15.51 is revised to read as follows:

§ 15.51 Discrimination prohibited.

(a) No agency, officer, or employee of the United States Department of Agriculture, shall exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States on the ground of race, color, religion, sex, or national origin under any program or activity adminstered by such agency, officer, or employee.

(b) No agency, officer, or employee of the Department shall on the ground of race, color, religion, sex, or national original deny to any person in the United States (1) equal access to buildings, facilities, structures, or lands under the control of any agency of this Department or (2) under any program or activity of the Department, equal opportunity for employment, for participation in meetings, demonstrations, training activities or programs, fairs, awards, field days, encampments, for receipt of information disseminated by publication, news, radio, and other media, for obtaining contracts, grants, loans, or other financial assistance or for selection to assist in the administration of programs or activities of this Department.

Dated August 16, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-17372 Filed 8-20-73;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2025), regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 93–86 approved August 10, 1973, includes a number of amendments to the Food Stamp Act. Among the changes in the Food Stamp Program are: 1) imported foods and garden seeds and plants used for the production of food for personal consumption may be purchased with food coupons; and, 2) States are required to submit a plan prior to January 1, 1974, to implement the Food Stamp Program in every political subdivision in the State no later than June 30, 1974, except where they can demonstrate that such implementation is impossible or impracticable.

It is the policy of this Department to give 30 days' notice for comments on amendments to the Regulations. However, Public Law 93–86 mandates the above mentioned provisions.

Further, immediate removal of the restriction on imported foods would allow food stamp participants the flexibility they need to get the most economical and nutritious foods available with their limited food purchasing power. Such immediate freedom is especially necessary because of the various pressures on, and demands for certain foods which affect food prices and availability. Finally, the changes in the eligible foods restrictions require action only by the Department of Agriculture and impose no demands on other cooperating agencies.

Any delay in the publication of the final regulation implementing the requirement that States submit prior to January 1, 1974, a plan for statewide implementation of the Food Stamp Program no later than June 30, 1974, except where impossible or impracticable, would be contrary to the interest of the States. They need time to develop their plans geared to the States' overall administrative organization and welfare programs, and to enable the States and the Department to comply with the law.

Parts 270, 271, and 272 of Chapter II, Title 7, Code of Federal Regulations, are amended as follows:

PART 270—GENERAL INFORMATION AND DEFINITIONS

Paragraph (s) of § 270.2 is revised to read as follows:

§ 270.2 Definitions.

* * * * *

(s) "Eligible food" means any food or food product for human consumption except alcoholic beverages and tobacco and also includes seeds and plants for use in gardens to produce food for the personal consumption of the eligible household. It shall also mean meals delivered by an authorized nonprofit meal delivery service to elderly persons and their spouses and to households eligible under § 271.3(a) (2) of this subchapter.

* * * * *

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Paragraph (i) of § 271.1 is revised to read as follows:

§ 271.1 General terms and conditions for state agencies.

* * * * *

(i) *Plan of Operation requirement.* Each State agency shall submit for approval of FNS a Plan of Operation, prepared in accordance with the provisions of § 271.8. Such plan shall cover a Federal fiscal year and may be extended for succeeding Federal fiscal years at the option of FNS unless sooner terminated or suspended as provided in paragraph (t) of this section. Each State agency shall, prior to January 1, 1974, submit for approval of FNS a plan specifying the manner in which it intends to conduct the Food Stamp Program in every political subdivision in the State, unless such State agency can demonstrate that for any political subdivision it is impossible or impracticable to extend the program to such subdivision. FNS shall make a determination of approval or disapproval

of such plan in sufficient time to permit institution of such plan by no later than June 30, 1974.

* * * * *

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, NONPROFIT MEAL DELIVERY SERVICES, AND BANKS

Paragraph (b) of § 272.2 is revised to read as follows:

§ 272.2 Participation of retail food stores, and nonprofit meal delivery services.

* * * * *

(b) Coupons shall be accepted by an authorized retail food store only in exchange for eligible food as defined in § 270.2(s) of this subchapter. An authorized food retailer shall not accept coupons in payment for deposit on bottles or other returnable food containers.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2025)

Effective date.—This amendment shall become effective August 21, 1973.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

JAMES H. LAKE,
Acting Assistant Secretary.

AUGUST 17, 1973.

[FR Doc.73–17759 Filed 8–20–73;8:45 am]

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 28, 1973 (38 FR 5340), April 9, 1973 (38 FR 9006), and July 30, 1973 (38 FR 20233), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Delete:			
* * *	* * *		*
Pennsylvania: Olmstead AFB, Middletown	Philadelphia		4
Texas: Point Comfort	Corpus Christi		4
Add:			
Hawaii: Keaau	Hilo		1
Michigan: Muskegon	Kalamazoo		3
Montana:			
Butte International Airport	Billings		6
Do	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hr).	1	
Pennsylvania:			
Harrisburg International Airport	Carlisle		1
Do	Philadelphia		5
Do	Schuylkill Haven		2
Do	University Park		4
Tennessee: Nashville	Nashville	1	
Texas:			
Love Field (Dallas)	Denton		2
Point Comfort	Corpus Christi		5

64 Stat. 561; 7 U.S.C. 2260.

Effective date. The foregoing amendment shall become effective on August 21, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73–17316 Filed 8–20–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973-Crop Rice Supplement, Amendment 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Rice Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation and published at 38 FR 14088, which sets forth specific requirements with respect to loans and purchases for the 1973 crop of rice, are hereby amended to change certain value factors. It is impracticable to follow the notice of proposed rulemaking with respect to this amendment because 1973-crop rice is being harvested and it is essential that the rates provided for in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraph (a) of § 1421.328 is hereby amended to increase the value factors for all classes of whole kernel rice, 71 cents per hundredweight, and broken rice, 38 cents per hundredweight. The amended paragraph (a) reads as follows:

§ 1421.328 Basic rates.

* * * * *

VALUE FACTORS FOR WHOLE KERNEL AND BROKEN RICE
[Cents per pound]

Rough rice class	Whole kernels	Broken rice
Long grains	10.33	5.03
Medium grains	9.58	5.03
Short grains	9.58	5.03

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 61 Stat. 1051, as amended 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: August 20, 1973.

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

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73–17315 Filed 8–20–73; 8:45 am]

Title 9—Animals and Animal Products

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

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

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

Re-entry of United States Horses From Canada

Statement of consideration.—The purpose of this amendment of the regulations in Part 92 is to provide for the re-entry into the United States from Canada of horses of United States origin which have been in Canada for temporary periods not exceeding 72 hours when such animals re-enter the

United States via the same Customs port of entry through which they entered Canada and are accompanied by the same health certificate with which they entered that country. Similar procedures which provide for the importation and return of Canadian horses entering the United States for temporary periods were placed into effect July 24, 1973 (38 FR 19813).

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

1. In the table of sections, the heading of § 92.24 is amended to read:

92.24 Horses from Canada and re-entry of United States horses from Canada.

2. In § 92.24, the heading is amended, the present paragraph is designated as paragraph (a), and new paragraph (b) is added to read:

§ 92.24 Horses from Canada and re-entry of United States horses from Canada.

* * * * *

(b) Horses of United States origin which enter Canada for periods of not more than 72 hours may re-enter the United States without veterinary inspection at the port of entry provided they are accompanied by the health certificate under which they were permitted entry into Canada and that they re-enter the United States via the same Customs port of entry through which they entered Canada.

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

Effective date.—The foregoing amendment shall become effective August 21, 1973.

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

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

Done at Washington, D.C., this 16th day of August 1973.

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

[FR Doc.73-17406 Filed 8-20-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Definition of "Calendar Quarter"

On April 30, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 10641) a proposed amendment to 10 CFR Part 20 of its regulations which would simplify the definition of "calendar quarter." Interested persons were invited to submit written comments and suggestions for consideration within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER.

Two comments were received, one requesting staggered calendar quarters for different groups of workers, and the other suggesting a change in the period during which a calendar year could start. The Commission did not consider either of the recommended changes to be desirable. A system of staggered calendar quarters does not seem consistent with the Commission's policy to keep exposures to radiation "as low as practicable". Under such a system a licensee would not have to keep some potential worker exposure in reserve for unforeseeable problems at the end of a calendar quarter. A change in the period during which a calendar year could start would make the Part 20 definition inconsistent with the definition given by the Suggested State Regulations for Control of Radiation. The Commission has therefore adopted the amendment as it was set out in the notice of proposed rulemaking.

This amendment makes the definition of "calendar quarter" consistent with the definition given by the Suggested State Regulations for Control of Radiation prepared by The Council of State Governments in cooperation with The U.S. Atomic Energy Commission and The U.S. Public Health Service. The amendment does not prohibit the use of any system of calendar quarters now permitted by Part 20. For example, calendar quarters could be chosen as three month periods with the first quarter beginning on any day in January, the second quarter beginning on the same day in April, and so on. The amendment does, however, give licensees additional flexibility in establishing the length of calendar quarters; for example, it permits licensees to use calendar quarter sequences of 12, 12, 14, and 14 weeks and 12, 13, 14, and 13 weeks, sequences not permitted by the former definition. These variations from formerly allowable sequences are not considered significant from a radiological safety viewpoint.

Pursuant to the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter 1, Code of Federal Regulations, Part 20 is published as a document subject to codification to be effective September 20, 1973.

1. In § 20.3, 10 CFR Part 20, paragraph (a)(4) is amended to read as follows:

§ 20.3 Definitions.

(a) As used in this part:

* * * * *

(4) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be such that no day is included in more than one calendar quarter or omitted from inclusion within a calendar quarter. No licensee shall change the method observed by him of determining calendar quarters except at the beginning of a calendar year.

* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201)).

Dated at Bethesda, Maryland, this sixth day of August 1973.

For the Atomic Energy Commission.

LEE V. GOSSICK,
Acting Director of Regulation.

[FR Doc.73-17327 Filed 8-20-73;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

PART 614—LOAN POLICIES AND OPERATIONS

Deletion of Agency Approval Requirements

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance effective August 6, 1973. These amendments (1) delete the requirement for prior Farm Credit Administration approval of production credit association loans to producers or harvesters of aquatic products, (2) provide for establishing prior loan approval limits on an individual bank basis, (3) delete the requirement for prior Farm Credit Administration approval of certain bank for cooperatives loans, and (4) delete the requirement for prior Farm Credit Administration approval of obligations accepted for discount or as direct loan collateral from another financing institution by a Federal intermediate credit bank. Interested persons were afforded by a notice published in the FEDERAL REGISTER on June 25, 1973, the opportunity to file written comments or suggestions on the proposed amendments not later than July 23, 1973. No comments were received.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by deleting paragraph (c) and renumbering paragraph (d) as paragraph (c) in

§ 613.3030, by revising § 614.4490, and by deleting §§ 614.4500 and 614.4650. The renumbered paragraph and revised section are as follows:

§ 613.3030 Producers or harvesters of aquatic products.

* * * * *

(c) *Scope of financing.*—Production credit associations are authorized to make loans to producers or harvesters of aquatic products for aquatic needs and other requirements of the borrower. The total credit extended for other requirements shall not exceed the value of assets devoted to the production or harvesting of aquatic products. When the aquatic operation represents less than 50 percent of the borrower's total business, credit extended for other requirements shall be on a conservative basis scaled down proportionately as the aquatic assets become less significant in the total operation.

§ 614.4490 Loans requiring prior approval.

(a) Prior loan approval limits shall be established on an individual bank basis according to the adequacy and administration of policies and procedures relating to credit extension. Consideration shall also be given to performance in making proper credit analysis and decisions and compliance with farm credit law and regulations. For the Federal land banks and Federal intermediate credit banks, particular consideration shall be given to policies and procedures and bank performance relating to delegation of loan-making authority to associations, credit reviews, and association supervision.

(b) The following shall be subject to the prior approval of the appropriate bank board:

(1) Loans to a member of the Federal Farm Credit Board.

(2) Loans to a member of the district board unless the bank board has adopted a policy providing for the submission of such loans to the Farm Credit Administration for prior approval.

(3) Loans to an officer or employee of a bank.

(4) Loans to an employee of the Farm Credit Administration.

(5) Loans to any borrower where officers or employees designated above:

(i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or

(ii) Are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(c) The following shall be subject to the prior approval of the district bank:

(1) Loans to a member of an association board.

(2) Loans to an employee of an association.

(3) Loans to any borrower where directors or employees designated above:

(i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or

(ii) Are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(4) Any loan which will result in any one borrower being obligated, as defined in section 4360, in excess of an amount established by the district bank under its policies for delegation of authority to associations.

§ 614.4500 [Deleted]

§ 614.4650 [Deleted]

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.73-17376 Filed 8-20-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Joint-Use Restricted Areas

On June 13, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 15525) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would revoke a major portion of Restricted Area R-2909 and include the remaining portion, with an increased altitude limit, in the Eglin AFB, Fla., R-2915B Restricted Area.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

In § 73.29 (38 FR 640), Restricted Area R-2915B, Eglin AFB, Fla., is amended as follows:

R-2915B, EGLIN AFB, FLA.

BOUNDARIES

Beginning at Lat. 30°29'01" N., Long. 86°38'02" W.; to Lat. 30°20'50" N., Long. 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to Long. 86°-51'30" W.; thence along Long. 86°51'30" W.; to Lat. 30°23'50" N., Long. 86°51'30" W.; to Lat. 30°24'20" N., Long. 86°48'00" W.; to Lat. 30°26'30" N., Long. 86°51'30" W.; to point of beginning.

Designated altitudes: Surface to FL 1200.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville, ARTC Center.
Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

In § 73.29 (38 FR 640), Restricted Area R-2909, Pensacola, Fla., is revoked.

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

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

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

[FR Doc.73-17366 Filed 8-20-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2427]

PART 13—PROHIBITED TRADE PRACTICES

Foremost-McKesson, Inc.

Subpart—Discriminating in price under Section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.* Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1928 *Customer connection or action.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Foremost-McKesson, Inc., San Francisco, California, Docket C-2427, July 26, 1973]

In the Matter of Foremost-McKesson, Inc., a corporation.

Consent order requiring a San Francisco, California, wholesale distributor of druggists' sundries, among other things to cease inducing or receiving discriminating payments and offering anticompetitive inducements.

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

It is ordered, That respondent, Foremost-McKesson, Inc., a corporation, and its officers, representatives, agents and employees, successors and assigns, directly or indirectly, through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by the respondent, or in connection with any other transactions between respondent and its various suppliers involving or pertaining to the regular business of the respondent in purchasing, promoting, advertising, distributing, and selling commodities and products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of anything of value from any supplier of druggists' sundries as compensation or in consideration for services and facilities furnished by or through respondent in connection with the processing, handling, sale or offering for sale of such supplier's products at respondent's trade shows, when respondent knows or has reason to

know that such compensation is not affirmatively offered and otherwise made available by such supplier on proportionally equal terms to all of its other customers competing with respondent, including customers who purchase from intermediaries and compete with respondent in the resale of such supplier's products.

2. Inducing and receiving, receiving or contracting for the receipt of, the furnishing of services or facilities, including but not limited to inducing prizes or gifts awarded to retail druggist customers attending respondent's trade shows connected with respondent's offering for sale or sale of such products so purchased, when respondent knows or has reason to know that such services or facilities are not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its customers competing with the respondent, including customers who purchase from intermediaries and compete with respondent in the resale of such supplier's products.

It is further ordered, That respondent shall cease and desist from offering or providing to its customers, directly or indirectly, any material inducement, monetary or otherwise, to attend its trade shows whenever such customers' receipt of the inducement depends upon their purchases or volume of purchases of merchandise from respondent.

It is further ordered, That a copy of this Order shall be delivered to each person or organization invited to participate in any trade show sponsored, organized, or held by respondent, at the time such invitation is extended, for a period of five (5) years from the date of service of this Order.

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

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating wholesale drug divisions.

It is further ordered, That respondent shall, within sixty (60) days of service of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the Order.

It is further ordered, That the effective date for compliance with this order shall commence September 1, 1973.

Issued: July 26, 1973.

By the Commission.

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

[FR Doc.73-17365 Filed 8-20-73;8:45 am]

[Docket C-2426]

PART 13—PROHIBITED TRADE PRACTICES

Hall's Furniture Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act;—*Prices;* § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly and deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Hall's Furniture Company, Inc., et al., Los Angeles, California, Docket C-2426, July 25, 1973]

In the Matter of Hall's Furniture Company, Inc., et al.

Consent order requiring a Los Angeles, California, seller and distributor of furniture, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of said Act.

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

It is ordered, That respondents, Hall's Furniture Company, Inc., a corporation, its successors and assigns, and its officers, and Harry Heller, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the Annual Percentage Rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the number of payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

3. Failing to include in the finance charge any charges or premiums for credit life, accident health or loss of income insurance when the customer has not given a specific dated and separately signed affirmative written indication of such desire after receiving written disclosure to him of the cost of such insurance as prescribed by § 226.4(a)(5)(ii) of Regulation Z.

4. Failing to furnish the customer with a duplicate of the instrument containing the disclosures required by § 226.8 or a statement by which the required disclosures are made at the time those disclosures are made, as prescribed by § 226.8(a) of Regulation Z.

5. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That respondents prominently display no less than two signs on each of its premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: July 25, 1973.

By the Commission.

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

[FR Doc.73-17370 Filed 8-20-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Flumethasone, Neomycin Sulfate, and Polymyxin B Sulfate Ophthalmic Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (49-725V) filed by Syntex Laboratories, Inc., Palo Alto, CA 94304, proposing the safe and effective use of

flumethasone, neomycin sulfate, and polymyxin B sulfate ophthalmic solution, veterinary in the treatment of certain ophthalmic conditions in dogs. The application is approved.

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

§ 135a.40 Flumethasone, neomycin sulfate and polymyxin B sulfate ophthalmic solution, veterinary.

(a) *Specifications.*—Each milliliter of the ophthalmic preparation contains 0.10 milligram flumethasone, 5.0 milligrams neomycin sulfate (3.5 milligrams neomycin base), and 10,000 units of polymyxin B sulfate.

(b) *Sponsor.*—See code No. 036 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is recommended for the treatment of the inflammation, edema and secondary bacterial infections associated with topical ophthalmological conditions of the eye such as corneal injuries, incipient pannus, superficial keratitis, conjunctivitis, acute nongranulomatous anterior uveitis, keratoconjunctivitis, and blepharitis in the dog.

(2) The recommended dosage is 1 to 2 drops in each eye every 6 hours.

(3) In treating ophthalmological conditions associated with bacterial infections, the drug is contraindicated in those cases in which microorganisms are not susceptible to the antibiotics incorporated in the drug.

(4) The drug is contraindicated in infectious tuberculous lesions of the eye, early acute stages of viral diseases of the cornea and conjunctiva, herpes simplex lesions of the eye, and fungal infections of the conjunctiva and eyelids.

(5) The usual precautions and contraindications for corticosteroids and adrenocorticoids are applicable with this drug. Corticosteroids may inhibit essential inflammatory responses intrinsic to the fundamental healing mechanism. Adrenocorticoid compounds have been reported to cause an increase in intraocular pressure. Intraocular pressure should be checked frequently. Ocular reexaminations should be made at frequent intervals during long-term therapy.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

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

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

Dated August 14, 1973.

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

[FR Doc.73-17330 Filed 8-20-73;8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5379]

[Sacramento 1805]

CALIFORNIA

Powersite Restoration No. 671; Revocation of Powersite Reserves Nos. 86, 388, and 705 in Whole or in Part

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to a determination of the Federal Power Commission in DA-1104-California, it is ordered as follows:

1. The Executive Orders of July 2, 1910, July 22, 1913, and August 22, 1919, creating Powersite Reserves No. 86, No. 388, and No. 705, respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN
POWERSITE RESERVE NO. 86

T. 2 N., R. 14 E.,
Sec. 4, lot 8;
Sec. 17, N½NE¼SE¼, SW¼NE¼SE¼.
T. 3 N., R. 14 E.,
Sec. 12, lot 3, SE¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, SW¼SW¼;
Sec. 34, NE¼SW¼.

POWERSITE RESERVE NO. 388

T. 2 N., R. 15 E.,
Sec. 2, SE¼SW¼;
Sec. 9, NE¼SE¼SE¼;
Sec. 10, NE¼NW¼, NW¼SW¼SW¼.

POWERSITE RESERVE NO. 705

T. 2 N., R. 15 E.,
Sec. 1, lot 4;
Sec. 2, SW¼SW¼.

The areas described aggregate 435.61 acres in Calaveras and Tuolumne Counties.

2. Of the above described lands, the lands described as the SE¼SW¼, SW¼SW¼, sec. 2, T. 2 N., R. 15 E., are national forest lands within the Stanislaus National Forest, and are withdrawn for a Job Corps Campsite by Public Land Order No. 4007 of May 17, 1966, and will remain so withdrawn. The lands described as lot 4, sec. 1, NE¼NW¼, sec. 10, T. 2 N., R. 15 E., the SW¼SW¼, sec. 14, and NE¼SW¼, sec. 34, T. 3 N., R. 14 E., are patented lands. The lands described as the NE¼SE¼SE¼, sec. 9, and NW¼SW¼SW¼, sec. 10, T. 2 N., R. 15 E., are withdrawn for Federal Power Project No. 1061, and will remain so withdrawn. The lands described as the N½NE¼SE¼, SW¼NE¼SE¼, sec. 17, T. 2 N., R. 14 E., are included in a withdrawal application, Sacramento 1491, filed by the Corps of Engineers, Department of the Army, to which the regulations 43 CFR 2351.3(a) are applicable. The lands described as the N½NE¼SE¼, SW¼NE¼SE¼, sec. 17, T. 2 N., R. 14 E., and the SW¼SW¼, sec. 14, T. 3 N., R. 14 E., were previously restored from the withdrawal made for Powersite No. 86, subject to the provisions of section 24 of the Act of June 10, 1920, *supra*. The effect of this order is to relieve these restored lands of the limitations prescribed by said section 24.

3. At 10 a.m. on September 19, 1973, the unappropriated, unreserved public lands described above as lot 8, sec. 4, T. 2 N., R. 14 E., lot 3, SE¼SE¼, sec. 12, and NW¼NW¼, sec. 13, T. 3 N., R. 14 E., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 19, 1973, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing. These public lands have been and will continue to be open to location and entry under the United States mining laws, and to leasing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17343 Filed 8-20-73;8:45 am]

[Public Land Orders 5158 and 5342]

[Colorado 12101]

COLORADO

Correction of Public Land Orders No. 5158 and No. 5342

The No. 2032 erroneously cited in paragraph 2 of both Public Land Order No. 5158 of February 7, 1972, appearing in 37 FR 3058 of the issue of February 11, 1972, and Public Land Order No. 5342 of March 27, 1973, appearing in 38 FR 8445 of the issue of April 2, 1973, as the number of the Presidential Proclamation of March 2, 1933, establishing the Black Canyon of the Gunnison National Monument, is hereby corrected to read "No. 2033".

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73-17344 Filed 8-20-73;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

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 he 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
*	*	*	*	*	*	*
Florida	Palm Beach	Lake Park, Town of.				August 20, 1973, Emerg.
Pennsylvania	Columbia	Catawissa, Township of.				Do.
Do	York	Mount Wolf, Borough of.				Do.
Wisconsin	Milwaukee	Oak Creek, City of.				Do.

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

Issued August 13, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73–17256 Filed 8–20–73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7196]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Averaging; Correction

On Thursday, July 13, 1972, Treasury Decision 7196 was published in the FEDERAL REGISTER (37 FR 13686).

The following correction is made:

In § 1.1304–5 (b) and (d) (column two, page 13689), delete the asterisks between paragraphs (b) and (d) and redesignate section 1.1304–5(d) to read "1.1304–5(c)."

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.73–17339 Filed 8–20–73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

AIR FORCE ACADEMY PREPARATORY SCHOOL

This update redesignates Part 901a to Part 901, and adds the Precandidate Evaluation by the USAF Academy (§ 901.6b) and explains the eligibility requirements for nomination of a son of a disabled veteran, which was previously omitted through administrative error (§ 901.13(a)(2)); deletes Part 901b; and adds a new Part 903, which states the requirements for enrollment in the Air Force Academy Preparatory School.

Subchapter K, Chapter VII of Title 32 of the Code of Federal Regulations is revised as follows:

PART 901—APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

§ 901.6b **Precandidate evaluation by the USAF Academy.**

Beginning with the 1973–74 selection cycle, the Air Force Academy will utilize a precandidate evaluation procedure to aid Members of Congress in their screening processes. Once a young man expresses an interest in seeking a nomination to a Member of Congress, the Congressional Assistant will send a card, made available by the Air Force Academy, to the young man. The young man will complete and mail the card to the Academy, which, in turn, will mail him a packet of information, including DD Form 1908, the "Service Academies Precandidate Questionnaire." He will complete this form, have it certified by his high school counselor, and forward it to the Academy. The Academy will evaluate DD Form 1908, and the information will be made available to Congressional offices—unless the Member of Congress has indicated that he would rather not participate in this program. Such information gives the Member of Congress an indication of the individual's current relative strength; it does not, however, reflect the individual's final admission status. It is intended only to aid the Member of Congress in selecting his best qualified applicants.

§ 901.13 **Sons of deceased or disabled veterans (competitive).**

(a) (1) * * *

(2) His parent has a permanent service-connected disability rated at no less than 100 per cent resulting from wounds or injuries received or diseases contracted in active service, or preexisting injury or disease aggravated by active service.

* * * * *

PART 901b [DELETED]

2. Part 901b is herewith deleted in its entirety.

PART 903—AIR FORCE ACADEMY PREPARATORY SCHOOL

3. Part 903 is added to read as follows:

Sec.
903.1 Purpose.
903.2 School location and schedule.
903.3 Requirements for enrollment.
903.4 Reassignment of Air Force applicants and nominees eliminated or not selected.
903.5 Reassignment of Air Force regular airmen and nominees selected as cadets.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 903.1 **Purpose.**

This part explains the requirements for enrollment in the Air Force Academy

Preparatory School and tells how they are reassigned.

§ 903.2 School location and schedule.

The Air Force Academy Preparatory School is located at the United States Air Force Academy near Colorado Springs, Colorado. Classes are conducted annually from August through May. A limited number of Regular Air Force airmen may be enrolled in January of each year.

§ 903.3 Requirements for enrollment.

(a) Applicants and nominees must:

(1) Meet the eligibility requirements specified for the Air Force Academy in Part 901 of this chapter. (These requirements are also in the Air Force Academy catalog, obtainable from the Director of Admissions, USAFA/RR, USAF Academy, Colorado 80840.)

(2) Be on extended active duty. Air Force Reserve or Air National Guard of the United States (ANGUS) military applicants may apply for the preparatory school course while not on extended active duty. If selected they will be called to extended active duty solely for the purpose of attending the Prep School. ANGUS applicants will be transferred to the Air Force Reserve before being called to extended active duty.

(3) Meet the medical requirements for appointment to the Air Force Academy. Authorization for service academy medical examination will be provided the applicant by the Director of Admissions. The applicant will complete the form and send it to the Service Academies Central Medical Review Board (SACMRB), U.S. Academy, Colorado 80840, which schedules him for a medical examination at the nearest available medical facility.

(4) Regular military applicants must agree to extend their enlistment before enrollment if their obligated tours of duty or enlistment contracts expire before July 1 of the following year.

(5) Attain satisfactory scores on either the Airman Classification Test (ACT) or the Airman Qualifying Examination (AQE).

(i) If scores for the Air Force Officer Qualifying Test (AFOQT) are available, a separate authenticated statement of results will be submitted.

(ii) If the applicant previously took any of these tests, the scores recorded on his AF Form 7, "Airman Military Record," or "Uniformed Mechanized Personal Record," may be used.

(iii) Reexamination is not authorized within 1 year of the previous test date.

(6) Attain a satisfactory score on the Air Force Academy Selection Test (AST).

(i) The Associate Director of Admissions schedules the test after all records have been evaluated, including school transcripts and the AF Form 1786, "Application for Appointment to the USAF Academy Under Quota Allotted to Enlisted Men of the Regular and Reserve Components of the Air Force." Exception: USAFA/RRS may waive this requirement if other test data are available and acceptable.

(ii) The base military test control commissioned or noncommissioned officer administers the test.

(7) Have an acceptable academic record as determined by USAFA/RRS.

(b) Individuals who have previously attended a service academy preparatory school normally are not eligible to apply under this part.

(c) Members of the Army, Navy, and Marine Corps are not eligible under the Regular or Reserve competitive categories. Such applicants must be on active duty and have received nominations from Members of Congress or other authorized nominating sources prior to applying for the Air Force Academy Preparatory School.

(d) Headquarters Civil Air Patrol-USAF may nominate annually three primary and three alternate Civil Air Patrol (CAP) Mitchell Award winners to attend the Air Force Academy Preparatory School. The Associate Director of Admissions will review and approve selection criteria for CAP nominees.

§ 903.4 Reassignment of Air Force applicants and nominees eliminated or not selected.

(a) If a Reserve airman should be eliminated from the preparatory school for failure to meet one of the established conditions, or if a Reserve airman who has completed the course will not be selected for a cadet appointment, he will be released from active duty by USAFA and assigned to ARPC (ORS), 3800 York Street, Denver, Colorado 80205.

(b) All Reserve airmen who complete the preparatory school program and receive an appointment to the USAF Academy will be released from active duty immediately before entering the Air Force Academy Cadet Wing as cadets.

(c) The authority for release from active duty of Reserve airmen released under paragraph (a) of this section is Air Force Regulation (AFR) 53-14 and Air Force Manual (AFM) 39-10, Chap. 3, Sec. A, SDN 205. Specific attention is invited to 10 U.S.C. 516.

(d) The authority for release from active duty of Reserve airmen accepting appointment as a Cadet is Pub. L. 84-614, 70 Stat. 333 (now codified as 10 U.S.C. 516, 8201, 8203, and 8214 as it relates to the Air Force) and AFM 39-10.

(e) Nominees from armed forces other than the Air Force who are eliminated from preparatory school or who complete the academic year but fail to receive an appointment to the Air Force Academy will be reported to a designated holding unit.

§ 903.5 Reassignment of Air Force regular airmen and nominees selected as Cadets.

Air Force Regular airmen selected for admission to one of the service academies will be assigned by the Air Force Academy to one of the specified units for required processing. Students selected as Air Force Academy Cadets from other than the Air Force will be reported by the Air Force Academy to the appropriate holding unit.

NOTE: Preparatory School enrollment and successful completion of the course does not guarantee admission to the Academy.

(10 U.S.C. 8012, except as otherwise noted).

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-17342 Filed 8-20-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

PART 2—PUBLIC INFORMATION

Trade Secrets and Privileged or Confidential Information

By notice of proposed rulemaking published March 23, 1973 (38 FR 7573), the Environmental Protection Agency proposed certain technical amendments to 40 CFR 2.107a. Such amendments dealt with four separate issues:

(1) "Commercial or financial information obtained from a person and privileged or confidential", as that phrase is used in section 10(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135, as amended by the Federal Environmental Pesticide Control Act of 1972, P.L. 92-516;

(2) The form of notice to be served by the Office of General Counsel under 40 CFR 2.107a(g)(2), upon a determination of the status of information claimed to constitute trade secrets by a person submitting it to EPA;

(3) The discretionary authority of the General Counsel to issue such determinations in the absence of a specific request to do so, and the future effect of any such determination;

(4) The form of the pledge of confidential treatment extended by EPA pursuant to 40 CFR 2.107a(b)(2).

Pursuant to the notice of proposed rulemaking, comments were received from interested members of the public, and thorough consideration was given to all such comments that were germane to the issues addressed by the notice of proposed rulemaking. In response to one such comment, § 2.107a(a)(4) of the regulations, as hereby amended, now makes it clear that information determined not to constitute trade secrets will in no event be made publicly available without 30 days' advance notice to the person submitting it.

Although the notice of proposed rulemaking would not have altered the substance of Part 2 as it relates to "trade secrets", several comments were received suggesting that EPA define that term. Whether or not EPA could now do so without first publishing a new notice of

proposed rulemaking, a deliberate decision has been made to leave the regulations no more explicit on this score than the several relevant statutes which refer, without elaboration, to "trade secrets". The notion of trade secrecy arises from the common law; although there have been several attempts to codify that common law (e.g., The Uniform Trade Secrets Protection Act, and section 757(b) of the Restatement of Torts), EPA sees no advantage to itself, to persons submitting technical information, or to the public at large in binding itself by regulation to follow any one of several marginally distinguishable definitions of "trade secret". As a practical matter, moreover, it is highly unlikely that EPA would ever release information which satisfies any one of the available definitions, and there appears no good reason to limit at this time any legitimate arguments that may be advanced in the future to support specific claims of trade secrecy.

Accordingly, 40 CFR § 2.107a is hereby amended to read as set forth below. In view of the fact that no member of the public will be required to modify his actions in light of the amendments, which will only affect internal Agency procedures, it is hereby found pursuant to 5 U.S.C. 553(d) that good cause exists for dispensing with the requirement of 30 days' delay in the effective date of the amendments, and they are therefore effective on August 21, 1973.

§ 2.107a Trade secrets and privileged or confidential information.

(a) *Trade secrets.*—(1) In the event records requested under this part may contain trade secrets, the office responsible for maintaining the records requested will forward the request for determination and accompanying materials referred to in § 2.105(b) only to the Office of General Counsel, and the notice referred to in § 2.105(b), unless published in the FEDERAL REGISTER, will be sent by certified mail (return receipt requested); *Provided*, That notice under § 2.105(b) need not be given if similar notice was given prior to referring the matter to the Office of General Counsel.

(2)(i) If a person, to whom notice of a request for records has been given under § 2.105(b), or otherwise, advises the Office of General Counsel, in writing, prior to the expiration of 10 working days following the receipt or publication of such notice, that the requested records contain trade secrets furnished by such person, the portions of such records said to contain trade secrets shall not be disclosed, nor copies provided, unless the General Counsel shall first have made a final written determination that such records do not in fact contain trade secrets, or unless such disclosure is authorized by statute in spite of the provisions of 18 U.S.C. 1905.

(ii) In the event no claim or other response is received by the Office of General Counsel prior to the expiration of the 10 working days specified herein, it will, before reaching a determination with respect to trade secrecy, make prompt inquiries to ensure that the absence of a response hereunder is not attributable to delay or failure of the mails. A claim, including a claim asserted by telephone, made at the time of such inquiries and confirmed in writing will be considered timely for purposes of paragraph (a)(3) of this section. The Office of General Counsel will promptly notify the requesting party whenever a claim is made under this paragraph.

(iii) In making a determination under this paragraph, the General Counsel will consider any additional information submitted to the Office of General Counsel within 30 days of receipt of a claim made hereunder, or within such longer time period requested by the claimant or the requesting party as it may agree to. If authorized by 5 U.S.C. 552(b)(4), the Office of General Counsel may agree to treat any such additional information as confidential at the request of the person submitting it, in which case it will not be disclosed without the express written permission of such person.

(iv) If the General Counsel determines that the records requested do not contain trade secrets, notice of such determination will be served by certified mail (return receipt requested) by the Office of General Counsel upon the person making the claim. No sooner than 30 days following the receipt of such notice, the requested records will be disclosed in accordance with this part.

(3) In the event a timely claim is made under paragraph (a)(2) of this section, the time limits specified in §§ 2.106(a) and 2.109(b) will not apply.

(4) Whether or not a request for information has been made under this part, the General Counsel may issue written determinations as to whether information contained in EPA records does or does not constitute trade secrets. Prior to making any such determination, however, the Office of General Counsel shall give notice of intent to make such a determination to any person who would have received notice under § 2.105(b) if a request for the information in question had been made under this part. The procedures of paragraph (a)(2) of this section shall be applicable, as appropriate, to determinations made by the General Counsel pursuant to the authority of this paragraph, and information determined not to constitute trade secrets will in no event be released to the public sooner than 30 days following the receipt of notice of any such determination, as provided in paragraph (a)(2)(iv) of this section, or sooner than EPA notifies the person who submitted the information in question of its intent to release the information to the public, whichever is later. In the event a request is subsequently made under this part for information previously so determined to constitute trade secrets, EPA will be bound by that previous determination, unless the General Counsel: (i) Determines that subsequent events have destroyed the trade secrecy of the information in question, and (ii) gives written notice of such determination, and a full explanation of the basis therefor, to any person making a claim under paragraph (a)(2) of this section.

(b) *Privileged or confidential information.*—(1) Privileged or confidential information (other than trade secrets or financial information the disclosure of which is prohibited by 18 U.S.C. 1905), which is referred to in 5 U.S.C. 552(b)(4) and § 2.105(a)(4), and defined in paragraph (b)(2) of this section will not be disclosed under this part without the express written permission of the person providing it to EPA.

(2) For purposes of this subsection, "privileged or confidential information" means:

(i) Commercial or financial information obtained from a person pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135, and privileged or confidential within the meaning of section 10(b) thereof; and

(ii) Information which an agency is authorized (but not required) by law to withhold from the public when it has been:

(A) Submitted to EPA pursuant to, and in reliance on, a pledge of confidentiality (*1*) obtained in writing from EPA, (*2*) contained in any EPA form, (*3*) contained in any request for proposals issued by EPA, or (*4*) extended by grants and procurement regulations under this title or Title 41, Code of Federal Regulations; or

(B) Received from a State or Federal agency which in turn has received the information pursuant to, and in reliance on, a pledge of confidentiality, and which continues to consider itself bound by such pledge (unless EPA is entitled by law to demand such information from the original private source).

(3) No pledge will be made by EPA under paragraph (b)(2)(ii) of this subsection in connection with information which EPA is entitled by law to demand (such as emission data under section 114 of the Clean Air Act, 42 U.S.C. 1857c-9) or which is submitted to EPA to fulfill a requirement imposed by statute or regulation in connection with a regulatory scheme of general applicability (such as information contained in applications for registrations, permits, certifications, and the like). Nothing herein is intended to affect the status of information which is required by law to be treated as confidential.

Dated: August 16, 1973.

JOHN R. QUARLES, Jr.,
Acting Administrator.

[FR Doc.73-17417 Filed 8-20-73;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), the Administrator approved, with specific

exceptions, the implementation plan submitted by the State of Maine for attainment and maintenance of national ambient air quality standards.

On March 29, 1973, after proper notification and public hearing, the Governor of the State of Maine submitted a revision to the Maine implementation plan. This revision removes fuel burning sources with a maximum heat input from three million up to, but not including, ten million Btu per hour from the control strategy for the attainment of national primary and secondary ambient air quality standards for particulate matter.

The affected sources are numerous but individually quite small. In the Portland air quality control region, for example, they account for an estimated two percent of total particulate emissions. Furthermore, many of these sources are reported already to be in compliance with the applicable particulate emission limitations. The Administrator has performed an analysis of the impact of this revision on air quality and has determined that the revision will not interfere with the attainment and maintenance of the national ambient air quality standards for particulate matter in the regions of Maine classified Priority I and IA. Therefore, this revision is approved and is incorporated as part of the Maine implementation plan. The purpose of this revision is to relieve the State of Maine and the affected source owners and operators of the administrative burden of developing individual compliance schedules for the many small sources covered by this action.

Copies of the Maine implementation plan, as revised, are available for public inspection at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C.; at the Agency's regional office, John F. Kennedy Federal Building, Boston, Massachusetts; and at the Maine Department of Environmental Protection, Augusta, Maine.

This approval is effective on August 21, 1973. The Agency finds that good cause exists for not publishing the regulation as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons:

1. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectivenesss of the action enables the sources involved to proceed with certainty in conducting their affairs and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1957c-5.)

Dated August 16, 1973.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter 1, title 40, of the Code of Federal Regulations is amended as follows:

Subpart U—Maine

1. Section 52.1020 is amended by adding a new paragraph (d) as follows:

§ 52.1020 Identification of plan.

* * * * *

(d) A plan revision was submitted on March 29, 1973.

2. A new § 52.1023 is added as follows:

§ 52.1023 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State unless otherwise noted. (See § 52.1025 for control strategy revision approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
All sources subject to Regulation 100.3.1 (b) with a maximum heat input from three million up to but not including ten million Btu per hour.	Maine.....	100.3.1(b)	3/29/73	Immediately..	N/A

3. A new § 52.1025 is added as follows:

§ 52.1025 Control strategy: Particulate matter.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State unless otherwise noted. (See § 52.1023 for compliance schedule approvals and disapprovals pertaining to one or more of the sources below.)

Source	Location	Regulation involved	Date of adoption
All sources subject to Regulation 100.3.1-(b) with a maximum heat input from three million up to but not including ten million Btu per hour.	Maine.....	100.3.1(b)	3/29/73

[FR Doc.73-17418 Filed 8-20-73;8:45 am]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Interim Standards for 1976 Model Year Light Duty Vehicles

On July 30, 1973, the Administrator suspended the effective date of the 1976 model year emission standards for oxides of nitrogen for those manufacturers who requested such suspension.

As required by section 202(b)(5)(B) of the Clean Air Act, the decision also established an interim nitrogen oxides emissions standard for light duty vehicles to be sold in the 1976 model year. In order to ensure that this interim standard will be incorporated in proper form in the Code of Federal Regulations, it is being republished in the form set out below.

The interim nitrogen oxides emissions standard prescribed for 1976 model year light duty vehicles of manufacturers who have been granted a suspension is 2.0 grams per mile. The statutorily required 1976 emissions standards of .41 grams per mile of hydrocarbons and 3.4 grams per mile of carbon monoxide remain in effect for all manufacturers. The nitrogen oxides emissions standard of 0.4 grams per mile originally promulgated on July 2, 1971 (36 FR 12664), for the 1976 model year remains in effect for those manufacturers who have not applied for and received a suspension and will become effective for all manufactures beginning with the 1977 model year.

Part 85 of Chapter 1, Title 40, of the Code of Federal Regulations as applicable to 1976 model year light duty vehicles is amended below. These regulations are a restatement of the requirements of the Administrator's decision which is already in effect. Since their substantive requirements have been in effect since July 30, 1973, their publication in this form is made effective on the publication date.

(Sec. 202 of the Clean Air Act, as amended, 42 U.S.C. 1957f-1)

Dated August 16, 1973.

JOHN QUARLES,
Acting Administrator.

Section 85.076-1 of Part 85, Title 40, of the Code of Federal Regulations, applicable to 1976 model year light duty vehicles, is revised to read as follows:

§ 85.076-1 Emission standards for 1976 model year vehicles.

(a) With the exception of the nitrogen oxides exhaust emission standard, the standards and test procedures set forth in § 85.075 remain applicable for the 1976 model year. Exhaust emissions from 1976 model year vehicles shall not exceed:

(1) Hydrocarbons: 0.41 gram per vehicle mile.

(2) Carbon monoxide: 3.4 grams per vehicle mile.

(3) Oxides of nitrogen: 0.40 gram per vehicle mile.

(b) For those manufacturers who have been granted a suspension of the oxides of nitrogen emissions standard specified in pargraph (a), the following standards for exhaust emissions from 1976 model year vehicles shall apply:

(1) Hydrocarbons: 0.41 grams per vehicle mile.
(2) Carbon monoxide: 3.4 grams per vehicle mile.
(3) Oxides of nitrogen: 2.0 grams per vehicle mile.

[FR Doc.73-17419 Filed 8-20-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Gibberellic Acid

A petition (PP 3F1296) was filed by Abbott Laboratories, North Chicago, Ill. 60064, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane at 0.15 part per million.

Subsequently, the petitioner amended the petition by proposing a tolerance for residues of the plant regulator in or on sugarcane and sugarcane fodder and forage at 0.15 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The plant regulator is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.224 is revised to read as follows:

§ 180.224 Gibberellic acid; tolerances for residues.

Tolerances are established for negligible residues of the plant regulator gibberellic acid in or on the raw agricultural commodities artichokes, blueberries, citrus fruits, grapes, hops, leafy vegetables, stone fruits, sugarcane, and sugarcane fodder and forage at 0.15 part per million.

Any person who will be adversely affected by the foregoing order may at any time on or before September 20, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on August 21, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated August 15, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-17423 Filed 8-20-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PURCHASE ORDERS AND SMALL PURCHASES

The following provides updated procedures for the use, preparation, and distribution of purchase orders.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to add the following new entry:

5A-1.7301-1 Assigning purchase order numbers.

Subpart 5A-1.73—Preparation and Distribution of Contract Documents

Section 5A-1.7301 is revised as follows:

§ 5A-1.7301 Purchase order forms.

(a) *GSA Form 300, Purchase order.*—GSA Form 300, illustrated in § 5A-16.950-300, is available as an 8-part or 15-part form. The 15-part version incorporates as the 2nd, 3rd, and 4th copies, the original and two copies of GSA Form 301, Direct Delivery Invoice, illustrated in § 5A-16.950-301. GSA Form 300a, Purchase Order (Continuation Sheet), illustrated in § 5A-16.950-300a, is also available as an 8-part and 15-part form. GSA Form 300 may be used as a purchase order, a delivery order, or as an award document. Special instructions for preparation of GSA Form 300 are set forth in § 5A-16.950-300-1.

(b) *GSA Form 1430, GSA Stores Direct Delivery Order.*—GSA Form 1430, illustrated in § 5A-16.950-1430, is used for ordering stock items that are to be delivered by the vendor direct to the consignee. See HB, Supply Operations, chap. 9 (FSS P 2900.3). Special instructions for preparation of GSA Form 1430 are set forth in § 5A-16.950-1430-1.

(c) *GSA Form 3003, Order for Supplies or Services.*—GSA Form 3003 is a 6-part form designed for use as a computer prepared direct delivery printout, primarily for single line requisitions. The illustration in § 5A-16.950-3003 identifies the spaces that are filled in by ADP and the spaces that require manual completion by the procurement agent when used as a nonstock purchase order.

(d) *GSA Form 3014, Order for Supplies or Services.*—GSA Form 3014, illustrated in § 5A-16.950-3014, is a 10-part form designed for computer and manual preparation. It is used primarily in the automated delivery order (ADO) system for stock replenishment and nonstock direct delivery purchase orders against established sources.

§ 5A-1.7301-1 Assigning purchase order numbers.

(a) *Applicability.*—The purchase order numbering system prescribed below (see illustrations and codes in § 5A-76.320) applies to all purchase orders issued by FSS except stock replenishment purchase orders. The numbering system prescribed in the HB, Supply Operations (FSS P 2900.3), applies to all stock replenishment orders, whether issued against established source contracts by Inventory Management activities or as definitive quantity purchases by procurement activities.

(b) *Composition of purchase order number.*—The purchase order number is a 4-group, 11-position, hyphenated number, such as 6PN-E-25439-2, composed of the following elements:

(1) *Prefix.*—The prefix consists of a three-position code which identifies the buying activity, buying office, and buying program in that order.

EXAMPLE: The prefix "6PN" means Region 6, Procurement, nonstock program.

(2) *Basic number.*—The basic number is a five-digit case file number plus an alpha code prefix which denotes the type of transaction, such as "E-25439." The prefix "E" indicates it is for "export-nonstock regular surcharge," and the five-digit number "25439" denotes the case file number. To avoid any duplication of surcharge, if the cancellation results in termination charges, where a prefix code was used to make a surcharge applicable and the order is canceled, the replacement purchase order shall be issued using an "F" prefix code to indicate that no surcharge is applicable.

(3) *Suffix.*—The suffix consists of one or two positions, as required. The first position identifies the number of orders written against the case file. The first purchase order number and initial case number shall always be numbered "-1." Subsequent purchase orders on the same case file are to be numbered sequentially through 9. If the number of purchase orders exceed 9, additional orders shall be identified by alpha. The second position (alpha) is used to identify the amendments. Thus, in the example number shown in (b) above, the number "2" indicates that it is the second purchase order against the case. Since there is no alpha position shown in the suffix, the purchase order number does not represent an amendment or cancellation.

PART 5A-3 PROCUREMENT BY NEGOTIATION

Subpart 5A-3.6 Small Purchases

Section 5A-3.605-70 is revised as follows:

§ 5A–3.605–70 GSA Form 1430.

For use of GSA Form 1430, GSA Stores Direct Delivery Order, see §§ 5A–1.7301 (b) and 5A–72.107.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to add the following new entries:

5A–16.950–300–1	Special instructions for preparation of GSA Form 300, Purchase Order.
5A–16.950–1430–1	Special instructions for preparation of GSA Form 1430, GSA Stores Direct Delivery Order.
5A–16.950–3003	GSA Form 3003, Order for Supplies or Services.
5A–16.950–3014	GSA Form 3014, Order for Supplies or Services.

NOTE.—Copies of the above forms identified in this Part 5A–16 are filed with the original document.

PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended to add the following new entries:

5A–76.319	Purchase order forms used by buying programs.
5A–76.320	Composition of purchase order number and applicable codes.
5A–76.321	Guide for determination of billed office and consignee codes from incoming requisition data.

NOTE.—Copies of the above exhibits identified in this Part 5A–76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1–101(c))

Effective date.—These regulations are effective on the date shown below.

Dated August 9, 1973.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.73–17380 Filed 8–20–73;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–1—GENERAL

Novation Agreements; Correction

FR Doc. 73–15076, published on page 19824 in the issue dated Tuesday, July 24, 1973, which amended Part 2 of Chapter 14 of Title 41 of the Code of Federal Regulations, is corrected by changing the title in § 14–2.407–1 from "Assistant Secretary—Congressional and Public Affairs" to "Assistant Secretary—Congressional and Legislative Affairs."

JAMES T. CLARKE,
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc.73–17352 Filed 8–20–73;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–132]

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

Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

This amendment provides superseded and added standard terminology developed from Federal Information Processing Standards Publications (FIPS PUBS) initiated by the National Bureau of Standards, U.S. Department of Commerce.

The table of contents for Part 101–32 is amended by the following entries:

101–32.1304–3	FIPS PUB 3–1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI).
101–32.1304–12	FIPS PUB 25, Recorded Magnetic Tape for Information Interchange (1,600 CPI, Phase Encoded).
101–32.1304–13	FIPS PUB 26, One-Inch Perforated Paper Tape for Information Interchange.
101–32.1304–14	FIPS PUB 27, Take-up Reels for One-Inch Perforated Tape for Information Interchange.
101–32.1305–2	FIPS PUB 24, Flowchart Symbols and Their Usage in Information Processing.

Subpart 101–32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

1. Section 101–32.1304–3 is revised to read as follows:

§ 101–32.1304–3 FIPS PUB 3–1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI).

(a) FIPS PUB 3–1 supersedes FIPS PUB 3, reflects a change in scope from the earlier version of X3.22–1967, and encompasses the recorded tape requirements only. The unrecorded tape standard will include the requirements for the physical property of the tape and reels that were previously included in FIPS 3. FIPS PUB 3–1 specifies the recorded characteristics of 9-track digital ½-inch-wide magnetic computer tape, including the data format for implementing the Federal Standard Code for Information Interchange at the recording density of 800 characters per inch (CPI). (Technical specifications of the standard are not included with FIPS PUB 3–1.)

(b) The standard terminology to be used in solicitation documents is:

All 9-track digital magnetic tape recording and reproducing equipments resulting from this solicitation employing ½-inch-wide tape at the recording density of 800 characters per inch (CPI), including associated programs, shall provide the capability to accept and generate recorded tapes in compliance with the requirements set forth in FIPS PUB 3–1.

2. Section 101–32.1304–12 is added as follows:

§ 101–32.1304–12 FIPS PUB 25, Recorded Magnetic Tape for Information Interchange (1600 CPI, Phase Encoded).

(a) FIPS PUB 25 specifies the recorded characteristics of 9-track digital ½-inch-wide magnetic computer tape, including the data format for implementing the Federal Standard Code for Information Interchange at the recording density of 1,600 characters per inch (CPI). (Technical specifications of the standard are not included with FIPS PUB 25.)

(b) The standard terminology for use in solicitation documents is:

All 9-track digital magnetic tape recording and reproducing equipments resulting from this solicitation employing ½-inch-wide tape at the recording density of 1,600 characters per inch (CPI, Phase Encoded), including associated programs, shall provide the capability to accept and generate recorded tapes in compliance with the requirements set forth in FIPS PUB 25.

3. Section 101–32.1304–13 is added as follows:

§ 101–32.1304–13 FIPS PUB 26, One-Inch Perforated Tape for Information Interchange.

(a) FIPS PUB 26 specifies the physical dimensions and tolerances of 1-inch-wide paper tape, including the size and location of the perforations used for recording information. (Technical specifications of the standard are not included with FIPS PUB 26.)

(b) The standard terminology for use in solicitation documents is:

All 1-inch-wide perforated tape and related 8-channel paper tape punch and reading equipment resulting from this solicitation utilized in Federal information processing systems, communication systems, and associated terminals employing perforated tape equipment shall provide the capability to accept and generate tapes in compliance with the requirements set forth in FIPS PUB 26.

4. Section 101–32.1304–14 is added as follows:

§ 101–32.1304–14 FIPS PUB 27, Take-up Reels for One-Inch Perforated Tape for Information Interchange.

(a) FIPS PUB 27 specifies the physical dimensions of paper tape take-up (or storage) reels with either fixed or separate flanges. The two types of reels specified differ in the size and shape of the drive hub, but both are intended for use with 1-inch perforated paper tape devices. (Technical specifications of the standard are not included with FIPS PUB 27.)

(b) The standard terminology for use in solicitation documents is:

All 1-inch perforated tape take-up reels and related devices employing such reels, including paper tape readers, punches, and related tape handling equipment, resulting from this solicitation utilized in Federal information processing systems and associated equipment employing such devices shall provide the capability to accept one of the two types of reels specified in FIPS PUB 27.

5. Section 101-32.1305-2 is added as follows:

§ 101-32.1305-2 FIPS PUB 24, Flowchart Symbols and Their Usage in Information Processing.

(a) FIPS PUB 24 establishes standard flowchart symbols and specifies their use in the preparation of flowcharts in documenting information processing systems. (Technical specifications of the standard are not included with FIPS PUB 24.)

(b) The standard terminology for use in solicitation documents is:

All new information processing system documentation involving the use of flowcharts that may result from this solicitation document must comply with FIPS PUB 24.

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

Effective date.—This regulation is effective on August 21, 1973.

Dated August 10, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-17381 Filed 8-20-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19073; FCC 73-859]

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Report and Order

1. This proceeding was instituted by the Commission's notice of proposed rulemaking adopted on October 28, 1970 (35 FR 17057) for the purpose of amending certain portions of Part 23 of the Commission's rules and regulations dealing with the International Fixed Public Radiocommunications Services to bring them into conformity with the most recent revisions of the applicable International Radio Regulations and to add rules regarding certain matters which were not previously contained in this part.

2. Comments on the proposed rule revisions were received from the following parties:

All America Cables and Radio, Inc./ITT Communications, Inc.-Virgin Islands (AACR/ITT-CIVI).
American Telephone and Telegraph Company (AT&T).
ITT World Communications Inc./Press Wireless, Inc. (ITTWC).
International Telephone and Telegraph Corporation (ITT).
RCA Global Communications, Inc. (RCAGC).

with reply comments being filed by RCAGC. Except for ITT, who filed comments as a manufacturer of microwave communications equipment, these parties are licensees of radio facilities governed by Part 23, and their comments are concerned with the impact of the proposed rule revisions on the operations of their currently authorized radio facilities.

3. Standards for emission limitations are not presently specified in Part 23 of the Commission's rules and regulations. For high frequency (HF) transmitters operating at frequencies below 30 MHz, it was proposed to incorporate the current international standard for the limitation of spurious emissions set forth in Appendix 4 of the applicable International Radio Regulations in a new § 23.15(a)(2). This standard would require that spurious emissions of HF transmitters be attenuated by at least 40 decibels without exceeding the level of 50 milliwatts. This limit of 50 milliwatts is considered unnecessarily stringent by AT&T, ITTWC and RCAGC. Both AT&T and RCAGC state that they are unaware of any harmful interference resulting from spurious emissions from their HF transmitters, and AT&T proposes that this limit be increased to a level of 200 milliwatts which had been an earlier international standard and a level its HF transmitters were designed to meet. In addition, AT&T, ITTWC, and RCAGC estimate that expenditures of $1.5 million, $200,000 and $750,000, respectively, will be required to bring their HF transmitting facilities into compliance with the proposed standards.

4. The assertions of AT&T and RCAGC that they are unaware of harmful interference resulting from spurious emissions from their HF transmitters is not sufficient to guarantee that such interference has not in fact occurred. Nor do these assertions reflect the possibility that spurious emissions from their HF transmitters may have degraded the quality of the HF radio channels operated by others while not being classified as harmful interference. In view of the congested state of the HF portion of the radio spectrum, and since the operation of United States HF radio stations can have a significant impact on the quality of HF radio channels provided by stations located in other administrations at great distances from the United States, it would not be appropriate to adopt emission limitation standards for HF transmitters operated by the United States carriers which are less stringent than the applicable standards agreed to on an international basis. Moreover, the expenditures required to bring existing HF radio facilities into compliance with this international standard are small when compared to total investment in these facilities and do not justify the adoption of emission limitation standards for United States carriers in derogation of the currently applicable international standards.

5. A small measure of relief can be provided in this regard by incorporating the substance of the following provision from Appendix 4 of the International Radio Regulations into the rules to be adopted:

For transmitters of mean power exceeding 50 kilowatts and which operate below 30 MHz over a frequency range approaching an octave or more, a reduction below 50 milliwatts is not mandatory, but a minimum attenuation of 60 decibels shall be provided and every effort should be made to keep within the 50 milliwatt limit.

However, further relaxation of this standard is not warranted, and the proposed 50 milliwatt limit on spurious emissions, as modified by this provision, will be retained in the rules to be adopted.

6. For transmitters operating at frequencies above 30 MHz, emission limitation standards similar to those adopted in the Commission's Rules and Regulations for other services are proposed in the new § 23.15(b). The only comments on this proposal were filed by AT&T who states that it would be difficult to bring its existing over-the-horizon tropospheric scatter systems into compliance with this standard. Noting the limited area affected by the operations of its tropospheric scatter systems and the absence of international standards for emission limitations on transmitters operating at frequencies above 235 MHz, AT&T proposes the inclusion of a provision exempting over-the-horizon tropospheric scatter systems from compliance with the standard proposed in § 23.15(b).

7. In support of this proposal, AT&T states at one point in its comments that it "has been unable to determine the performance characteristics of these systems with respect to spurious emissions in order to comment upon the proposed limitation," but then concludes that "a special development effort of unknown duration and unknown cost will be required to determine if the necessary equipment can be purchased and modified to conform to the proposed tolerance." While there may be potential difficulties in bringing existing over-the-horizon tropospheric scatter systems into compliance with the proposed emission limitation standard, the comments of AT&T on this matter are clearly insufficient to justify a general provision in the rules exempting these systems from compliance with the emission limitation standard. Therefore, we will not incorporate this proposal in the rules to be adopted, noting that this does not foreclose AT&T from filing requests for a waiver of this requirement on a case-by-case basis, supported by detailed showings of the reasons why compliance is not technically or economically feasible.

8. The proposed rule revisions would replace the present § 23.30 with a new § 23.16 specifying more stringent standards for frequency stability of transmitters operating at frequencies below 30 MHz and establishing new standards for transmitters operating at frequencies between 30 MHz and 40 GHz.

9. RCAGC objects to proposed frequency tolerance of .001 percent applicable to its international control stations in the state of New York. Noting

that these stations are currently licensed with a frequency tolerance of .05 percent, RCAGC considers this proposed standard an unreasonably drastic tightening of the frequency tolerance standard governing these stations. We find some merit in these comments, and since the particular frequency band in which these stations operate, i.e. 1850–1990 MHz, is shared with stations in the operational fixed service for which a frequency tolerance standard of .02 percent is applicable, we consider it appropriate to adopt the same frequency tolerance standard of .02 percent for stations in the International Fixed Public Radiocommunications Services operating in the 1850–1990 MHz frequency band.

10. As a manufacturer of microwave communications equipment, ITT proposes that the frequency tolerance standard for the 2.2–10.5 GHz band be set at the same level as for stations in the domestic microwave service. We find merit in this proposal, and since the current standard in Part 21 of the Commission's rules and regulations for stations in the domestic common carrier microwave service in the 2.5–10.5 GHz band is currently set at .03 percent, it is this value that will be incorporated in the rules to be adopted.

11. In their joint comments, AACR/ITT–CIVI describe the facility modifications and replacements which they consider necessary to bring their currently authorized facilities into compliance with the proposed frequency stability and emission limitation standards, concluding that a period of approximately two years would be required. AT&T estimates that about six months would be required to bring its HF transmitters into compliance with the proposed frequency stability standard and that between one and two years would be required to develop the necessary equipment to bring its 840 and 880 MHz tropospheric scatter system into compliance with the applicable frequency stability standard. ITTWC and RCAGC estimate that about two and three years, respectively, would be required to bring their HF transmitters into compliance with the proposed emission limitation standard. In addition, ITTWC and RCAGC point to the declining use being made by them of their HF radio facilities in providing their international communications services and suggest that additional time be allowed to permit them to make determinations relating to the long term use to be made of these facilities in an international communications network comprised mainly of underseas cable and communication satellite facilities.

12. However, this latter point concerning the long term use to be made of HF radio facilities should have been addressed by these parties in the formulation of their comments in Docket No. 18875 (An Inquiry into policy to be followed in future licensing of facilities for overseas communications) which was initiated prior to the adoption of the Notice of Proposed Rule Making in this proceeding, and deferral of the effective date of compliance for this purpose is not warranted. We conclude that a period of two years should be sufficient to perform the necessary modifications to existing facilities to bring them into compliance with the frequency tolerance and emission limitations standards to be adopted, without causing interruption to the services being provided by these facilities, and the required date by which existing facilities must be brought into compliance with these standards will be deferred for a period of two years from the effective date of the rule revisions adopted here.

13. With respect to the proposed § 23.13 "Types of emission", both ITTWC and RCAGC propose that this section be modified to allow the use of emissions not centered on the assigned frequency in order to allow a measure of flexibility in avoiding interfering signals and in meeting fluctuating traffic loads. Provisions to this effect are presently contained in several licenses of HF radio stations, and there is merit in the incorporation of this provision in the rules to be adopted. However, use of non-centered emissions is not intended to be a normal operating practice, and the use of non-centered emissions will be subject to conditions that emsisions be contained within the authorized bandwidth centered on the assigned frequency and that a list of reference frequencies be maintained on file with the Commission.

14. ITTWC requests clarification of possible interpretations of certain portions of §§ 23.47 and 23.48 dealing with station record requirements. ITTWC states that it maintains a teleprinter connection between its New York City operating center and its HF radio station at Brentwood, New York, and that each entry of the station records is made on the continuous teleprinter roll together with the printed initials of the person making the entry. Actual signatures of persons making entries on this roll are entered only at the beginning and end of each watch. ITTWC believes that this system provides a complete and accurate record of the information required under Part 23 of the Rules, and ITTWC is concerned that a strict interpretation of the proposed rule revisions would require that each individual entry be signed, which it believes to be an inefficient procedure. ITTWC is also concerned with a strict interpretation of § 23.48 would require the maintenance of a physically separate technical log, which would require that entries made on the teleprinter roll be transferred to the technical log. In its opinion, such a procedure has the potential of introducing errors into the technical log, as well as being inefficient.

15. The intent of the proposed §§ 23.47 and 23.48 was to set forth standards for the maintenance of clear and accurate station records that could be accessed on an efficient basis. To the extent that the technical information specified in § 23.48 can be maintained in such a manner without physically separating this information from other station records, we do not construe the adoption of a separate § 23.48 of the rules dealing with this technical information to necessarily imply that this information has to be maintained in a physically separate log. In addition, we will also modify § 23.47(b) of the rules to be adopted to allow a person to certify a number of entries made by him during his watch by his signature, provided that the identity of the person making each entry is clearly indicated.

16. In addition to the modifications of the proposed rule revisions discussed above, several minor editorial changes will also be incorporated in the rules to be adopted for purposes of clarification. No matters of substance are involved in these changes. In addition, several additional definitions of technical terms referenced in Part 23 will be incorporated in the rules to be adopted.

17. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communication Act of 1934, as amended, *It is ordered*, That Part 23 of the Commission's rules and regulations are amended effective September 19, 1973 as set forth below.

18. *It is further ordered*, That the proceeding in Docket 19073 is terminated.

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

Adopted August 8, 1973.

Released August 15, 1973.

FEDERAL COMMUNICATIONS[1] COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 23 of the Commission's rules and regulations is amended as follows:

1. Section 23.1 and headnote are revised to read as follows:

§ 23.1 Definitions.

Assigned frequency. The frequency coinciding with the center of an authorized bandwidth of emission.

Authorized bandwidth. The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be occupied bandwidth or necessary bandwidth, whichever is greater.

Authorized reference frequency. A frequency having a fixed and specific position with respect to the assigned frequency.

Authorized service. The term "authorized service" of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined herein subject to such special provisions as may be contained in the license of the station or in accordance with § 23.53.

Fixed public service. The term "fixed public service" means a radiocommunication service carried on between fixed stations open to public correspondence.

[1] Commissioners H. Rex Lee, Reid, and Hooks.

Fixed public press service. The term "fixed public press service" means a limited radio communication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 23.53.

NOTE.—This section is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.

Fixed station. The term "fixed station" in the fixed public or fixed public press service includes all apparatus used in rendering the authorized service at a particular location under a single instrument of authorization.

Frequency tolerance. The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or by the carrier, or suppressed carrier, from the reference frequency.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 states (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 states (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be the international fixed public radiocommunications service; provided, however, that communications solely between Alaska, or any one of the contiguous 48 states (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

International fixed public control service. A fixed service carried on for the purpose of communicating between transmitting stations, receiving stations, message centers or control points in the international fixed public radiocommunication service.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

Point-to-point telegraph station. The term "point-to-point telegraph station" means a fixed station authorized for radiotelegraph communication.

Point-to-point telephone station. The term "point-to-point telephone station" means a fixed station authorized for radiotelephone communication.

Point of communication. The term "point of communication" means a specific location designated in the license to which a station is authorized to communicate for the transmission of public correspondence.

Radiotelegraph. The term "radiotelegraph" as used in this part shall be construed to include types A0, A1, A2, A4, F1, F2, and F4 emission.

Radiotelephone. The term "radiotelephone" as used in this part, with respect to operation on frequencies below 30 MHz, means a system of radiocommunication for the transmission of speech or, in some cases, other sounds by means of amplitude modulation including double sideband (A3), single sideband (A3A, A3H, or A3J) or independent sideband (A3B) transmission.

§§ 23.2—23.10 [Deleted]

2. Sections 23.2 through 23.10 are deleted.

§ 23.11 [Amended]

3. In § 23.11, reference to § 23.10 is changed to § 23.1.

4. Section 23.13 and headnote are revised to read as follows:

§ 23.13 Types of emission.

Stations in the international fixed public radiocommunication services may be authorized to use any of the types of emission or combinations thereof, described in Part 2 of this chapter, as well as new types which may be developed: *Provided,* That harmful interference to adjacent operations is not caused thereby, *And provided further,* That the intelligence to be transmitted will use the bandwidth requested to a degree of efficiency compatible with the current state of the art. A determination of the possibilities of interference will be made as outlined in § 23.20. In certain cases frequencies or emissions may be authorized on a temporary basis to determine if interference will occur. During normal operations, emissions shall be centered about an assigned frequency. Non-centered emissions may be employed for short periods of time as needed to avoid interfering signals or meet fluctuating traffic loading *provided* that the occupied bandwidth of these emissions be contained within the authorized bandwidth, and *provided further* that prior to any such use, the Commission be notified of the reference frequency or frequencies proposed to be used in lieu of the assigned frequency.

5. Sections 23.14 through 23.19 are added to read as follows:

§ 23.14 Emission, bandwidth, modulation and transmission characteristics.

In the services under this part emissions are designated by their classification and their necessary bandwidth in accordance with the following procedures:

(a) Designation of emissions in applications. In applying for new frequency assignments for emissions not presently authorized, the emissions proposed to be used shall be described and their bandwidths specified as outlined in Part 2 of this chapter.

(b) Designation of emissions in authorizations. The emission designations used in authorizations will indicate only the maximum value of the necessary bandwidth in kilohertz for each type of modulation authorized.

(c) New types of emissions. If application is made for a type of emission not covered by Part 2 of this chapter, a full description of the emission must be provided and, if possible, measurements of its occupied bandwidth.

§ 23.15 Emission limitations.

(a) For all transmitters placed into operation after September 19, 1973, and for all transmitters after September 19, 1975, which operate on frequencies below 30 MHz:

(1) The occupied bandwidth of emission shall be confined within the least possible spectrum space consistent with the state of the art and the required quality of transmission, and in no event shall be more than the authorized bandwidth.

(2) Spurious emissions of transmitters of mean power of 50 kilowatts or less shall be attenuated at least 40 decibels below the mean power of the fundamental without exceeding the power of 50 milliwatts.

(3) Spurious emissions of transmitters of mean power exceeding 50 kilowatts shall be attenuated at least 60 decibels below the mean power of the fundamental and every effort should be made to keep the level of spurious emissions below the power of 50 milliwatts.

(b) For all transmitters placed into operation after September 19, 1973, and for all transmitters after September 19, 1975, which operate on frequencies above 30 MHz, the mean powers of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: at least 40 plus 10 log (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than that specified in this section.

§ 23.16 Frequency tolerances.

The frequency tolerance for stations in the International Fixed Public Radiocommunications Services shall be maintained as prescribed in the following table:

Frequency range	Tolerances applicable to new transmitters installed after Sept. 19, 1973, and to all transmitters after Sept. 19, 1975	
	Percent	Parts per million
10 to 50 kHz	0.1	1,000
50 to 535 kHz	.02	200
1605 to 30,000 kHz	.0015	15
30 to 50 MHz	.002	20
50 to 1,000 MHz	.0005	5
1,000 to 1,850 MHz	.001	10
1,850 to 1,990 MHz	.02	200
1,990 to 2,500 MHz	.001	10
2,500 to 10,500 MHz	.03	300
10,500 to 40,000 MHz	.05	500

§ 23.17 Frequency measurement.

Each station shall provide for the measurement of all frequencies assigned thereto, and establish a procedure for checking them regularly. These measurements shall be made by means independent of the frequency control of the transmitter and shall be of accuracy sufficient to detect deviation from the assigned frequency within one-half of the allowed tolerance. A record shall be kept of the results and dates of all frequency measurements.

§ 23.18 Authorization of power.

(a) *Authorized power.* Power, when designated in the respective station license for a particular transmitter or transmitters, is peak envelope power for transmitters having full, unkeyed carrier, single sideband or independent sideband emissions, and mean power for transmitters having other emissions, unless specifically expressed otherwise. Designation of effective radiated power may appear in the station license in addition to designation of power for a transmitter or transmitters, when deemed necessary by the Commission.

(b) *Use of minimum power.* In the interest of avoiding interference to other operations, all stations shall radiate only as much power as is necessary to ensure a satisfactory service.

§ 23.19 Use of directional antennas.

Insofar as is practicable, directional antennas, of type consistent with the current state of art, shall be used on all circuits for both transmitting and receiving.

6. Section 23.21 and headnote are revised to read as follows:

§ 23.21 Communications by international control stations.

Stations in the international fixed public control service are authorized to communicate between transmitting stations, receiving stations, message centers or control points operating in the international fixed public radiocommunication services for the purpose of handling service messages or international traffic between these points: *Provided,* That only traffic originating in or destined to points outside the contiguous states may be handled. Frequencies in bands designated for international control stations in Part 2 of this chapter may be assigned to these stations.

§ 23.22 [Deleted]

7. Section 23.22 is deleted.

§ 23.29 [Amended]

8. In § 23.29, substitute the figure 5 for the figure 2 where it appears in the first sentence.

§ 23.30 [Deleted]

9. Section 23.30 is deleted.

§ 23.33—§ 23.34 [Deleted]

10. Sections 23.33 and 23.34 are deleted.

11. Section 23.41 and headnote are revised to read as follows:

§ 23.41 Quarterly report of frequency usage.

(a) Transmitted frequencies: Each licensee in the international fixed radiocommunication services shall submit a report of frequency usage for all authorized frequencies below 30 MHz for each station. If more than one station is operated from a common control point, reports for the stations may be combined into one. This report shall be due 40 days after the close of each calendar quarter and shall contain the following information: Each frequency assigned to the station or stations and the number of hours it was used during the quarter to each point of communication for each class of service rendered (such as telegraph, telephone, program, or radiophoto), the types of emission normally used to each point of communication, and the total hours each frequency was used.

(b) Received frequency report: Upon specific request by the Commission, licensees in the international fixed public radiocommunication services shall furnish promptly the following information regarding frequencies received from all points of communication: All frequencies received, including call signs, location of transmitting station, type and bandwidth of emission normally employed, point of reception, and a symbol from the following table indicating the amount of usage of the particular received frequency.

Symbol	*Usage*
D	Daily regular use during business days.
O	Occasional use; not used daily, but offered frequently when required by propagation or operational conditions.
S	Seldom received; where records indicate light use during the past year.
L	Limited use; limited by solar activity to a part of the solar cycle or to a part of each year.

The following criteria shall be used to determine whether or not a frequency shall be reported as received:

(1) Report all frequencies regularly used during the period under consideration.

(2) Report frequencies received consistently during a substantial part of any cyclical change in frequency usefulness even though they may be unused for considerable periods of time during another part of the cycle.

(3) Do not report any frequency, the use of which is known to have been discontinued or transferred to another operation by a foreign correspondent.

(4) Do not report any frequency which has been inactive for a period of 6 months or longer, except as indicated in paragraph (2) of this section.

12. Section 23.46 and headnote are revised to read as follows:

§ 23.46 Operators, class required and general duties.

(a) The operation and control of all transmitting apparatus licensed at a station in the international fixed public radiocommunication services shall be carried on only by a person holding a valid operator license issued by the Commission, except as provided in other paragraphs of this section.

(b) Classes of operator licenses required are as follows:

(1) Radiotelegraph stations: Radiotelegraph or Radiotelephone first- or second-class license: *Provided, however:*

(i) If manual morse code keying is used for transmitting public correspondence, the person manipulating the telegraph key shall be the holder of a radiotelegraph first- or second-class license except as provided by paragraph (iv of this section;

(ii) If manual morse code keying is used only for the purposes of identification or for sending service messages, the person manipulating the telegraph key shall be the holder of a radiotelegraph third-class permit or higher class of radiotelegraph license except as provided by paragraph (iv) of this section;

(iii) If automatic keying equipment is used, the operator of such equipment may send short service signals (requests for repeats, etc.) by manual morse code without being the holder of a radio operator license.

(iv) Unlicensed telegraph operators of appropriate skill as determined by the radio station licensee may manipulate the telegraph key of radiotelegraph stations provided that properly licensed radiotelegraph operators are on duty at the transmitting station or authorized remote control point and that such licensed operators are fully responsible for the proper operation of the transmitting equipment.

(2) Radiotelephone stations: Radiotelephone first- or second-class license: *Provided, however,* that, if manual morse code keying is employed in accordance with § 23.12, the person manipulating the telegraph key shall be the holder of a valid radiotelegraph third-class permit or higher class of radiotelegraph license.

(3) Radiotelegraph - Radiotelephone stations: Provisions under subparagraph (1) of this paragraph are applicable.

(4) International control stations: Radiotelegraph or radiotelephone first- or second-class license.

(c) One or more licensed operators of the grade specified in paragraph (b) of this section shall be on duty at the place where the transmitting apparatus is located and in actual charge thereof when it is being operated: *Provided, however,* That:

(1) In case of stations in these services operating on frequencies above 30 MHz, the Commission may authorize unattended operation upon application therefor and showing that the equipment is so designed and constructed as to make such operation feasible. When such unattended operation is authorized, properly licensed operators shall be on duty at a terminal of the system of which the unattended station or stations are a part or shall be available on call to perform necessary maintenance duties.

(2) In the case of a station where remote control is used, the Commission may grant authority to employ an operator or operators at the control point in lieu of the place where the transmitting apparatus is located, provided that the following conditions are complied with:

(i) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(ii) A device shall be provided at the remote control point which gives a continuous visual indication whenever the control circuits have been placed in a condition to activate the radio transmitting apparatus.

(iii) Provision shall be made to monitor aurally all transmissions originating under control of the responsible operator at the remote point.

(iv) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license or applicable provisions of this chapter.

(v) When remote control of a transmitter is performed from a separate location such as a message center or telephone exchange and manual morse code keying is not used, the operator(s) at that point need not be licensed by the Commission provided that licensed operator(s) are on duty at the transmitter location or authorized remote control point at all times that the station is in operation, and they are fully responsible for the proper operation of the transmitting equipment. If manual morse code keying is used at a remote control point, the provisions of paragraph (b)(1) of this section shall apply.

(3) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding the proper license, who shall be responsible for the proper functioning of the radio facilities. A radiotelephone station must be under the supervision of a person holding a radiotelephone or radiotelegraph first- or second-class license, and a radiotelegraph station must be under the supervision of a person holding a radiotelegraph first- or second-class license.

(4) When a radio station is not radiating, persons of appropriate technical skill, who are not licensed radio operators, may perform the functions described in subparagraph (3) of this section without direct supervision after having been authorized to do so by the responsible licensed operator under whose immediate supervision the facilities shall thereafter initially be placed in operation and be determined to be operating properly.

13. Section 23.47 and headnote are revised to read as follows:

§ 23.47 Station records.

(a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations, or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be made by a person qualified to do so and having actual knowledge of the facts to be recorded, and each entry shall clearly identify the person making the entry. Each entry or group of entries shall be certified by the signature of the person or persons responsible: *Provided,* That each physical page contain such certification: *And provided further,* That any such group of entries contain entries made only during a single daily period of duty.

(c) No record or portions thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the corrections made, and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least 1 year: *Provided, that:*

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suit upon such claim.

14. Section 23.48 are revised to read as follows:

§ 23.48 Content of station records.

(a) For each station in the services under this part, except stations in the international fixed public control service, the licensee shall maintain a technical log of the station operating showing:

(1) Signature of each licensed operator responsible for the operation of the transmitting equipment and an indication of his hours of duty.

(2) Hours of use of each frequency assignment and type of emission indicating time of beginning and end of each period of operation and points of communication to which each frequency is used (or area if service is pursuant to § 23.53).

(3) Hours of use of each transmitter indicating time of beginning and end of each period of operation.

(4) Power input to the final stage of each transmitter.

(5) Dates and results of each frequency measurement.

(b) For stations in the international fixed public control service, the licensee shall maintain a technical log of the station operating showing:

(1) Normal hours of operation and dates and times of interruptions to service.

(2) Dates and results of each frequency measurement.

(3) When service or maintenance duties are performed, the responsible operator shall sign and date the station record giving pertinent details of all duties performed by him or under his supervision; his name and the class, serial number, and date of expiration of his license.

(c) For each station having an antenna structure which is required to be obstruction-lighted, appropriate entries shall be made in the station's technical log as required by § 23.39.

§ 23.49 [Redesignated]

15. Section 23.49, "Equal employment opportunities", is redesignated as § 23.55. Former § 23.48, "Discontinuance of operation", is redesignated as new § 23.49.

16. Section 23.50 is added to read as follows:

§ 23.50 Place of filing application; fees and number of copies.

(a) Standard numbered forms applicable to the international fixed public radiocommunication services discussed within the subpart are as follows:

Form No.	*Description*
403	Application for radio station license or modification thereof.
405	Application for renewal of radio station license in specified services.
407	Application for radio station construction permit.
408	Application for temporary authorization in addition to authority contained in license.
408	Application for temporary authorization in addition to authority contained in license.
701	Application for additional time to construct radio station.

Form No.	Description
702	Application for consent to assignment of radio station construction permit or license (for stations in services other than broadcast).
704	Application for consent to transfer of control of corporation holding common carrier radio station construction permit or license.
714	Supplement to application for new or modified radio station authorization (concerning antenna structure notification to FAA).

These forms may be obtained from the Secretary, Federal Communications Commission, Washington, D.C. 20554, or from any of the Commission's engineering field offices, the addresses of which are listed in § 0.121(a) of this chapter.

(b) Every application for a radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, D.C. 20554.

(c) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(d) Each application shall be accompanied by a non-refundable fee prescribed in Subpart G of Part 1 of this chapter.

CROSS REFERENCE TABLE TO REVISED PART 23

Old Number	New Number
23.1	Revised 23.1
23.2	23.1
23.3	23.1
23.4	23.1
23.5	23.1
23.6	23.1
23.7	23.1
23.8	23.1
23.9	23.1
23.10	23.1
23.11	Amended 23.11
23.12	23.12
23.13	New 23.50
—	New 23.18
—	New 23.19
23.20	23.20
23.21	New 23.13, 23.14, 23.15
—	New 23.21
23.22	New 23.13, 23.14, 23.15
23.23	23.23
23.24	23.24
23.25	23.25
23.26	23.26
23.27	23.27
23.28	23.28
23.29	Amended 23.29
23.30	New 23.16
23.31	23.31
23.32	23.32
23.33	Delete 23.33
23.34	New 23.17
23.35	23.35
23.36	23.36
23.37	23.37
23.38	23.38
23.39	23.39
23.40	23.40
23.41	Revised 23.41
23.42	23.42
23.43	23.43
23.44	23.44
23.45	23.45
23.46	Revised 23.46
23.47	Revised 23.47
—	New 23.48
23.48	Revised 23.49
23.49	New 23.55
23.51	23.51
23.52	23.52
23.53	Revised 23.53
23.54	23.54

[FR Doc.73-17286 Filed 8-20-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1148]

PART 1033—CAR SERVICE

Graham County Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of August 1973.

It appearing, that the Graham County Railroad Company has filed an application with the Interstate Commerce Commission in Finance Docket No. 27463 for a certificate of public convenience and necesssity authorizing the operation over approximately 12.5 miles of existing line of track, not now operated by a common carrier, between a point of connection with the Southern Railroad Company at Topton Junction, North Carolina, located approximately 11.5 miles east of Robbinsville, North Carolina, and a point approximately 1 mile west of Robbinsville, North Carolina, together with approximately 9,500 feet of existing yard, team, and interchange tracks; that this track is the only source of rail service between the aforementioned points; that the Commission is of the opinion that there is immediate need for service over this line pending decision by the Commission in Finance Docket No. 27463, and that the operation of this line by the Graham County Railroad Company is necessary in the interest of the public and the commerce of the people; and that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1148 Service Order No. 1148.

(a) *Graham County Railroad Company authorized to operate over trackage in Graham County, North Carolina.*—The Graham County Railroad Company be, and it is hereby, authorized to operate over approximately 12.5 miles of existing line of track in Graham County, North Carolina, not now operated by a common carrier, between a point of connection with the Southern Railroad Company at Topton Junction, North Carolina, located approximately 11.5 miles east of Robbinsville, North Carolina, and a point approximately 1 mile west of Robbinsville, North Carolina, together with approximately 9,500 feet of existing yard, team, and interchange tracks.

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

(c) *Effective date.*—This order shall become effective at 12:01 a.m., August 21, 1973.

(d) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., December 31, 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.73-17391 Filed 8-20-73;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 28—PUBLIC ACCESS, USE AND RECREATION

Upper Mississippi River Wild Life and Fish Refuge, Illinois and Certain Other States

The following special regulations are issued and are effective on August 21, 1973.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public use is permitted on the Upper Mississippi River Wild Life and Fish Refuge in accordance with state laws and subject to the following special conditions:

(1) The cutting of all live trees is prohibited, except that willow may be used for trap stakes, commercial fishing gear and hunting blinds.

(2) No live fire, including hot charcoal, shall be buried and/or left unattended.

(3) The abandonment, burying or placing in the water of garbage, trash, camping and picnic debris, and all other deleterious materials is prohibited.

(4) The use on refuge lands of motorized vehicles of any type is prohibited except on designated public roads and routes of travel as established by the refuge manager.

(5) All state laws on use, possession, transportation and sale of alcoholic beverages which are applicable to the geographic area concerned are adopted and made a part hereof.

(6) The use and/or possession on the refuge of all controlled substances, including but not limited to opiates, cocaine, marijuana, hashish, depressants, stimulants, or hallucinogenic drugs is prohibited except when such use or possession is for the person's own use as authorized by law. All state laws on controlled substances applicable to the geographic area concerned are adopted and made a part hereof.

(7) Camping, defined as the use of tent camps; bedrolls; and all types of floating craft, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is permitted on the Upper Mississippi River Wild Life and Fish Refuge subject to the following restrictions:

(a) The period of camping by an individual or group shall not exceed fourteen (14) consecutive days at any one site or within 300 feet of such site.

(b) The leaving of tents, camping equipment or floating craft at an unoccupied campsite for more than 24 hours is prohibited. Such gear will be considered as abandoned and is subject to impoundment.

(c) The erection of tables, fireplaces, latrines and other structures and facilities related to camping is prohibited unless all vestiges of same are removed when the camper departs from the site.

(d) Camping is prohibited on developed access and parking areas and on all other areas posted against camping. Camping on the refuge while engaged in fur animal trapping is prohibited. Camping on land on the refuge while engaged in hunting is prohibited except on sites readily visible from the main commercial navigation channel of the Mississippi River or on designated developed camp sites. Camping while engaged in hunting is prohibited in all areas closed to such hunting.

(8) The placement on the refuge of boathouses, boat docks, boat slips, storage boxes or sheds, stairways, wells, septic systems, sewer systems of any type, and all other kinds and types of construction is prohibited without written authorization of the refuge manager or his authorized representative. All new structures, including boathouses, houseboats, docks, piers and floats authorized by permit to be moored, anchored, or secured along the shoreline and on the waters of the Mississippi River within the Upper Mississippi River Wild Life and Fish Refuge must use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material, wood timbers, or other inert materials to provide flotation. The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited for new structures *or for replacement of flotation devices in existing structures* unless filled with polyurethane.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective until June 30, 1974.

WAYNE E. GUESWEL,
Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge.

JULY 23, 1973.

[FR Doc.73-17351 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on August 21, 1973.

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of Ruffed Grouse and Snowshoe Hare on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Michigan 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 governing the hunting of these species subject to the following special conditions:

(1) That portion of the refuge designated as Area A is closed to all hunting until November 15.

(2) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, All-Terrain Vehicles, and snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements 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 February 28, 1974.

LAWRENCE G. KLINE,
Refuge Manager, Seney National Wildlife Refuge, Seney, Michigan.

AUGUST 9, 1973.

[FR Doc.73-17346 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on August 21, 1973.

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

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

The public hunting of ruffed grouse, grey and fox squirrels, rabbits and hares, and pheasants on the Sherburne National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,679 acres, is delineated on a map available at refuge headquarters, Box 158, Princeton, Minnesota 55371, 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 covering the hunting of upland game subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Snowmobile operation is prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11, and 48.

(4) Overnight camping and open fires are prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Construction of any permanent artificial scaffold, platform, blind, or other construction is prohibited.

The provisions of these special regulations 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 March 1, 1974.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Princeton, Minnesota.

AUGUST 14, 1973.

[FR Doc.73-17350 Filed 8-20-73;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on September 21, 1973.

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Wheeler National Wildlife Refuge is

permitted only on the area designated by signs and/or on hunt maps as open to hunting. This open area, comprising that part of the Wheeler National Wildlife Refuge located within the boundaries of the Redstone Arsenal Reservation, is delineated on maps available at the Refuge Headquarters, Box 1643, Decatur, Alabama 35601, the Provost Marshal's Office at Redstone Arsenal, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of white-tailed deer and regulations governing hunting on Redstone Arsenal, subject to the following special conditions:

(1) Hunting shall be by daily permit only, to be obtained from the Provost Marshal's Office, Redstone Arsenal, or his representatives. Civilians will be given parity with military personnel in the issuance of these permits.

(2) Hunting will be limited to the periods October 20–21, 1973, November 3–4, 1973, and November 17–18, 1973, archery only, either sex; November 24–25, 1973, December 8–9, 1973, and December 21–23, 1973, guns only, antlered bucks only; and December 29, 1973, January 5, 1974, and January 12, 1974, guns only, either sex.

(3) Arms are limited to shotguns of gauges 20 to 12 and loaded with single ball only and longbows with broadhead arrows.

The provisions of this special regulations 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 January 12, 1974.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of deer with longbow and arrow on the Holla Bend National Wildlife Refuge, Arkansas, is permitted. This area, comprising approximately 6,367 acres, is delineated on a map available at Refuge Headquarters, Box 746, Russellville, Arkansas 72801, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting dates: October 1 through November 17, 1973.

(2) Hunters may not enter the refuge earlier than 2 hours before official sunrise daily.

(3) No firearms permitted.

(4) All deer taken must be reported before leaving the refuge.

(5) Only portable tree stands capable of being quickly removed are permitted.

(6) Hunters are prohibited from driving vehicles across or otherwise damaging standing crops and may not park their vehicle so as to block any road or thoroughfare.

(7) All hunters must register upon entering the refuge each day.

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 November 17, 1973.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting for white-tailed deer on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer, beaver, and feral hogs.

(2) Open season: Archery—October 16–30; Muzzle loading rifle—October 26–27; Gun—November 23–24 and November 30–December 1, 1973.

(3) Bag limits: Muzzle loading rifle—one antlered deer having at least 3 points or forked antlers, beaver, and feral hogs; Archery and Gun—one deer of either sex, beaver, and feral hogs.

(4) Weapons: (a) Gun—in accordance with State regulations.

(b) Archery—longbows only with a minimum pull of 40 pounds and arrows with a ⅞ inch minimum width blade.

(c) Muzzle loading rifles—fired by flintlock or percussion cap, with bore not smaller than forty caliber using a single ball or slug.

(5) Shooting is not allowed from boats, vehicles, or roadways used by vehicles. Dogs and horses are not allowed, and all vehicles, including Jeeps, Scouts, Tote Goats, Hondas, etc., must stay on roads and trails. Shooting hours are 30 minutes before sunrise to 30 minutes after sunset. Camping is permitted in designated areas. Hunters may enter the open hunting area at noon on the date preceding each hunt. Fires can be built only at the campsites.

(6) Deer killed during the 4 days of gun hunting must be tagged immediately with the State and Federal tags and also checked at one of the designated check stations between 7:30 A.M. and 7 P.M.

(7) Hunters may not return to hunt hogs or beaver after they have killed a deer.

(8) No permit required for archery hunt. Permits are required for the gun hunts. Gun hunters under 18 years of age must be accompanied by an adult.

(9) All hunters must exhibit their hunting license, deer tag, 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.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer and feral hogs is permitted on approximately 775 acres of Lake Woodruff National Wildlife Refuge. The area open to hunting includes all of Tick Island as delineated on a map available at the Refuge Headquarters, Post Office Box 488, DeLeon Springs, Fla. 32028, or from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer and hogs, subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer (either sex on archery hunt; antlered bucks only on primitive gun hunt) and hogs.

(2) Bag limits: White-tailed deer—one per season; hogs and pigs—no limit.

(3) Open seasons: Bow and arrow—November 17–18, 1973, and December 1–2, 1973. Primitive gun—December 15–16, 1973, and December 29–30, 1973.

(4) Methods of hunting—(a) Bow and arrow seasons—longbows capable of casting a 1-ounce hunting arrow 150 yards. Sharp broadhead arrows must be used. Firearms and crossbows are prohibited. Hunters must be on stands from one-half hour before sunrise to 1½ hours after sunrise. No stalking or movement through the woodlands is permitted during the stand hours.

(b) Primitive gun season—Weapons permitted are muzzle loading percussion cap or flint lock rifles with a single or double rifled barrel of .40 caliber (.40 inch) minimum and a .58 caliber (.58 inch maximum bore. Minimum barrel length is 20 inches.

(5) Access and hours of use: No overnight use is permitted on the refuge. No entry will be permitted on the island prior to 1½ hours before sunrise and all hunters must be off the island by 1 hour after sunset. Access to the island is by boat, and hunters must furnish their own transportation. All access shall be through the check station on the north side of the island. Boats must be left at the check station while the hunter is on the island.

(6) Permits: Each participant must have in his possession a valid hunting permit issued by the Lake Woodruff National Wildlife Refuge in addition to any required State permits, licenses, etc. Permits are not transferable.

(7) Scouting: All participants issued a hunting permit by the refuge will be allowed to visit the hunt area on November 9 and 10, 1973, from 8 a.m. to 5 p.m. The hunting permit should be in possession. Weapons or dogs are not allowed. Participants may bring their families or friends while scouting the area.

(8) A red, orange, or yellow outer garment (cap, hat, shirt, coat, vest, etc.,) must be visible while hunting.

(9) Individuals under 18 years of age will not be permitted to hunt unless accompanied by a responsible adult.

(10) All fires are prohibited.

(11) No dogs are allowed on the refuge.

(12) It is unlawful to drive a nail, spike, or other metal object into any tree, or to hunt from any tree in which a metal object has been driven.

(13) Littering, cutting, or blazing live trees; disturbing any other forms of wildlife; or digging in Indian mounds is prohibited.

(14) Apprehension of a participant for any infraction of regulations shall be cause for immediate revocation of his hunting permit.

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 30, 1973.

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer and wild hogs on the St. Marks National Wildlife Refuge, Florida, is permitted only in the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer and wild hogs.

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.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer, feral (wild) hogs, raccoons, and opossums is permitted on 12,358 acres of St. Vincent National Wildlife Refuge. The open area, including all of St. Vincent Island, is delineated on a map available at the Refuge Headquarters, Post Office Box 447, Apalachicola, Fla. 32320, or from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, wild hogs, raccoons, and opossums, subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer—either sex on archery hunts. Antlered bucks only on primitive gun hunt. Hogs and pigs (any size) raccoons, and opossums.

(2) Bag limits: White-tailed deer—1 per day, 2 per season. Hogs and pigs, raccoons, and opossums—no bag limits.

(3) Open seasons: Bow and arrow—October 18–21, 1973, and November 22–25, 1973. Primitive gun—December 13–16, 1973.

(4) Methods of hunting: (a) Bow and arrow seasons: Longbows capable of casting a 1-ounce hunting arrow 150 yards and sharp broadhead arrows. Firearms and crossbows are prohibited. Hunters must be on stands from ½ hour before sunrise to 1½ hours after sunrise. No stalking or movement through the woodlands is permitted during the stand hunt hours. There will be no required afternoon stand period although still hunting is encouraged from 4:00 P.M. until sunset.

(b) Primitive gun season: Weapons permitted are muzzle loading percussion cap or flint lock rifles with a single or doubled rifled barrel of .40 caliber (.40 inch) minimum and a .58 caliber (.58 inch) maximum bore. Minimum barrel length is 20 inches. Stand hunting is not required during the hunt season December 13–16, 1973.

(5) Permit requirements: (a) Archery hunts: a nontransferable hunting permit must be obtained at one of the check stations on the island before hunting. This permit must be kept in possession while hunting.

(b) Primitive gun hunt: Each participant must have in his possession a valid hunting permit issued by the St. Vincent National Wildlife Refuge office in Apalachicola. These permits are not transferable.

(6) Access: Initial entry onto St. Vincent Island is restricted to two check stations throughout the hunts. These are designated Campsite 1 and Campsite 2 on the hunting area map. Each hunter must check in upon initial entry and check out before he leaves the island on his last hunting day. The use of boats to gain access at other designated locations is permitted following check-in. Boats to be used to gain access at points other than check stations must first be registered at one of the check stations. The use of boats for ingress and egress at unauthorized locations is prohibited.

(7) A red, orange, or yellow outer garment (cap, hat, shirt, coat, vest, etc.) must be visible while hunting.

(8) Young people under 18 years of age will not be permitted to hunt unless accompanied while on the island by a parent or responsible adult.

(9) Camping and fires are restricted to two designated camping areas. Participants may set up camp one day prior to the opening of each hunt season and must remove all camping equipment from St. Vincent Island by 3:00 P.M. following the last day of each hunt season.

(10) Dogs are not permitted on the island.

(11) No motorized vehicles or equipment such as scooters, tote bikes, beach buggies, jeeps, portable electric generators, chain saws, etc., will be permitted.

(12) Littering and cutting of live trees is prohibited. Only dead wood may be cut.

(13) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(14) Any infraction of regulations shall be cause for immediate revocation of hunting permits.

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 17, 1973.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,535 acres, is delineated on a map available at the Refuge Headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 16–19, 1973; November 20–23, 1973; and December 27–29, 1973.

(2) Hunting hours will be from daylight to 9:30 A.M. and from 3:30 P.M. to sunset daily.

(3) The season bag limit is two deer, only one of which may be a doe.

(4) Raccoons may also be taken during the above season.

(5) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead ⅞ inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(6) Dogs are prohibited.

(7) Camping and fires will be permitted only at the designated camping area.

(8) Participants must arrange their own transportation to the island and may not enter the refuge more than 2 days in advance of each opening date.

(9) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(10) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates: September 25 for the hunt beginning October 16; October 30 for the hunt beginning November 20; and December 3 for the hunt beginning December 27.

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

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Piedmont National Wildlife Refuge, Georgia, is permitted on the refuge except in those areas designated by signs as closed. The open area, comprising approximately 32,000 acres, is delineated on the map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Open season and bag limit: (a) Archery Hunt—October 1–13, 1973. Limit two bucks or one buck and one doe.

(b) Trophy Buck Hunt—October 22–27, 1973. Limit one buck with four or more points on one side.

(c) Either Sex Hunt—November 3, November 10, and November 17, 1973. Limit one deer. Same person will not be on two hunts.

(2) Refuge roads open to travel by permit hunters only during the either sex hunts.

(3) Buckshot, handguns, crossbows, and drug-tipped arrows may not be used or possessed. Target practice during the gun hunts is prohibited.

(4) All deer killed must be checked in at refuge headquarters on the same day they are killed and before leaving the refuge area.

(5) All hunters must answer questionnaire on permit and give to refuge official by closing time on the last day of each hunt.

(6) Dogs are prohibited.

(7) Camping and fires are restricted to the designated camping area in Compartment 19 which will be open on the following dates: September 29–30; September 30–October 14; October 21–28; November 2–4; November 9–11; and November 16–18, 1973.

(8) Hunters not having reached their 18th birthday must be under the immediate supervision of a responsible adult.

(9) Hunters must furnish and wear either red, orange, or yellow vests, coats, or coveralls while on the refuge hunting areas.

(10) It is unlawful to drive a nail, spike, or metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(11) All areas open for hunting may be visited for scouting purposes on September 29–30, 1973, during daylight hours only. Weapons and dogs are not permitted.

(12) A refuge permit is required. Hunt permits are nontransferable. Hunters for the gun hunts will be selected by computer from applications received. Applications for the gun hunts must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Georgia 31080. Completed applications must be in the office of the Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329, by 4:30 P.M. on September 7, 1973. Only one application per hunter is allowed. Applications may be submitted individually or as a group of not more than five. Group applications must be mailed stapled together.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 18, 1973.

WASSAW ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer and raccoon on Wassaw Island National Wildlife Refuge, Georgia, is permitted on the area designated by signs as open to hunting. This open area, comprising 1,795 acres, is delineated on a map available at Refuge Headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and raccoon subject to the following conditions:

(1) Deer and raccoon may be taken during the following period: November 20 through November 23, 1973, and December 11 through December 14, 1973.

(2) Hunting hours will be from 30 minutes before sunrise to 9:30 A.M. and from 3:30 P.M. until 30 minutes after sunset each day.

(3) The season bag limit is two deer: two bucks or one buck and one doe. There is no bag limit on raccoons.

(4) Only bows and arrows may be used. Firearms, crossbows, and mechanical bows are prohibited. The bows must have a draw weight of 40 pounds or more. Arrowheads must be ⅞-inch wide or wider.

(5) Dogs are prohibited.

(6) All camping will be at designated camping areas on Pine Island. Fires must be confined to the camping areas.

(7) Participants must arrange their own transportation to Pine Island and from Pine Island to Wassaw Island.

(8) Participants may not enter the refuge more than 1 day prior to the hunt. Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) Individuals under 18 years of age will not be permitted to hunt unless accompanied to the island by a parent or a responsible adult.

(10) Blazing trees, driving spikes in trees, or damaging trees and shrubbery in any manner is prohibited.

(11) Litter must be deposited in the proper trash receptacles.

(12) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by October 30 for the November 20 through November 23 hunt, and November 20 for the December 11 through December 14 hunt.

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 14, 1973.

NORTH CAROLINA

PUNGO NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Pungo National Wildlife Refuge, N.C., is permitted on all areas not designated by signs as closed to hunting. This open area, comprising 7,000 acres, is delineated on maps available at the Refuge Headquarters, Plymouth, North Carolina, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) Deer may be taken from sunrise to sunset during the following open seasons: (a) Bow and arrow only—either sex—September 21 through October 13.

(b) Two 2-day shotgun hunts—bucks only—October 15–16 and October 17–18.

(c) Two 1-day shotgun hunts—either sex—October 19 and 20.

(2) Bag limit: One deer per day, two per season.

(3) Weapons: (a) Bow and arrow as provided for in State regulations.

(b) Shotguns—20 gauge or larger used with rifled slugs or shot no smaller than No. 4 buckshot. Muzzle loading percussion cap or flint lock rifles are permitted.

(4) Permits are required for the gun hunts. Two hundred permits per hunt will be issued. Permittees will be selected by computer drawing.

(5) Modern rifles, pistols, crossbows, dogs, fires, camping, and littering are prohibited.

(6) All deer harvested must be checked out at the refuge subheadquarters on Coulbourn Road before leaving the refuge.

(7) No hunting permitted within 200 yards of the refuge subheadquarters.

(8) Motor vehicular traffic will be confined to established roads.

(9) Weapons must be unloaded while being transported in or on a vehicle.

(10) Hunters under 18 years of age must be accompanied by a responsible adult.

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 October 20, 1973.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office

of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer except the following special conditions.

(1) The open season for bow and arrow hunting of white-tailed deer (either sex) is October 29–November 3, November 22–24, and December 10–15, 1973, during daylight hours only.

(2) Only archery equipment which complies with the State laws of South Carolina for deer hunting is permitted. Firearms, crossbows, poison arrows, or any other weapons are prohibited.

(3) Stand hunting only is permitted on the area north of the beach road from 30 minutes before sunrise to 9 A.M. and from 3 P.M. until 30 minutes after sunset. Stalk hunting is permitted at all times on the area south of the beach road.

(4) No dogs allowed on the island.

(5) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(6) Hunters under 18 years of age must be accompanied by an adult.

(7) There is no limit on the number of deer taken.

(8) Camping for hunters only is authorized in the designated camp area from October 28–November 4, November 21–25, and December 9–16. Fires are restricted to the designated camp area. A camping fee of $1.00 per person per day will be required for use of the camping area during the hunts. Recreational camping by nonhunters is not permitted during the hunts.

(9) Number of hunters is not limited. Permits are required and will be issued upon arrival on Bulls Island.

(10) Arrangements for transportation to the island must be made by the hunters.

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 17, 1973.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of the Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from Refuge Headquarters, McBee, S.C. and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: Archery only—October 15–20, 1973; gun hunts—October 29–November 3 and November 8–10, 1973.

(2) Hunters are allowed on the hunting area from 5:30 A.M. until 6:30 P.M. EST. Hunters must enter the hunting area at designated entrance points and must park their vehicles on the hunting area.

(3) Bag limits: Archery only—one buck with visible antlers and one antlerless deer. Gun hunt—bucks only with visible antlers, limit not to exceed that set by State regulations. It is illegal to pursue or shoot white colored deer.

(4) Deer drives permitted only on designated areas.

(5) Each hunter must sign in and out at a register that will be provided at the checking station.

(6) Weapons: Same as allowed on State Game Management Areas.

(7) Individuals under 18 years of age must be accompanied by a responsible adult.

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 November 13, 1973.

PHILLIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1973.

[FR Doc.73-17345 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issue and is effective on August 21, 1973.

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Michigan, 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 and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 33,525 acres of the refuge, designated as Area B, from October 1 through November 14; and on the 85,200 acres of the refuge, designated as Area A and Area B, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River except in designated Wilderness Area during the gun season. A Camp Registration Permit, obtainable at refuge headquarters, is required.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, All-Terrain Vehicles, and snowmobiles are not permitted on the refuge.

The provisions of these special regulations 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.

LAWRENCE G. KLINE,
Refuge Manager, Seney National Wildlife Refuge, Seney, Michigan.

AUGUST 9, 1973.

[FR Doc.73-17347 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on August 21, 1973.

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

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Sherburne National Wildlife Refuge is permitted only on the area designated open to hunting. The open area, comprising 17,679 acres, is delineated on a map available at the refuge headquarters, Box 158, Princeton, Minnesota 55371, 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 covering the hunting of deer subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling off of established roads and parking areas open to such travel.

(2) Parking of vehicles is restricted to designated parking areas.

(3) Snowmobile operation is prohibited on the refuge except within the rights-of-way of County Roads 4, 5, 9, 11, and 48.

(4) Overnight camping and open fires are prohibited.

(5) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(6) Construction of any permanent artificial scaffold, platform, blind, or other construction is prohibited.

The provision of this special regulation supplements 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 16, 1973.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Princeton, Minnesota.

AUGUST 14, 1973.

[FR Doc.73-17349 Filed 8-20-73;8:45 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on August 21, 1973.

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

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of pronghorn antelope by gun on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of pronghorn antelope, subject to the following special conditions:

(1) Hunting is permitted from 12 noon c.d.t. September 28, 1973, to sunset of that day, and from sunrise to sunset of each day from September 29 through October 7, 1973.

(2) Hunting will be by permit only. The North Dakota Game and Fish Department will determine the number of permits to be issued for Audubon Refuge.

(3) All hunters must exhibit their hunting license, antelope tag and permit, game, and vehicle contents to Federal and State officers upon request.

(4) Vehicular traffic, including the use of boats by hunters, is prohibited on the refuge during the antelope season.

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 October 7, 1973.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Coleharbor, North Dakota.

AUGUST 13, 1973.

[FR Doc.73-17348 Filed 8-20-73;8:45 am]

Proposed Rules

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

O I REG. 1

Entries of Small Quantities of Crude Oil, Unfinished Oils, or Finished Products

Section 8 of Oil Import Regulation 1 (Revision 5), as amended, provides authority for the District Directors of Customs to permit without license entries of small quantities of crude oil, unfinished oils, or finished products. One type of entry covered by sec. 8 is bonded fuel which is loaded aboard an aircraft scheduled for an international flight but which aircraft is diverted from the international flight for some reason. The privilege of entry without license was provided specifically to cover such a contingency. It now appears, however, that from time to time "international" flights have been routinely diverted to domestic service after fueling with bonded fuel—a definite abuse of the entry without license privilege.

In view of the suspension by Presidential Proclamation 4210 of tariffs on petroleum and petroleum products it is believed that closer control of bonded fuel being used by the airlines is required. Accordingly, it is proposed that entries of jet fuel or motor gasoline made by reason of diverting an aircraft from an international flight be subject to the applicable import license fees. Under the proposed rulemaking the District Director of Customs may still permit the entry without license. However, each aircraft operator must file a certified report with the Director, Office of Oil and Gas, each month listing the diverted flights and the type and amount of fuel entered on each flight. The aircraft operator, not the fuel supplier, will be responsible for the payment of license fees due as the result of diverted international flights.

Failure of the aircraft operator to comply with the provisions of sec. 8 may result in suspension of the privilege of making such entries without license.

Final action upon the proposed amendment is subject to the approval of the Chairman, Oil Policy Committee.

Interested persons are invited to submit written comments on the proposed sec. 8A by September 20, 1973, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide fifteen (15) copies.

DUKE R. LIGON,
Director.

Paragraph (a) of sec. 8 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Director to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight. Such fuel, however, is subject to the import license fees set forth in paragraph (i) of sec. 32. In such cases, for purposes of this regulation liability for payment of license is deemed to have occurred at the time the aircraft is diverted from an exempt international flight or a non qualifying flight has been misfueled and the owner of the aircraft is the person accruing liability. The owner(s) of aircraft so diverted shall file with the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, a written report for each calendar month listing each such flight diverted during that month and the type and quantity of fuel involved. Reports must be filed not later than the last working day of the month following the month for which the report is filed and must be accompanied by a certified check or a cashier's check payable to the Treasurer of the United States for the correct amount of license fees due. Each such report will include a statement certifying as to the accuracy and completeness of the information contained and will be signed by an officer or an authorized agent of the owner. Failure to file timely reports of diversions of international flights or misfuelings or to pay license fees as prescribed may result in the suspension or abrogation of the privilege of making such entries.

* * * * *

[FR Doc.73-17318 Filed 8-20-73;9:54 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CR Part 16]

REPORTS BY CONTRACT MARKETS

Information To Be Furnished and Made Public; Time and Place of Filing Reports and Publication

Notice is hereby given in accordance with Administrative Procedure Provisions of 5 U.S.C. section 553 that the Secretary of Agriculture, pursuant to the authority of sections 5(b) and 8a(5) of the Commodity Exchange Act (7 U.S.C. 7(b) and 12a(5)), is considering revising Part 16 of the regulations (17 CFR Part 16) to read as set forth below. In addition, the Secretary of Secretary of Agriculture is considering revoking paragraph (a) of § 15.01 (17 CFR 15.01(a)) and deleting the column in § 15.02 (17 CFR 15.02) headed "Clearing members."

The purpose of the proposed revision of Part 16 and the changes in §§ 15.01 and 15.02 is to place on contract markets responsibility for assembling and reporting to the Commodity Exchange Authority information currently being reported separately by each clearing member and to shift from the Commodity Exchange Authority to the contract markets responsibility for keeping the public informed with regard to the daily volume of trading and open contracts in commodities traded on each such contract market. Early in the history of regulation of commodity exchanges the Grain Futures Administration found that the public needed to know the daily volume of trading and open contract data. In the 1920's, because the contract markets would not make these data public, the Grain Futures Administration began doing so and the Commodity Exchange Authority currently is continuing to release such data daily. However, all exchanges now recognize the necessity of making the data public and all nonregulated exchanges routinely are doing so. With the contract markets assuming the function of assembling such data, they will be in a position to publish it more expeditiously than will the Commodity Exchange Authority.

PART 16—REPORTS BY CONTRACT MARKETS

Sec.

AUTHORITY: Secs. 5(b) and 8a(5) of the Commodity Exchange Act (7 U.S.C. 7(b) and 12a(5)).

§ 16.00 Information to be furnished by contract markets.

Each contract market shall report for each business day the following information, by commodity, by future, and by clearing member within each such future, in a form and manner approved by the Commodity Exchange Authority Regional Director having local jurisdiction with respect to such contract market:

(a) The total of all long open contracts and the total of all short open contracts carried at the end of the day covered by the report;

(b) The quantity of such contracts bought and the quantity sold during the day covered by the report;

(c) The quantity of purchase transfer trades or office trades and the quantity of sale transfer trades or office trades, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the transfers;

(d) The quantity of purchases of futures in connection with cash commodity transactions or of futures for cash commodities and the quantity of sales of futures in connection with cash commodity transactions or of futures for cash commodities, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the exchanges; and

(e) The quantity of the commodity delivered and the quantity received in fulfillment of such contracts during the day covered by the report.

§ 16.01 Time and place of filing reports.

Such reports shall be submitted the business day following the day for which the reports are filed and shall be filed in accordance with the instructions of the Commodity Exchange Authority Regional Director having local jurisdiction with respect to such contract market.

§ 16.02 Publication of volume of trading and open contracts.

Each contract market shall publish for each business day the following information by commodity and by future within each such commodity:

(a) The total volume of trading, excluding transfer trades or office trades;

(b) The total quantity of futures for cash transactions which are included in the total volume of trading;

(c) The total gross open contracts; and

(d) The total quantity of the commodity delivered in fulfillment of such contracts.

Such information shall be made readily available to the news media and the general public in printed form and without charge at the office and trading floor of the contract market not later than the business day following the day for which publication is made.

§ 16.03 Errors or omissions.

Any contract market discovering any errors or omissions in any report which has been filed shall promptly inform the Commodity Exchange Authority with respect thereto.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 8, 1973.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to October 8, 1973.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued August 15, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-17404 Filed 8-20-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMALS

Taking and Importing

Correction

In FR Doc. 73-17013 appearing on page 22133 of the issue of Thursday, August 16, 1973, the following change should be made:

In the fourth line of the introductory text, the words "required by section 103" should read "authorized by Title 1."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 25]

DRESSINGS FOR FOOD

Identity Standards; Proposed Colorants as Optional Ingredients

Notice is given that a petition has been filed jointly by Mr. Albert J. Finberg, Consultant in Food Technology, 19A Garden Place, Brooklyn, N.Y. 11201, and copetitioners: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, N.J. 07632; Hostess Products Corp., 137 Garden Ave., Brooklyn, N.Y. 11237; Supreme Oil Co., 87-11 130th St., Richmond Hill, N.Y. 11418; Purity Condiments, Inc., 3590 NW. 60th St., Miami, Fla. 33142; Venice Importing Co., 66 North 6th St., Brooklyn, N.Y. 11211; Continental Coffee Co., 2550 North Clybourn Ave., Chicago, Ill. 60614; McCormick & Co., Inc., Baltimore, Md. 21202; proposing that the provisions of § 25.2(d) be expanded to allow for optional addition of β-apo-8'-carotenal as an artificial color at a level not to exceed 33 parts per million (ppm) by weight of the finished french dressing.

Label declaration of the ingredients as required under sec. 403(k) of the Federal Food, Drug, and Cosmetic Act would be used.

Grounds given in support of the proposal are:

1. Paprika and/or oleoresin of paprika, although now listed by the standard for french dressing as a seasoning, is usually used by manufacturers of the food to produce a characteristic color for french dressing rather than as a seasoning. This characteristic color has come to be expected by the consumer of french dressing.

2. Supplies of paprika are subject to severe fluctuations in availability and quality, having a like effect on its oleoresin as well. The color intensity, listed as C.V. (color value) units in suppliers' catalogs, is an important consideration for its suitability in french dressing. β-apo-8'-carotenal (hereinafter referred to as apo-carotenal) being a synthetic material is not subject to fluctuating supply and its quality is constant.

3. Apo-carotenal is a listed food color (21 CFR 8.302) exempt from certification under the Color Additive Amendments to the Federal Food, Drug, and Cosmetic Act. It may be used up to a maximum of 15 mg. per pint (33 parts per million by weight of the finished food) in all nonstandardized foods as well as in those foods whose standards permit the use of added color. Synthetic apo-carotenal is readily available commercially and its use would assure a stable supply of pure material at stable cost.

4. The apo-carotenal serves no functional effect other than to provide a uniform, stable color. Flavor and taste are not affected. Extensive laboratory testing, as well as commercial evaluation in nonstandardized dressings, have demonstrated that apo-carotenal produces the "typical" french dressing color consumers prefer. Laboratory and pilot plant results further indicate that apo-carotenal possesses superior color shelf life stability in french dressing as compared to paprika and/or oleoresin of paprika.

The Commissioner of Food and Drugs believes reasonable grounds have been set forth in the petition to warrant publishing the proposed amendment. Having reviewed the good manufacturing practices of french dressing technology and the findings of fact for french dressing standards of identity (15 FR 5227, August 12, 1950), the Commissioner also believes that while the characteristics color for french dressing has been obtained from paprika, other safe and suitable colorants may also be used to obtain the desired color; and thus proposes on his own initiative that the standard provide for the use of any safe and suitable

color additive that will impart to french dressing the color traditionally expected of french dressing. The proposed definition of "safe and suitable" to be added separately to 21 CFR 10.1 would be applicable to all food standards (38 FR 10274, April 26, 1973).

The Commissioner recognizes the desire of consumers that complete ingredient information be given on labels of standardized foods. Statutory authority does not exist to require declaration of the mandatory ingredients in such foods, and sec. 403(i) of the Federal Food, Drug, and Cosmetic Act provides that the use of artificial coloring in food need not be declared by common name. Required labeling of artificial coloring in foods is detailed in 21 CFR 1.12.

In accordance with policy set forth in 21 CFR 3.88 (38 FR 2137), included herein is a proposal on the Commissioner's own initiative to amend the standards for french dressing to require declaration of all optional ingredients by common name as required by the applicable sections of Part 1 of this chapter.

The mandatory ingredients of french dressing are a vegetable oil and an acidifying ingredient; however, because within each of these classes of mandatory ingredients more than one option exists in choosing what ingredient to use, the specific vegetable oil and acidifying ingredients used are optional ingredients. Thus, all ingredients of french dressing are required to be declared on the label.

In recently published documents to amend existing standards of identity, the Commissioner has proposed that safe and suitable optional ingredients be permitted in contrast to the more restrictive "recipe" type listing traditionally employed in food standards. However, in considering this approach for french dressing, the Commissioner recognizes that there is in the market a myriad of pourable dressings that are not included in the present standard because they do not purport to be, nor are they represented to be, french dressing. These nonstandardized pourable dressings do contain a broad range of emulsifying and acidifying ingredients which are responsible for the conspicuous differences between these foods and the standardized french dressings. Such differences occur in the appearance, the taste (sourness), and the sensory reaction (mouth-feel) of such dressings in the mouth. The french dressing standard, by restricting the acidifying and emulsifying ingredients, assures that the dressings covered by this standard maintain these characteristics traditional for french dressings.

To provide for the use of "safe and suitable" optional ingredients in place of the presently permitted emulsifying and acidifying ingredients would make these foods less discernible to consumers who now appear to have a clear choice between the french dressings covered by the food standard and other nonstandardized pourable dressings. Due to the potential impact of including the "safe and suitable" provision in the french dressing standard of identity, and because such impact cannot be adequately judged without comment from all interested parties, the Commissioner invites comments on this matter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 25.2 be amended by revising paragraphs (d) and (e) to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

* * * * *

(d) (1) French dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetetraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(2) French dressing may contain any safe and suitable color additives that will impart the color traditionally expected.

(e) All ingredients used in the food shall be declared on the label in accordance with the applicable sections of Part 1 of this chapter.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before October 23, 1973. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 2, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17329 Filed 8-20-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-171N]

GREEN RIVER, KENTUCKY

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Louisville and Nashville Railway bridge across the Green River at Spottsville, Livermore, and Smallhouse to require constant attendance when the vertical clearance is 40 feet or less and at least 4 hours notice at all other times. Present regulations require constant attendance when the vertical clearance is 30 feet or less and at least 8 hours notice at all other times. This proposed amendment is being considered because of an increase in commercial vessel traffic (100 percent during the past 8 years) and because of the use of towboats which require a greater vertical clearance.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Missouri 63103. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Second Coast Guard District.

The Commander, Second Coast Guard District, will forward any comments received before September 25, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Revising subparagraph (7) of paragraph (g) of § 117.560 to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(7) Green River, Ky. (i) Louisville and Nashville Railroad bridge at Spottsville. When there is 40 feet or less of vertical clearance beneath the draw, constant attendance is required and the draw shall open on signal. When the vertical clearance is more than 40 feet at least 4 hours notice shall be given, and during this period if a vessel informs the drawtender during its passage through the draw that it will return within 4 hours, the drawtender shall remain on duty until the vessel returns but shall not be required to remain for longer than 4 hours.

(ii) Louisville and Nashville Railroad bridges at Livermore and Smallhouse. The draws of these bridges are normally maintained in the fully open position and when they are open, a vessel may pass through the draw without further signals. When the draws are in the closed position their operation is governed by paragraph (g) (7) (i) of this section.

(iii) The owners of or agencies controlling these bridges shall arrange for ready telephone communication with the authorized representative at any time from the bridges or their immediate vicinity. Copies of these regulations shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

* * * * *

2. Redesignate § 117.560(g) (7) (ii) as § 117.560(g) (7) (iii).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)

(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: August 13, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.73-17374 Filed 8-20-73;8:45 am]

[46 CFR Part 160]

[CGD 73-103R]

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Notice of Proposed Rulemaking

The Coast Guard is considering amending the regulations for lifeboat winches for merchant vessels by eliminating a duplication existing in the requirements for power-driven winches and relocating a pertinent sentence applicable to hand cranks.

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh Street, SW., Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. (A separate page for each section commented upon and two or more copies are encouraged).

A public hearing is not contemplated for this rule making, but will be held if requested by anyone who raises a genuine issue.

Closing date for comments. All relevant communications received on or before *September 28, 1973*, will be fully considered before final action is taken on this proposal. This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received will be available for examination in Room 8234. Copies of comments will be furnished to interested persons upon request to the Coast Guard (GCMC/82) and payment of the fees prescribed in 49 CFR 7.81.

Under the proposed rulemaking, § 160.015-3(j)(1), appearing in Title 46—Shipping, Parts 150 to 199, would be revoked since it now duplicates part of the requirements for power-driven winches given in § 160.015-3(1). Also in § 160.015-3(1), appearing in the same volume of the code, the last sentence would be rewritten in order to bring forward a particular requirement applicable to hand cranks now erroneously contained in § 160.015-3(j)(1).

In consideration of the foregoing, it is proposed to amend Part 160 of Title 46 of the Code of Federal Regulations as follows:

1. By revoking § 160.015-3(j)(1).

2. By revising the last sentence of § 160.015-3(1) to read:

* * * Mechanical means for accomplishing the above, such as throw-out couplings on the sockets of the hand cranks, will be given special consideration.

(46 U.S.C. 391a, 404, 481, 489; 49 U.S.C. 1655(b)(1), and 49 CFR 1.46(b) and (o)(4)).

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

AUGUST 15, 1973.

[FR Doc.73-17367 Filed 8-20-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-CE-23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Aurora, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by September 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Aurora, Nebraska Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Aurora, Nebraska.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

AURORA, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aurora Municipal Airport (latitude 40°53'34" N., longitude 97°59'37"W.); and within two miles each side of the 123° radial of the Grand Island VOR, extending from the 5-mile radius to seven miles west of the airport, excluding that portion which overlies the Grand Island, Nebraska transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on August 2, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-17368 Filed 8-20-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 581]

[Docket No. 73-19; Notice 1]

PROPOSED BUMPER STANDARD

Correction of Closing Date

In the notice published at 38 FR 20899 (August 3, 1973) of a Bumper Standard as Part 581 of Title 49, Code of Federal Regulations, the comment closing date was stated to be September 14, 1973. The closing date intended for the comment period is October 14, 1973, and that date is hereby substituted for the September date.

(Sec. 102(e)(1), Pub. L. 92-513, 86 Stat. 947; delegation of authority at 49 CFR 1.51.)

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-17377 Filed 8-20-73;8:45 am]

[49 CFR Part 581]

[Docket 73-19; Notice 2]

PROPOSED BUMPER STANDARD

Notice of Public Meeting

On September 13, 1973, the National Highway Traffic Safety Administration will hold a meeting to permit a full public discussion of the bumper standard the agency has proposed under the Motor Vehicle Information and Cost Savings Act, P.L. 92-513. The proposed standard, together with a list of several subjects the agency finds appropriate for comment, was published in the FEDERAL REGISTER on August 3, 1973, (38 FR 20899).

The meeting will convene at 9:30 A.M. in room 2232 of the Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, D.C. Persons desiring to make a formal presentation are asked to submit their requests to the Associate Administrator for Motor Vehicle Programs, NHTSA, not later than September 6, 1973. An estimate of the time required for each presentation should be given. If the presentations cannot be completed in one day, the meeting will be continued on September 14, beginning at 9:30 a.m. An agenda of the meeting will be made available by September 11, 1973.

(Sec. 102(e)(1) of the Motor Vehicle Information and Cost Savings Act, Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1912(e)(1), and the delegation of authority at 49 CFR 1.51.)

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-17378 Filed 8-20-73;8:45 am]

[49 CFR Part 571]

[Docket 1-8; Notice 13]

RETREADED PNEUMATIC TIRES

Physical Dimension and Labeling Requirements

This notice proposes the amendment of the physical dimension and labeling requirements of Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires".

Standard No. 117 was issued in its present form on March 23, 1972 (37 FR 5950), and subsequently amended on January 31, 1973 (38 FR 2982), March 15, 1973 (38 FR 6999), and April 19, 1973 (38 FR 9668). Petitions for reconsideration were filed in response to the notice of January 31, 1973. Several of the issues raised by the petitions were not, under NHTSA procedural rules, appropriate for reconsideration at that time. The agency indicated, in its response to the petitions of May 3, 1973 (38 FR 10940), that the petitions, insofar as these issues were concerned, were petitions for rulemaking under the procedural rules (49 CFR §§ 553.31, 35). This notice is in part issued in response to those petitions.

Several of the petitions requested that the NHTSA modify its position regarding the physical dimension requirements of the standard, requesting that the standard be amended to allow a 3 percent tolerance from the minimum size factor requirement. The petitions also implicitly request deletion of the 3 percent negative tolerance for tire maximum section width. The agency previously denied the request regarding size factor on the basis of test data which indicated that an extremely small percentage of retreaded tires did not conform to the requirement, and that its relaxation was therefore unnecessary. The industry has presented data showing a larger percentage of tires that would not meet the requirements. Irrespective of these failure rates, the NHTSA has decided to grant the request because the shrinkage of the tire during retreading, which is responsible for its inability to meet the size factor requirement, disappears after the tire is placed in service. Consequently, violations of the size factor requirement, without this amendment, would be only of a technical nature. It is proposed, therefore, that the standard be amended to allow a 3 percent tolerance from the minimum size factor requirement. The 3 percent negative tolerance for tire maximum section width would be deleted, on the grounds that this requirement unnecessarily subjects retreaded tires to a physical dimension restriction greater than that imposed on new tires.

The NHTSA also proposes in this notice that certain amendments be made to the standard's labeling provisions. The NHTSA views these amendments as technical in nature and proposes them primarily to allow comment on the solutions proposed.

The labeling requirements of the standard, both affixed (S6.3.1) and permanent (S6.3.2), provide that the tire be labeled "bias/belted" when a bias/belted tire is retreaded. This requirement is a substitution for the requirement applicable to new tires, that the tire be labeled with the actual number of plies in the sidewall, and the actual number of plies in the tread area if different (S4.3(e), 49 CFR 571.109). The phrase "bias/belted" is, in the opinion of NHTSA, less burdensome to label onto a retreaded tire than the full description of ply construction, but imparts, in the case of the bias/belted tire, essentially the same information. It was also the agency's intention to allow the labeling requirements of Standard No. 117 to be met if the retreaded tire retained through the retreading process the information labeled onto the new tire at the time of manufacture. New tires, however, are not required to be labeled "bias/belted", and consequently that information would have to be relabeled onto each bias/belted retreaded tire irrespective of whether the retreaded tire retained its original new tire labeling. The NHTSA is therefore proposing that the labeling requirements be amended to permit as an alternative to the labeling of the words "bias/belted", the labeling of the actual number of plies in the sidewall and the actual number of plies in the tread area, which will in practice be retainable from the casing.

Amendments are also proposed to make clear which methods may be used to permanently label retreaded tires. Although the standard presently specifies "molding", there was no intention to preclude other satisfactory means of permanently labeling safety information onto retreaded tires. The standard therefore would be amended to make it clear that molding, branding, or any other method that will produce a permanent label are permitted. "Permanent" is used in the sense that one could reasonably expect the label to remain on the tire throughout its useful life.

In the notice of March 15, 1973, the minimum size for labeling in paragraph S6.3.2 was changed from three thirty-seconds of an inch to 0.078 inches. That change should have also been made in paragraph S6.3.1, and is hereby proposed.

In light of the above, it is proposed that Motor Vehicle Safety Standard No. 117, appearing at 49 CFR § 571.117, be amended as follows:

1. S5.1.2 would be revised to read:

S5.1.2 Except as specified in S5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of § 571.109, shall comply with the requirements of S4.2.2 of § 571.109, except that the tire's section width shall not be more than 110 percent of the section width specified, and the tire's size factor shall be at least 97 percent of the size factor specified, in Appendix A of § 571.109 for the tire's size designation.

2. Paragraphs S6.3.1 would be revised as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled, in at least one location on the tire sidewall in letters and numerals not less than 0.078 inches high, with the following information:

* * * * *

(f) If the tire is of bias/belted construction, the words "bias/belted", or the actual number of plies in the sidewall and the actual number of plies in the tread area.

* * * * *

The information shall either be retained from the casing used in the manufacture of the tire, or may be labeled into or onto the tire during the retreading process, either permanently (through molding, branding, or other method that will produce a permanent label) or by the addition of a label that is not easily removable.

3. Paragraph S6.3.2 would be revised as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be permanently labeled (through molding, branding, or other method that will produce a permanent label) in at least one location on the tire sidewall, in letters and numerals not less than 0.078 inches high, with the following information:

* * * * *

(f) If the tire is of bias/belted construction, the words "bias/belted", or the actual number of plies in the sidewall and the actual number of plies in the tread area.

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will be also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and

it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 24, 1973.

Proposed effective date: Thirty days after publication of the final rule.

(Sec. 103, 112, 113, 114, 119 Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegations of authority at 49 CFR 1.51, 49 CFR 501.8.)

Issued on August 15, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-17379 Filed 8-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Docket No. 25800]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Reporting of Certain Data by Commuter Air Carriers and Other Air Taxi Operators

AUGUST 15, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 298 of the economic regulations (14 CFR Part 298) which would require certain additional statistical data to be reported quarterly by commuter air carriers and require all air taxi operators, including commuter air carriers, to report certain statistical data annually. The principal features of the proposed amendment are described in the attached explanatory statement, and the proposed amendment is set forth in the attached proposed rule. The amendment is proposed under the authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter received on or before October 5, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such comunications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Under the Board's present regulations, air taxi operators, other than commuter air carriers,[1] are not required to file periodic reports with respect to their operations. Moreover, the reports required of commuter air carriers include information only with respect to their scheduled operations or mail service operations.[2]

The National Transportation Safety Board (NTSB) has issued a document entitled Air Taxi Safety Study,[3] containing, *inter alia*, various data concerning air taxi accidents and the causes of such accidents. In this report NTSB notes that, because of the unavailability of certain basic data with respect to the operations of air taxis, it is not possible to accurately compare the level of air taxi safety with that of other types of air transportation. In order to have such data available, and thereby help make its future air taxi safety reports more meaningful, NTSB requests that the Board do the following:

1. Require those air taxi operators which are commuter air carriers to report the hours flown, the miles flown, and the number of departures in scheduled revenue operations.

2. Require all air taxi operators to report the number of passengers carried, the hours flown and miles flown, and the number of departures in all revenue operations.

In considering the recommendation of NTSB, the Board has reached the tentative conclusion that the suggested reporting requirements might not only help meet the needs of NTSB, but would assist us in fulfilling our direct regulatory responsibilities, with respect to air taxis, in general, and commuter air carriers, in particular. Indeed, we are of the tentative view that certain information, in addition to that requested by NTSB, should also be reported by commuter air carriers. Accordingly, we are herein proposing to require the annual reporting by all air taxis, including commuters, of the information described in the NTSB recommendations, and to expand the present quarterly reports of commuters' scheduled operations to include the additional data requested of them by NTSB, as well as the four following items: revenue passenger-miles, revenue seat-miles available, revenue ton-miles, and revenue ton-miles available.

The commuter air carrier industry has been growing rapidly in recent years. It thus appears desirable that the Board have available to it regularly reported statistics enabling it to make a continuing review of the scheduled operations of these carriers, particularly for the purpose of comparison with those of certificated air carriers. We have tentatively determined that the information which the instant proposal would require is necessary to accomplish these purposes, since it is the kind of basic data needed for analyses of route density, capacity per mile flown, and traffic per mile flown.

Since commuter air carriers are presently required to file with the Board certain operating data with respect to their scheduled operations on a quarterly basis, on CAB Form 298-C,[1] it would be feasible to accommodate on this form all of the additional data which we are proposing herein to require with respect to their scheduled operations. Accordingly, we are proposing to revise Schedule A-1 of Form 298-C in the manner set forth in Appendix A hereto.

As stated above, air taxi operators other than commuters are not presently required to file any statistical data with the Board; nor are commuter air carriers presently required to report as to their nonscheduled operations. Therefore, we propose to establissh a new form, CAB Form 298-D,[1] for the annual reporting of data relating to all revenue operations performed by air taxi operators, including commuter air carriers, whether scheduled or nonscheduled. Thus, under our proposal, commuter air carriers would henceforth have to maintain separate statistics for their scheduled and nonscheduled operations, reporting the former quarterly, on the revised Form 298-C, and reporting both the former and the latter annually on the new CAB Form 298-D.

PROPOSED RULE

It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298), as follows:

1. Amend the Table of Contents by adding a new § 298.6—Extension of filing time, under Subpart A—General; deleting and reserving § 298.62 under Subpart F—Reporting of Scheduled Operations by Commuter Air Carriers; and adding a new Subpart F-1—Reporting by Air Taxi Operators, consisting of a new § 298.67—Reporting instructions, the table as amended to read as follows:

298.6 Extension of filing time.
298.62 [Reserved].
298.66 Public disclosure of schedule T-1 data.

[1] A "commuter air carrier" is defined in § 298.2 as an air taxi operator which (1) performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed, or (2) transports mail by air pursuant to a current contract with the Postal Service.

[2] The commuter air carriers' reports, filed on CAB Form 298-C, are described in Subpart F of Part 298. It should be noted that, under the present provisions of Subpart F, commuter air carriers are required to—and under the amended provisions of Subpart F they would continue to be required to—report the required information with respect to all flights performed pursuant to published schedules, even if the frequency of any particular schduled flights is fewer than five scheduled round trips per week.

[3] Report NTSB-AAS-72-9, adopted September 27, 1972.

[1] Filed as part of original document.

Subpart F–1—Reporting by Air Taxi Operators

298.67 Reporting instructions.

2. Amend § 298.2 by adding thereto certain definitions, the section as amended to read as follows:

§ 298.2 Definitions.

* * * * *

"Air transportation" means * * *

"Aircraft hours" means the airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

"Aircraft miles" means the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern.

* * * * *

"Competitive market" means * * *

"Departure" means takeoff from an airport.

"Flight stage" means the operation of an aircraft from takeoff to landing.

* * * * *

"Maximum payload capacity" means * * *

"Mile" means a statute mile *i.e.*, 5,280 feet.

"Noncompetitive market" means * * *

"Passengers carried" means passengers on board each flight stage.

"Point" when used * * *

"Revenue passenger-mile" means one revenue passenger transported one mile. Revenue passenger-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue passengers carried on that flight stage.

"Revenue seat-miles available" means the total of the products of aircraft miles and number of seats available for revenue use on each flight stage, representing the total passenger-carrying capacity offered.

"Revenue ton-mile" means one ton of revenue traffic transported one mile. Revenue ton-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue tons carried on that stage. (A standard weight of 200 pounds per passenger may be used in the computation.)

"Revenue ton-miles available" means the aggregate of the products of the aircraft miles flown on each flight stage multiplied by the capacity in tons available for use on that stage.

"Ton" means a short ton, *i.e.*, 2,000 pounds.

3. Add a new § 298.6, following § 298.5, to read as follows:

§ 298.6 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor, addressed to the Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

4. Delete and reserve § 298.62, as follows:

§ 298.62 [Reserved]

5. Amend paragraph (b) of § 298.64 by adding thereto new subparagraphs (5) and (6), the section as amended to read as follows:

§ 298.64 Reporting instructions.

* * * * *

(b) * * *

* * * * *

(5) Columns (5), (6), and (7) shall set forth, respectively, aircraft hours flown, aircraft miles flown and aircraft departures performed during the reporting quarter.

(6) Columns (8), (9), (10), and (11) shall set forth, respectively, revenue passenger-miles, revenue seat-miles available, revenue ton-miles and revenue ton-miles available for the reporting quarter.

6. Amend Part 298 by adding a new Subpart F–1, consisting of a new § 298.67, the caption and text of the subpart to read as follows:

Subpart F–1—Reporting by Air Taxi Operators

§ 298.67 Reporting instructions.

(a) Each air taxi operator (including commuter air carriers) shall file CAB Form 298–D, entitled "Report of All Revenue Operations Performed by Air Taxi Operators and Commuter Air Carriers," in accordance with the provisions of this part and in the manner set forth in said form, which is made a part hereof and annexed hereto.

(b) CAB Form 298–D shall be prepared for the period January 1 through December 31 of each year. It shall be completed in triplicate and filed with the Board (*i.e.*, postmarked) not more than forty (40) days after the end of each calendar year, and shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

(c) Items 1 through 4 on CAB Form 298–D shall set forth, respectively, the number of passengers carried, aircraft hours flown, aircraft miles flown and number of aircraft departures performed in all revenue operations, whether scheduled or nonscheduled.

(d) The certificate contained in CAB Form 298–D shall be executed by the officer in charge of the carrier's accounts.

[FR Doc.73–17392 Filed 8–20–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF PENNSYLVANIA IMPLEMENTATION PLANS

Public Hearing on Proposed Transportation and/or Land Use Control Strategies

On July 23, 1973 the Environmental Protection Agency held a public hearing on the proposed Transportation Control Strategies for the Philadelphia Metropolitan area. Although there was significant response and comment at that hearing, it was decided that the hearing would be reconvened at a later date to allow for the submission of additional comments and testimony by the general public and the City of Philadelphia.

Notice is hereby given that the public hearing concerning the proposed regulations for the Metropolitan Philadelphia Interstate Region will be reconvened on Friday, September 14, 1973 at 10:00 a.m., in the Jefferson Room of the Benjamin Franklin Hotel, 9th & Chestnut Streets, Philadelphia, Pennsylvania 19107.

The Administrator's final promulgation of transportation controls for the Philadelphia area will be significantly influenced by the comments and testimony he receives, as well as by the approvable strategies submitted by the State in mid-April as part of the State plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from the proposed regulations as published in the FEDERAL REGISTER on July 3, 1973 (38 FR 17793) and as corrected by the Errata Sheet available in the Region III Office.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106. All comments received by September 14, 1973 will be considered. Proposed regulations and comments will be available for public inspection during normal business hours at the EPA Region III Office.

Dated August 14, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73–17354 Filed 8–20–73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 538]

[General Order 19; Docket No. 73–53]

INCREASES IN CONTRACT RATES

Rules Governing Filing

It has come to the Commission's attention that a number of conferences employing dual rate systems have been considering the possibility of modifying their merchant's contracts to provide

broader authority for short notice increases due to the devaluation of tariff currency. In fact, one conference has already applied for such increased authority which is being held in abeyance pending finalization of this rulemaking proceeding. These actions obviously stem from the two recent devaluations of the United States dollar, the growing instability among international currencies and the Commission's recent ruling [1] that the contract provision "currency devaluation by governmental action," does not encompass *de facto* devaluation nor devaluation resulting from the actions of governments other than the one issuing the currency under which the terms of the contract are written.

Although the Commission also indicated in conjunction with that ruling its possible rejection of an application to include these two elements as authority for short-notice increases, it is, nevertheless, mindful of the growing impact of currency fluctuations on the operations of conferences and carriers operating in the foreign commerce of the United States, especially those with dual rate systems. Because of this and the actions of the conferences, the Commission has decided to explore the possibility of allowing greater rate flexibility under dual rate contracts with respect to changes in the value of tariff currency relative to other operating currencies. However, to insure that contract signatories are not subjected to a constant barrage of short-notice increases and to preserve the purpose of the dual rate contract, it is considered necessary to impose certain restrictions and safeguards.

In this respect, the Commission has formulated proposed contract provisions and related rules governing the implementation of such provisions which it proposes to add to its rules relating to dual rate contract systems. Comments of all interested persons are sought with respect to the need, desirability and adequacy of these proposed provisions and rules in order that the Commission may proceed in the most enlightened manner. As an aid to analysis, the Commission, in developing these rules and provisions, considered the following criteria:

1. To be adequate and equitable, short notice increases due to currency fluctuations should be allowed on the basis of actual operating experience, therefore, changes in the value of a tariff currency should be calculated on the basis of its actual market value vis-a-vis other operating currencies used in the same trade.

2. Unqualified terms such as *"de facto* devaluation" which can raise issues of fact should be avoided.

3. All operating currencies used must be plainly identified.

4. The total amount of devaluation should not be allowed but only that portion equal to the percent of total expenses incurred in non-tariff currencies.

5. Relief should be sufficient merely to restore the approximate prior relationship of the parties to the contract.

6. A single currency exchange market to be used to evidence changes in currency value should be specified and should be reasonably accessible to the Commission.

7. The operative parts of the contract provisions should not be sensitive to normal market fluctuations.

8. In the event of tariff currency appreciation, contract signatories should be granted the same relief as the carriers.

9. With respect to conferences and rate agreements, the amount of increase allowable should not exceed the average percentage increase in expenses for all the members.

Accordingly, pursuant to section 4 of the Administrative Procedure Act as codified in 5 U.S.C. 553 and Section 14b and 43 of the Shipping Act, 1916, 46 U.S.C. 813a, 841a, notice is hereby given that the Federal Maritime Commission is considering the amendment of Part 538 of Title 46 CFR by:

1. Inserting a new § 538.4 reading as follows:

§ 538.4 Procedures and requirements for making rate adjustments due to changes in the value of tariff currency.

(a) *Rate Increases.* (1) A carrier or conference of carriers desiring to provide for an increase in contract rates on less than statutory notice in the event of a decrease in the value of its tariff currency relative to other currencies accepted in payment of freight must do so by including in its form of dual rate contract language as set forth in Article 14 (d) of the Uniform Merchant's Contract of Subpart B hereof.

(2) Concurrent with the filing of the above provisions the carrier or conference shall file with the Commission and with any other appropriate governmental body a statement listing the percentage of total expenses incurred and payable in each of the currencies which are accepted as payment of freight under the contract. Such currencies are to be identified in the applicable tariff(s) of the carrier or conference. Expenses incurred and payable in currencies which are not accepted as payment of freight are to be excluded from the report and shall not be considered for the purposes of this section. This report shall be updated at the beginning of each calendar quarter.

(3) When the market exchange rate of the tariff currency depreciates relative to the other currencies accepted in payment of freight by 5.0 percent or more compared with levels prevailing not more than 20 days prior thereto, the carrier or conference may advise contract shippers on 15 days' notice as provided in the contract that rates shall be increased by an amount to be determined as set forth below, provided the 5.0 percent depreciation is sustained for 14 days after notice is given. If the 5.0 percent depreciation is not sustained for 14 days thereafter, the notice of increase is void and will not become effective.

(4) The authority for determining fluctuations in the market exchange rates shall be the daily noon rates in the New York currency market.

(5) At the same time it files notice of increase pursuant hereto, the carrier or conference shall file with the Commission a statement showing that such increase meets the criteria set forth herein. Before expiration of the 15-day notice period the Commission will verify the information contained in the statement and notify the carrier or conference whether the announced increase may become effective.

(6) The amount of depreciation and the amount of increase needed to offset such depreciation is to be determined as follows:

(i) The nominal appreciation of each non-tariff currency accepted in payment of freight relative to the tariff currency is to be determined by comparing the daily New York noon quotations on the date of notice to those twenty days prior.

(ii) If the nominal appreciaton of any non-tariff currency is 5.0 percent or more, the nominal appreciation of each is to be weighted in proportion to the percentage of costs, payable in that currency and summed to determine the net depreciation in the tariff currency and the necessary rate increase. Example:

	Tariff currency (U.S. dollars)	Currency "A"	Currency "B"
Percent of Expenses incurred in above currencies	52%	28%	20%
New exchange value	$0.0	$1.17	$1.20
Base value (In terms of tariff currency)	0.0	1.05	1.10
Increase over base value	0.0	0.12	0.10
Percent nominal appreciation	0.0%	$0.12/$1.05=+11.4%	$0.10/$1.10=+9.1%
Weighted appreciation (according to the proportion of expenses actually incurred in the indicated currency)	0.0%	28% (11.4%)=3.19%	20% (9.1%)=1.82%
Total weighted percent surcharge	3.19%+1.82%=5.01% or 5.0%		

(b) *Rate reductions.* (1) A carrier or conference making provision in its dual rate contract for rate increases due to currency depreciation is likewise obligated by sec. 14(d)(2) of the uniform contract to provide shippers with corresponding rate relief in the event the value of its tariff currency *appreciates* with respect to the other currencies accepted for the payment of freight. The

[1] Docket 72-5, *Australia/U.S. Atlantic and Gulf Conference, Proposed Imposition of Currency Adjustment Surcharge*, Served 9/12-72.

criteria applicable to rate increases shall also apply to reductions.

2. Inserting a new Article 14(d) to the Uniform Merchant's Contract in § 538.10 to read as follows:

14. (d) (1) In the event of a change in the market exchange rate of any currency or currencies used for the payment of freight under this contract which results in a depreciation of the Carrier's or Carriers' tariff currency of five (5) percent or more whether through action of any government or otherwise, the Carrier or Carriers may *increase* any rates affected thereby on not less than 15 days' written notice to the Merchant, pursuant to procedures and requirements set forth in § 538.4 of the Federal Maritime Commission's General Order 19 or otherwise established. With respect to such increase or increases, the Merchant may notify the Carrier or Carriers in writing not less than ten (10) days before the increases are to become effective of its intention to suspend the contract insofar as such increase or increases is or are concerned, and in such event the contract shall be suspended as of the effective date of such increase or increases, unless the Carrier or Carriers shall give written notice that such increase or increases has or have been rescinded and cancelled.

(2) It is agreed that in the event the Carrier's or Carriers' tariff currency appreciates relative to the other currencies accepted for the payment of freight under this contract, the rates hereunder will be correspondingly reduced using the same criteria applicable to rate increases under (1) above, except that reductions may become effective on the date filed.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before September 17, 1973, an original and 15 copies of their views or comments pertaining to the proposed amendments. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by comments and arguments supporting the suggested changes.

The Federal Maritime Commission Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before October 1, 1973, by serving an original and 15 copies on the Commission and one copy to each party who filed written comments. Answers to the Replies shall be submitted to the Commission on or before October 12, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17386 Filed 8-20-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

[Administrative Ruling 73-2]

REVENUE SHARING FUNDS

Entitlement Periods in Which Interest on Is Accountable

Section 51.40(b) of the regulations governing Fiscal Assistance to State and Local Governments (31 CFR 51, § 51.40 (b)) requires that interest earned on entitlement funds while in the recipient government's trust fund be used, obligated, or appropriated within 24 months of the end of the entitlement period to which the revenue sharing check is applicable. Advice has been requested by recipient governments whether § 51.40(b) may be construed to permit the use, obligation, or appropriation of such interest within 24 months from the end of the entitlement period during which such interest is actually received or credited to the recipient government's trust fund.

It is the determination of the Department of the Treasury that accounting and financial reporting requirements of recipient governments will be simplified if § 51.40(b) was construed to permit the use, obligation or appropriation of interest within 24 months from the end of that entitlement period during which such interest was actually received or credited. Accordingly, interest actually received or credited on entitlement funds shall be used, obligated or appropriated within 24 months from the end of the entitlement period during which such interest was actually received or credited.

Dated August 15, 1973.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc. 73-17369 Filed 8-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTICELLO DISTRICT NINE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Monticello District Nine Advisory Board will hold a business meeting on August 23, 1973, commencing at 9:00 a.m. at the Federal Building Conference Room, Moab, Utah. The agenda for the meeting will include consideration of grazing applications, exchange of use applications, applications to transfer grazing privileges, and range improvement program for 1974.

The meeting will be open to the public.

The Advisory Board Chairman is Lawrence Aubert, 211 Country Club Park, Grand Junction, Colorado 81501.

Dated August 13, 1973.

RULON G. MCRAE,
Acting District Manager.

[FR Doc.73-17337 Filed 8-20-73;8:45 am]

Fish and Wildlife Service

BUREAU OF SPORT FISHERIES AND WILDLIFE

Notice of Meeting

A meeting will be held at 1:30 p.m. on August 28, 1973, in Room 8068 of the U.S. Department of the Interior Building, Washington, D.C. Purpose of the meeting will be to review information pertaining to the use of iron shot for waterfowl hunting in the United States as provided by recent tests and studies and to discuss future program direction.

The meeting will be open to the public. Persons wishing to attend should notify the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-8655. Statements of interested persons must be filed in writing with the Director before or after the meeting. To the extent time permits, the Chairman of the meeting will accept brief oral statements from the public at the close of the agenda providing that such statements are also submitted in writing before or after the meeting.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 16, 1973.

[FR Doc.73-17396 Filed 8-20-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Texas Inspection Point

Statement of considerations. Because of the low volume of inspection work in the inspection area in which it is operative, the Dallas Grain Exchange, Dallas, Texas, has voluntarily requested that effective August 15, 1973, its designation to operate as an official grain inspection agency under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) be cancelled, in accordance with the voluntary cancellation provision of § 26.101 of the regulations (7 CFR 26.101) under the Act.

It appears that through no fault of the Dallas Grain Exchange, the volume of grain inspection work may not warrant locating an official inspection agency in Dallas. Accordingly, the Agricultural Marketing Service proposes to cancel without prejudice to the Dallas Grain Exchange the designation of the Dallas Grain Exchange to operate as an official inspection agency. Interested organizations and persons are hereby given opportunity to submit comments in writing with respect to the proposed cancellation and to make application for designation to operate as an official inspection agency at Dallas, Texas, according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

The Fort Worth Grain Exchange, Fort Worth, Texas, is designated to operate as an official inspection agency in the Fort Worth inspection area. The Fort Worth Grain Exchange has requested that effective August 15, 1973, the inspection area in which the Dallas Grain Exchange is now operative be reassigned to the Fort Worth Grain Exchange, in accordance with the reassignment provisions of § 26.99 of the regulations (7 CFR 26.99) under the Act. Other official inspection agencies are hereby given opportunity to make application for the reassignment of the Dallas inspection area in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the Act.

There is no known opposition to the requested reassignment of the Dallas inspection area to the Fort Worth Grain Exchange. Further, there is a need to provide continuing inspection service in the Dallas inspection area. Accordingly, the requested reassignment of the Dallas inspection area to the Fort Worth Grain Exchange is hereby approved on an interim basis pending final determination of this matter.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to these matters to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than September 20, 1973. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with

the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to these matters.

Done in Washington, D.C., on: August 16, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-17407 Filed 8-20-73;8:45 am]

Forest Service

BIGHORN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Bighorn National Forest Multiple Use Advisory Committee will meet at 9:00 a.m., September 22, 1973, at the Buffalo District Ranger's Office in Buffalo, Wyoming for their fall field trip.

The purpose of this meeting is to discuss land management activities and cultural treatments within the Travel Influence Zone.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 2046, Sheridan, Wyoming 82801 or call (307) 672-2457. Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation. Public members may speak up at any time.

ANTHONY K. QUINKERT,
Forest Supervisor.

AUGUST 13, 1973.

[FR Doc.73-17353 Filed 8-20-73;8:45 am]

MULTIPLE USE PLAN FOR WHITE PINE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to sec. 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan for the White Pine Planning Unit, Forest Service report number USDA-FS-DES (Adm) 73-96.

The environmental statement concerns a proposed long-range multiple use plan for the White Pine Planning Unit on the Palouse Ranger District of the St. Joe National Forest. Effective July 1, 1973, the Palouse District was attached administratively to the Clearwater National Forest.

This draft environmental statement was filed with CEQ on August 15, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Avenue., S.W., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.
USDA, Forest Service, Clearwater National Forest, Route 3, Orofino, Idaho 83544.
USDA, Forest Service, Palouse Ranger District, Potlatch, Idaho 83855.

A limited number of single copies are available upon request to Kenneth P. Norman, Forest Supervisor, Clearwater National Forest, Orofino, Idaho 83544.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Kenneth P. Norman, Forest Supervisor, Clearwater National Forest, Route 3, Orofino, Idaho 83544. Comments must be received by September 29, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

AUGUST 15, 1973.

[FR Doc.73-17405 Filed 8-20-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TUITION FEE FOR COLLISION AVOIDANCE RADAR TRAINING COURSE

Notice of Change of Procedures

Notice is hereby given that beginning October 1, 1973, a tuition fee in the amount of twenty five dollars ($25.00) will be assessed for either the eight (8) day or the five (5) day collision avoidance radar training course and a fee of fifteen dollars ($15.00) for the three day simulator refresher course.

These courses are presently being offered at the three Maritime Administration Training Centers, located in New York, N.Y., New Orleans, La., and San Francisco, California.

Payment shall be to the registrar in the form of a check or money order made payable to "Maritime Adm.—Commerce" in the amount of the fee assessed for the course selected. Such receipts will be deposited in an appropriate account as general receipts of the Treasury of the United States.

Dated August 14, 1973.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary,
Maritime Administration.

[FR Doc.73-17402 Filed 8-20-73;8:45 am]

National Bureau of Standards

CENTER FOR BUILDING TECHNOLOGY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770), notice is hereby given that a public meeting of the Department of Commerce Center for Building Technology Advisory Committee will be held on September 11, 1973, at the National Bureau of Standards, Gaithersburg, Maryland. The meeting will convene at 9:00 a.m. and adjourn at 4:00 p.m. in Building 101, Lecture Room A. The meeting is open to the public.

The purposes of this meeting are to be brief the committee members on programs being carried out by the Center, to establish operational committee guidelines and to select topics for study and consideration.

Further information concerning this meeting may be obtained by contacting James L. Haecker, Executive Secretary, Secretary, Center for Building Technology Advisory Committee, Building 226, Room B-206, Washington, D.C. 20234. Interested persons may file written statements with the Committee before or after the meeting.

Dated: August 15, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-17364 Filed 8-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6002; Docket No. FDC-D-309; NDA 9-594 etc.]

CERTAIN ANTI-INFECTIVE DRUGS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 6002) published in the FEDERAL REGISTER of August 7, 1971 (36 FR 14662), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the subject drugs. Among the drugs included in that announcement were the following:

1. That part of NDA 9-980 providing for Camoprim Infatabs containing amodiaquine and primaquine phosphate; formerly marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232

2. NDA 9-594; Perin Syrup containing piperazine calcium edetate; formerly marketed by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530

3. NDA 11-258; Vermizine Syrup containing piperazine gluconate; formerly marketed by Conal Pharmaceuticals Inc.,

Chicago Pharmacal Division, 5547 North Ravenswood Avenue, Chicago, Ill. 60640.

The notice stated that these drugs were regarded as probably effective for their labeled indications. The drugs have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been submitted pursuant to the announcement. The drugs are no longer marketed.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) or pertinent parts thereof and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 30, 1973 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) or pertinent parts thereof.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-17331 Filed 8-20-73;8:45 am]

[DESI 9363; Docket No. FDC-D-653; NDA No. 9-363]

COMBINATION STEROID-SYMPATHOMIMETIC NASAL SPRAY

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 9363) published in the FEDERAL REGISTER of June 8, 1971 (36 FR 11051) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for use in the local treatment of acute, chronic, and allergic rhinitis. The drug has been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

NDA 9-363; Vasocort Spraypak containing hydrocortisone, hydroxyamphetamine hydrobromide, and phenylephrine hydrochloride; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should

write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 30, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of a new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue as soon as practicable after September 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday thorugh Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated August 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-17332 Filed 8-20-73;8:45 am]

[DESI 6550; Docket No. FDC-D-650; NDA No. 6-550]

UPJOHN CO.

Methoxyphenamine Hydrochloride; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6550) published in the FEDERAL REGISTER of April 26, 1972 (37 FR 8405) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

The parts of NDA 6-550 pertaining to Orthoxine Hydrochloride Tablets and Syrup (methoxyphenamine hydrochloride); The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 6-550).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 30, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the

labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-17333 Filed 8-20-73;8:45 am]

[FAP 3B2903]

GAF CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2903) has been filed by GAF Corp., 140 W. 51st St., New York, N.Y. 10020, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of castor oil, polyoxyethylated (42 moles ethylene oxide), as a component of paper and paperboard in contact with dry food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the above-mentioned proposal will not have a significant environmental impact. Copies of the environmental impact analysis report are available from the Assistant Commissioner for Public Affairs, Rm. 15B–42, or the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, Md. 20852.

Dated August 2, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17335 Filed 8-20-73;8:45 am]

[FAP 3B2920]

SPENCER KELLOGG DIVISION OF TEXTRON, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2920) has been filed by Spencer Kellogg Division of Textron, Inc., 4201 Genesee St., Buffalo, N.Y. 14225, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522 be amended to provide for the safe use of 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate as a reactant under paragraph (a)(1); polybutylene glycol [and caprolactone polyol] as a reactant under paragraph (a)(2); and dibutyltin dilaurate, dibutyltin diacetate, and dibutyltin dichloride as catalysts under paragragh (b), in the manufacture of polyurethane resins intended for use in contact with bulk quantities of dry food.

The environmental impact analysis report, and other relevant material have been reviewed, and it has been determined that the above-mentioned proposal will not have a significant environmental impact. Copies of the environmental impact analysis report are available from the Assistant Commissioner for Public Affairs, Rm. 15B–42, or the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, Md. 20852.

Dated August 9, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-17336 Filed 8-20-73;8:45 am]

ADVISORY COMMITTEE ON FEDERAL PAY

PRESIDENT'S PAY AGENT'S REPORT

Solicitation of Comments and Notice of Meeting

The Advisory Committee on Federal Pay invites any organizations representing Federal employees or any interested government officials to send the Committee their views on the President's Pay Agent's report on the proposed adjustment in Federal pay for Fiscal 1974. The Pay Agent's report is scheduled for completion about August 27. Organizations representing Federal employees can request a copy of that report from the Advisory Committee on Federal Pay, 1016 16th Street NW. (Room 101), Washington, D.C. 20036 (telephone: Area Code 202–382–2296). (The Committee was established in accordance with Section 5306 of Title 5, U.S. Code, as added by the Federal Pay Comparability Act of 1970.)

Written statements about the Pay Agent's report should reach the Advisory Committee by Tuesday, September 4 (five copies should be submitted).

On Monday, September 10, the Committee will meet with any organizations or officials that wish to discuss the report orally. The meetings will be held in the Committee's office (at the above address). Any organization or official wishing to meet with the Committee should notify it of that fact by Tuesday, September 4, either by writing or calling the Committee. Either written submissions or a request for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

JEROME M. ROSOW,
Chairman, Advisory Committee on Federal Pay.

[FR Doc.73-17338 Filed 8-20-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—WORKING GROUP ON PEAKING FACTORS

Notice of Meeting

AUGUST 17, 1973.

In accordance with the purposes of sec. 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Working Group on Peaking Factors will hold a meeting on September 5, 1973, in Room 1046, at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss calculational techniques and plant operating conditions related to peaking factors, with reference to nuclear reactors designed by Combustion Engineering, Inc., (CE).

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, SEPTEMBER 5, 1973
9 A.M.–2:30 P.M.

Discussion With the AEC Regulatory Staff and CE

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m., which will involve discussion of its preliminary views, and an executive session at approximately 4:30 p.m. to exchange opinions and formulate recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to nuclear fuel design, calculational techniques and plant operating conditions related to peaking factors, if necessary.

I have determined, in accordance with subsec. 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alternations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 28, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon CE topical reports and various other related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 2 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 31, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after November 5, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-17829 Filed 8-20-73;9:29 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Holding Further Evidentiary Hearings

AUGUST 15, 1973.

In the matter of Northern Indiana Public Service Company (Bailly Generating Station Nuclear 1).

Take notice that further evidentiary hearings in this proceeding shall take place as follows:

Courtroom, Superior Court of Porter County, Valparaiso, Indiana.
September 11-14, 1973, commencing 9:00 a.m. (Local Time).
September 18-21, 1973, commencing 9:00 a.m. (Local Time).
September 25-28, 1973, commencing 9:00 a.m. (Local Time).
October 2-5, 1973, commencing 9:00 a.m. (Local Time).
October 9-12, 1973, commencing 9:00 a.m. (Local Time).

The exact Courtroom will be determined immediately prior to the evidentiary hearing on September 11, 1973.

The Board will appreciate every effort on the part of the parties to complete the taking of evidence in this proceeding no later than the close of business October 5, 1973.

It is so ordered.

Issued at Washington, D.C., this 15th day of August 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-17328 Filed 8-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25784]

CONTINENTAL AIR LINES, INC.

Order of Investigation

By tariff revision[1] marked to become effective August 15, 1973, Continental Air Lines, Inc. (Continental), proposes to expand by one hour the availability of adult standby fares from Kansas City to Los Angeles. Adult standby hours, which presently begin at 10:00 p.m. for Los Angeles-bound departures, would be advanced to 9:00 p.m. The fares reflect a 28-percent discount and would continue to be unavailable after 2:30 a.m.

In support of its proposal, Continental alleges that it has been unable to offer adult standby service in the market for over a year because depatures for Los Angeles from Kansas City were scheduled two hours before the fares became available, but that as of June 1, 1973, they now operate a scheduled departure at 9:00 p.m., only one hour earlier; that during the year it has received numerous requests from the public to reinstate the service; and that it expects the 9:00 p.m. departure will generate 10 to 15 passengers each day, five to 10 of which would be adult standby. In further justification, the carrier cites current adult standby hours from Chicago to Los Angeles, where the fares become available at 8:45 p.m., permitting as a result arrival of a TWA flight carrying adult standby passengers at Los Angeles one hour earlier than Continental's present 9:00 p.m. multistop flight from Kansas City.

Trans World Airlines, Inc. (TWA), has requested suspension and investigation of the proposal, alleging that Continental's reliance on its 8:45 p.m. departure from Chicago is unwarranted, since TWA extended adult standby availability to 8:45 p.m. in that market only as a competitive response to identical extensions instituted by United and Continental; that the proposed revision risks undue dilution of yield in view of the discount involved; and that it would be anomalous at best for the Board to permit an extension of adult standby fares in view of its recent action in Phase 5 of the *Domestic Passenger-Fare Investigation* (*DPFI*)[2] to phase out youth and family fares.

Continental has not answered the complaint.

Upon consideration of all relevant matters, the Board concludes that the complaint does not set forth sufficient facts to warrant suspension and the request therefor will be denied. However, we have concluded that all adult standby fares published by the domestic trunkline and local service carriers may be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

While Continental has not presented evidence to show that a 9:00 p.m. departure in the Kansas City-Los Angeles market is off-peak, we are inclined to believe it is. The latest nonstop flight scheduled at present is a 5:50 p.m. TWA flight,[3] and the latest through flight is a 6:45 p.m. one-stop flight on Continental. It thus seems likely that load factors on the 9:00 p.m. departure will be relatively low and that the risk of yield dilution as a result of the instant proposal is not great. On this basis, we will

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 142.

[2] Docket 21866-5.

[3] Except for a 12:05 a.m. TWA departure.

permit the particular revision here proposed by Continental.

Nevertheless, TWA's allegation concerning the relationship of Continental's proposal to the Board's action in Phase 5 of the *DPFI* raises a basic issue. Restriction of adult standby fares to travelers over 22 years of age would appear to be *prima facie* unjustly discriminatory in light of the phase-out of youth fares ordered because of similar age-related application. We will, therefore, institute an investigation of all adult standby fares currently offered, to determine whether or not the age restriction is unlawful or inconsistent with our final decision *vis-a-vis* youth fares. Order 73-5-2 (May 1, 1973).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Except to the extent granted herein, the complaint in Docket 25694 is dismissed;

3. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and served upon American Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., New York Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

TARIFF C.A.B. No. 136 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 59th Revised Page 172-A the KU class fare between Chicago and Los Angeles.

On 68th Revised Page 231 the KU class fares between Chicago, on the one hand, and Colorado Springs, Denver, Kansas City, and Los Angeles, on the other.

On 20th Revised Page 234-C the KU class fares between Denver, on the one hand, and Kansas City and Los Angeles, on the other.

On 53rd Revised Page 235 the KU class fares between El Paso, on the one hand, and Houston, Los Angeles and Midland, Tex., on the other.

On 47th Revised Page 239 the KU class fares between Houston, on the one hand, and Los Angeles, Midland, Tex., Phoenix, San Antonio, and Tucson, on the other.

On 47th Revised Page 240 the KU class fare between Kansas City and Los Angeles.

On 35th Revised Page 241 the KU class fares between Los Angeles, on the one hand, and Midland, Tex., Phoenix, San Antonio, and Tucson, on the other.

On 1st Revised Page 242-A the KU class fares between Midland, Tex., on the one hand, and Phoenix, San Antonio, and Tucson, on the other.

On 32nd Revised Page 244 the KU class fares between Phoenix, on the one hand, and San Antonio and Tucson, on the other.

On 21st Revised Page 245 the KU class fare between San Antonio and Tucson.

On 17th Revised Page 397 the U class fare between Albuquerque and Chicago.

On 17th Revised Page 398 the U class fare between Albuquerque and El Paso.

On 16th Revised Page 400 the U class fare between Amarillo and Denver.

On 17th Revised Page 403 the U class fare between Billings and Chicago.

On 15th Revised Page 411 the U class fares between Chicago, on the one hand, and Colorado Springs and Denver, on the other.

On 15th Revised Page 412 the U class fares between Chicago, on the one hand, and Grand Junction, Las Vegas, Phoenix, Pueblo, and Salt Lake City, on the other.

On 17th Revised Page 413 the U class fares between Chicago and Tucson.

On 20th Revised Page 419 the U class fares between Dallas/Ft. Worth, on the one hand, and St. Louis and Wichita, on the other.

On 20th Revised Page 420 the U class fares between Denver, on the one hand, and El Paso, Little Rock, and Memphis, on the other.

On 16th Revised Page 421 the U class fares between Denver, on the one hand, and Oklahoma City and Tulsa, on the other.

On 18th Revised Page 442 the U class fares between Kansas City, on the one hand, and Little Rock, Oklahoma City, Tulsa, and Wichita, on the other.

On 18th Revised Page 454 the U class fares between Oklahoma City and Wichita.

On 44th Revised Page 511 the KU class fares between Houston and Los Angeles/Long Beach.

On 18th Revised Page 529 the AU class fares between John F. Kennedy Int. APT., New York, on the one hand, and LaGuardia APT., New York, Morristown, and Newark APT., on the other.

Between LaGuardia APT., New York, on the one hand, and Morristown and Newark APT., on the other, and between Morristown and Newark APT.

On 46th Revised Page 778-A, the KU class fares between Chicago, on the one hand, and Denver, Kansas City, and Los Angeles, on the other.

On 47th Revised Page 782, the KU class fare between Kansas City and Los Angeles.

On 58th Revised Page 833, the KU class fare between Chicago and Denver.

On 58th Revised Page 834, the KU class fare between Chicago and Los Angeles.

On 28th Revised Page 842, the KU class fare between Denver and Los Angeles.

TARIFF C.A.B. No. 142 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 26th Revised Pages 83 and 84, all provisions

[FR Doc.73-17389 Filed 8-20-73;8:45 am]

[Docket No. 25630]

SURINAAMSE LUCHTVRACHT ONDERNEMING N.V. (SURINAM AIR CARGO CORPORATION)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 18, 1973, at 10:00 a.m. local time, in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 11, 1973.

Dated at Washington, D.C., August 15, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-17388 Filed 8-20-73;8:45 am]

[Docket No. 25535]

TRANS WORLD AIRLINES, INC.

Order Authorizing Discussions

Trans World Airlines, Inc. (TWA), requests that the Board issue an order authorizing all carriers legally permitted to engage in air passenger transportation on a scheduled basis to engage in discussions looking toward the establishment of a new Commercial Credit Card Program. It is contemplated that the new program would replace the current Universal Air Travel Plan (UATP) agreement.[1]

To support its application, TWA states that UATP, also sometimes referred to as the Plan, a credit program which in many respects preceded adoption of the Civil Aeronautics Act of 1938, has become obsolete; that as UATP is constituted today, certain participating carriers do not equitably share in defraying the cost of the plan thereby placing the largest financial burden upon certain "contractor" [2] carriers; [3] and that efforts to modernize the plan through a modest expansion of benefits and a proposal which would put the distribution of the Plan's costs among the UATP members [4] on a more equitable footing have been defeated since any member, no matter what the level of its participation in the plan, may veto final passage of an amendment to the agreement.

TWA believes the time has come for discussion of the present obstacles to the continued efficient administration of the Plan with a view toward establishing a new Commercial Card Program in a manner which will assure that the relationships among the participating member carriers are based upon principles of fundamental fairness and

[1] Universal Air Travel Plan Case, 12 C.A.B. 601 (1951).

[2] A "contractor" carrier is defined as any party having a contract with any subscriber pursuant to the UATP.

[3] Thus when a card issuing carrier's card is accepted by a ticketing airline for purchase of air transportation the ticketor is reimbursed for the sale at face value. The card issuing carrier must then absorb the cost of billing and collecting the sale. Non-contractor carriers do not absorb any of these costs.

[4] At present, there are approximately 70 members of the Plan.

equity. In sum, TWA states that the areas that require a change are basically three-fold: (1) the new plan must provide for an equitable sharing of costs, (2) the present unanimity voting procedures, which in point of fact permitted the inequities noted above to continue, must be supplanted, and (3) the new plan should be expanded to include travel-related services because this, among other things, will also offset the inequities in cost burden.

Answers supporting TWA's application have been filed by American Airlines, Inc. (American), United Air Lines, Inc. (United), the American Society of Travel Agents, Inc. (ASTA), and the National Passenger Traffic Association, Inc. (NPTA).[5]

In addition to expressing support of TWA's proposal, United requests that the permissible scope of any discussion authority granted by the Board be expanded somewhat beyond that defined by TWA, stating that an obvious corollary to a new commercial credit card program would be an industrywide personal credit card program to replace the numerous individual carrier programs now in effect. It believes that the carrier parties to the discussions will find it desirable simultaneously to consider such a program which would probably incorporate many of the same features as the contemplated commercial credit card program; *i.e.*, equitable sharing of costs and applicability to additional travel-related services. Thus, United urges the Board to authorize the carriers to discuss establishing an industry-wide personal credit card program at the same time they consider a new commercial credit card program pursuant to TWA's application. However, United states that its support of TWA's request for discussions is in no manner contingent upon the Board's authorizing the expansion of such discussions to cover a personal credit card system.

ASTA, in favoring the discussions, urges the Board to condition its approval of the discussions in the same manner it conditioned approval of the application of United to engage in capacity reduction discussion in Docket 22908.[6] It believes that imposition of these conditions will impose no hardship upon the participating carriers and will encourage participation by individuals and groups which may well result in a credit card plan which more clearly represents the interests of the carriers and the traveling public.

NPTA expresses no objection to granting TWA's request, but believes any authorization by the Board should require (a) prior notice of the carrier meeting, (b) the opportunity for NPTA representatives to attend, to raise appropriate questions on an orderly basis at the conclusion of the meeting as to the impact of the discussions, possible changes, and other matters related to the concepts there discussed, and (c) official written notification to NPTA by the carrier participants as to the results of the meeting, including any agreement or agreements reached as a result thereof. Also, like ASTA, NPTA requests that the additional protective conditions imposed in Order 73-4-98 be imposed herein.

Upon consideration of the foregoing, we have decided to grant TWA's request. On the basis of representations by TWA, there is some question whether UATP has not in fact become obsolete due in large part to the passage of time since its inception. Questions have been raised as a result of the members' inability to reach unanimity on modifications of the plan designed to achieve a more equitable sharing of costs by all participating carriers, and to expand the plan to include travel-related services.[7]

While the public benefits of a common personal credit card program have not been made entirely clear and we have little information on industry views favoring or opposing such a program, we have decided in the interest of possible industry economies to grant United's request that the discussions authorized herein also embrace the question of an industry-wide personal credit card system.

Turning now to the requests of ASTA and NPTA, we have decided to condition our approval of the discussions essentially along the lines of those conditions imposed in Order 73-4-98, except that we will not in this instance require that a full transcript be maintained of all meetings. In the context of the latter, we are unable to envision that the contemplated discussions will raise anti-competitive issues of the degree and importance of those envisioned in our approval of the discussions authorized by Order 73-4-98. It has been determined therefore to follow the Board's usual practice of requiring the carriers to keep complete and accurate minutes of all discussions and to file such with the Board.[8] Also, we have decided, along the lines requested by NPTA, to permit limited participation by interested persons in the proposed discussions in the manner and to the extent provided for herein.

Accordingly, it is ordered, That:

1. The request of Trans World Airlines, Inc., for an order authorizing all carriers legally permitted to engage in air passenger transportation on a scheduled basis to engage in discussions looking toward establishment of a new Commercial Credit Card Program be and it it hereby is granted;

2. The request of United Air Lines, Inc., that the permissible scope of the discussions be expanded to include the subject of an industrywide Personal Credit Card System be and it hereby is granted;

3. The foregoing authorizations shall be subject to the following conditions:

(a) discussions shall be held in Washington, D.C., the hour and date of such meetings to be determined by the carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board at least three business days prior to such meetings;

(b) representatives of the Civil Aeronautics Board and any other Federal Government Agency, shall be permitted to attend and view the discussions as observers;

(c) any interested person may advise the applicant herein of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested third person with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance;

(d) the carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes and all documentation shall be filed with the Board's Docket Section not later than two weeks after close of each meeting;

(e) any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under sec. 412 of the Act within fifteen days of consummation thereof, accompanied by an explanatory statement and a statement of justification; *provided*, that no agreement shall be implemented without having been previously approved by the Board; *provided further*, that upon filing with the Board such agreement shall be served upon the persons stated in subparagraph (c) *supra*;

(f) comments pertaining to any agreements filed pursuant to subparagraph (e) shall be filed within fifteen days from the date of the filing of such agreements with the Board;

(g) comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within ten days of the date of filing of such document;

(h) the relief granted herein shall expire 120 days from the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) this authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation; other than as specifically authorized.

4. Copies of this order shall be served on the Departments of Justice and Transportation; all certificated scheduled air carriers; The American Society of Travel Agents, Inc.; and the National Passenger Traffic Association, Inc.; and

5. To the extent not granted herein all outstanding requests be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-17390 Filed 8-20-73;8:45 am]

[5] NPTA's answer is accompanied by a motion for leave to file a late answer to TWA's application. We have decided pursuant to 14 CFR 302.17, to grant NPTA's motion.

[6] Order 73-4-96, April 24, 1973.

[7] We do not mean to intimate views concerning UATP's merits under 49 U.S.C. 1382 since that very question is soon up for decision in CAB Agreement 22333.

[8] Cf. Orders 73-7-7 and 73-6-79 dated July 3, 1973, and June 19, 1973, respectively.

[Docket No. 25009]

WILMINGTON SERVICE INVESTIGATION

Notice of Hearing

Having the objections of Allegheny Airlines, Inc., and Eastern Air Lines, Inc., in mind, notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held before the undersigned Administrative Law Judge commencing on September 18, 1973, at 10 a.m., local time, in Room 1031N, North Universal Building, 1875 Connecticut Avenue NW, Washington, D.C. Hearing will resume on September 25, 1973, at 10 a.m., local time, in the Court of Chancery, Court Room No. 2, Public Building, 11th and King Streets, Wilmington, Delaware.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 16, 1973.

[SEAL] JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.73-17387 Filed 8-20-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

AUGUST 17, 1973.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20746), a letter dated September 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning October 1, 1972. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 6 of the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of August 17, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 50 for the twelve-month period which began on October 1, 1972.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

AUGUST 17, 1973.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On September 28, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1972 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 6 of the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of September 28, 1972 for cotton textile products in Category 50 to 67,157 dozen for the twelve-month period beginning October 1, 1972.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-17817 Filed 8-20-73;8:45 am]

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

ENVIRONMENTAL PROTECTION AGENCY

EFFLUENT LIMITATIONS GUIDELINES

Public Review Procedures; Correction

There appeared in the FEDERAL REGISTER of August 6, 1973 (38 FR 21202-206), an advance notice of public review procedures concerning regulations to be promulgated under secs. 304(b), 306, and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; "the Act"). The purpose of the notice was to facilitate public comment and generally explain EPA's overall plans for development of regulations required to be promulgated under the Act.

This supplemental notice corrects certain technical or typographical errors which appeared in the August 6, 1973, notice as follows:

1. To insure understanding that the regulations referred to in the notice apply to both existing sources ("effluent limitations guidelines" under sec. 304(b)) and new sources ("standards of performance" under sec. 306) discharging pollutants into the waters of the United States, the title has been changed to more clearly reflect the applicability of the regulations to be promulgated.

2. The list of contractors' studies set forth on page 21203 of the notice inadvertently repeated the beet sugar and insulated fiberglass categories and omitted the asbestos manufacturing and rubber processing categories. The correct list of categories covered by the technical studies and for which EPA plans to propose regulations under secs. 304(b), 306, and 307 of the Act is as follows:

1. Pulp, Paper and Paperboard Mills.
2. Builders Paper and Board Mills.
3. Meat Product and Rendering Processing.
4. Dairy Product Processing.
5. Grain Mills.
6. Canned and Preserved Fruits and Vegetables Processing.
7. Canned and Preserved Seafood Processing.
8. Beet Sugar Processing.
9. Cane Sugar Processing.
10. Textile Mills.
11. Cement Manufacturing.
12. Feedlots.
13. Electroplating.
14. Organic Chemicals Manufacturing.
15. Inorganic Chemicals Manufacturing.
16. Plastics and Synthetic Materials Manufacturing.
17. Soap and Detergent Manufacturing.
18. Fertilizer Manufacturing.
19. Petroleum Refining.
20. Iron and Steel Manufacturing.
21. Nonferrous Metals Manufacturing.
22. Phosphate Manufacturing.
23. Steam Electric Powerplants.
24. Ferroalloy Manufacturing.
25. Leather Tanning and Finishing.
26. Glass Manufacturing.
27. Insulation Fiberglass Manufacturing.
28. Timber Products Processing.
29. Asbestos Manufacturing.
30. Rubber Processing.

3. The list of states which have been sent copies of contractors' draft technical reports inadvertently omitted the State of Illinois. The agency of that state and the correct address is as follows:

Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dated August 15, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-17421 Filed 8-20-73;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 1, 1973, and July 15, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA order, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated August 2, 1973.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I. DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 1, 1973 AND JULY 15, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
D-AFS-38001-NC	Wilson Creek Unit (Drainage), Pisgah National Forest, Avery and Caldwell Counties, North Carolina.	LO-1	E
D-AFS-60077-WA	Landownership Adjustment Plan, Gifford National Forest, Washington.	LO-1	K
D-AFS-61446-AK	Communication Sites on Tongass and Chugach National Forests, Alaska.	LO-1	K
D-AFS-65018-MT	Warland Planning Unit Multiple Use Plan, Montana.....	ER-2	I
D-AFS-65026-UT	Pinyon Juniper Chaining Program on National Forestland, Utah.	LO-1	I
D-SCS-36280-SC	Beaverdam Creek Watershed Project, Oconee County, South Carolina.	LO-2	E
Corps of Engineers			
D-COE-07076-MA	Brayton Point Electric Generating Station, Massachusetts.	ER-2	B
D-COE-30061-FL	Virginia Key Beach Erosion Control Project, Florida	LO-1	E
D-COE-32425-MS	Dredging, Wolf and Jourdan Rivers, St. Louis Bay, Mississippi.	ER-2	E
D-COE-32426-MS	Pearl River (Navigation), Pearl River County, Louisiana and Mississippi.	ER-2	E
D-COE-34075-AR	Maintenance and Operation for Greers Ferry Lake, Arkansas.	LO-2	G
D-COE-36275-WV	Flood Protection, Limestone Run, Wilsonburg, West Virginia.	ER-2	D
D-COE-39020-GA	Savannah Harbor, Sediment Basin and Tidegate Structure, Georgia.	ER-2	E
D-COE-39022-PA	Delaware River Project, Delaware River, Pennsylvania to New Jersey.	3	D
D-COE-39029-PA	Pennypack Marine Terminal, Philadelphia, Pennsylvania.	3	D
	Department of Defense		
D-USN-10036-CT	Naval Submarine Base, New London, Connecticut.....	ER-2	B
	General Services Administration		
D-GSA-81129-NC	Courthouse and Federal Building, Winston-Salem, North Carolina.	LO-2	E
	Department of Health, Education, and Welfare		
RD-FDA-99018-00	Rulemaking Order on Selenium in Animal Feeds.....	LO-2	A
	Department of the Interior		
D-IBR-30011-AZ	Granite Reef Aqueduct, Central Arizona Project, Arizona.	ER-2	J
	Department of Transportation		
D-CGD-81131-HI	Coast Guard Base, Honolulu Waterfront Redevelopment, Hawaii.	ER-2	J
LD-FRA-53021-00	Northeast Railroad Restructuring Act of 1973.....	LO-2	A
D-FAA-51269-MI	Detroit Metro Runway Addition, Michigan.....	3	F
D-FAA-51277-IN	Columbus Municipal Airport, Bartholomew County, Indiana.	LO-1	F
D-FAA-51278-MN	Redwood Falls Municipal Airport, Redwood County, Minnesota.	LO-1	F
D-FAA-51279-MO	Boonville Airport, Boonville, Missouri.....	LO-2	H
D-FAA-51284-NB	Creighton Municipal Airport, Creighton, Nebraska.....	LO-1	H
D-FHW-41827-SC	Queen-Mulberry Street Project, Greenville County, South Carolina	ER-2	E
D-FHW-41835-ND	Improvement of S. Hwy. 57, Ft. Totten NE., Benson, North Dakota.	LO-1	I
D-FHW-41836-IN	Relocation of S.R. 3 & 46, Decatur County, Indiana.....	LO-2	F
D-FHW-41837-MO	Route 61, Pike County, Missouri.....	LO-2	H
D-FHW-41862-OR	Revised, Oregon FH 55, Clackamas Highway, Oregon..	LO-1	K
D-FHW-41863-WA	SR 395—Kitopia to Connell, Washington.....	LO-1	K
D-FHW-41864-PA	LR 1052, Sec. 3, Cross Valley Expressway, Luzerne County, Pennsylvania.	3	D
D-FHW-41891-TX	Loop 9, S.H. 78 near Rowlett Creek, South and West to I-35, Dallas County, Texas.	3	G
D-FHW-41830-TX	S.H. 146 from Red Bluff Road to Harris County to Dickinson Bayou in Galveston County, Texas.	ER-2	G
	Pacific Northwest River Basins Commission		
D-PNR-30035-WA	Main Report of the Columbia-North Pacific Region Framework, Washington.	LO-1	A

Errata.—The Following Draft Environmental Impact Statement Prepared by the Department of the Interior for Which Comments Were Issued Between May 1, 1973, and May 31, 1973 (See 38 FR 15865, Dated June 18, 1973), are Hereby Amended to Properly Reflect the Accurate Location and Source for Copies of Comments:

	Department of the Interior		
D-NPS-24050-MT	Proposed Many Glacier Sewerage System Plan, Montana.	LO-1	I
D-NPS-24051-MT	Proposed Lake McDonald Sewerage System Plan, Montana.	LO-1	I
D-NPS-24052-MT	Proposed Sewerage Treatment Facilities for Risingsun, Montana.	LO-1	I

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory.—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonable available to the project or action.

Category 2—Insufficient Information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III. FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 1, 1973 AND JULY 15, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
	Federal Highway Administration		
F-FHW-41742-KY:	Louisa-Catlettsburg Road, Lawrence-Boyd County, Kentucky.	EPA generally agreed with the proposed project. However, EPA requested further clarification of air modeling techniques.	E

APPENDIX IV. REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 1, 1973 AND JULY 15, 1973

Agency	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
R-AFS-60075-00	36 CFR Part 221—National Forest Timber.	The proposed rulemaking for compliance with land use plans and applicable environmental quality standards in the conduct of forest service timber sales contracts, permits and other national forest timber disposal actions. EPA generally agrees with the proposed revisions to these rules which will make land use plans and environmental quality standards meaningful requirements in the handling of national forest timber.	A
R-AFS-65017-00	36 CFR Part 221—Timber—cancellation of sales.	Based on the review of the proposed rulemaking, EPA finds nothing objectionable, as the proposed rule was viewed as a forward step in the endeavor to protect the environment. Three comments were offered to assist in clarifying the proposed rulemaking.	A
R-SCS-99029-00	Environmental Quality Program, 7 CFR, Part 636.	EPA's comments suggest that the regulations be modified to include more substantive program information. In addition, the comments suggested that consideration be given to including local and State owned land in the program and that further consideration be given to State program review functions.	A
R-SCS-30268-00	7 CFR, chapter VI, proposed water quality management guidelines.	EPA's comments suggested that the regulation be modified to indicate that the identifiable beneficiaries, who require water quality storage to meet water quality standards, shall pay for costs of construction of such storage. In addition, EPA recommended that water quality storage be provided only after the consideration of alternative to modifying streamflow to improve water quality.	A
	Corps of Engineers		
R-COE-32414-00	33 CFR, Part 209, permits for activities in navigable or ocean waters—proposed policy, practice and procedures.	EPA's review indicated that these regulations a are generally thorough and environmentally protective. In particular, the incorporation of specific criteria to protect wetlands is a significant improvement. EPA's comments offer recommended changes to permit issuance, surveillance, reporting and enforcement procedures which strengthen both the corps and EPA roles in these activities.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

[FR Doc.73-17238 Filed 8-20-73;8:45 am]

GLASSIC INDUSTRIES, INC. AUTOMOBILI' F. LAMBORGHINI S.P.A.

Suspension Request

In the June 4, 1973, FEDERAL REGISTER (38 FR 14708), notice was given of application by Checker Motors Corporation for a one year suspenson of the 1975 light duty vehicle exhaust emission standards. After public hearing, the Administrator on July 16, 1973, granted a one year suspension to Checker and twenty six other manufacturers who had subsequently filed applications. The decision on these applications and the interim standards that will apply to these manufacturers for 1975 model year vehicles were announced at 38 FR 20365 (July 31, 1973).

Subsequently, Glassic Industries, Inc., and Automobili' F. Lamborghini s.p.a. have applied for suspension of 1975 emission standards. Review of these applications indicates that each company has made all good faith efforts to meet the 1975 emission standards. Therefore, I intend to grant suspension of the standards with respect to those manufacturers September 20, 1973, unless by August 24, 1973, any interested person requests in writing a public hearing on the applications. Such written request must be filed with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460, no later than August 24, 1973.

Any request for hearing should state the reasons why the announced intention of the Administrator should be considered further at a public hearing. Any person requesting such a hearing may be subpoenaed pursuant to sec. 307(a) of the Clean Air Act to give testimony at the hearing.

The Clean Air Act requires that Interim Standards be set if a suspension is granted. The Interim Standards to apply to 1975 model year light duty vehicles sold by the applicants to whom suspension is granted are set forth at 38 FR 17441.

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-17422 Filed 8-20-73;8:45 am]

Office of Hazardous Materials Control

ELI LILLY AND COMPANY ET AL.

Receipt of Applications

Notice is hereby given of the receipt of applications for registration of pesticides containing DDT for various uses listed below, pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (86 Stat. 973), by the following firms:

Company name, city, and pest involved:

	Application No.
Eli Lilly and Company, Indianapolis, Indiana 46206---------- Human (Prescription Only), pubic lice, scabies, pediculosis.	1471-OI
Micro Chemical Company, Inc., Winnsboro, Louisiana 71295--- Cotton—Cotton Pest Complex.	4841-AN
Custom Chemicides, Inc., Berkeley, California 94710---------- Mice and lice.	9319-RI
Bakersfield Ag-Chem, Bakersfield, California 93308---------- Seed alfalfa—lygus bugs. Citrus (Oranges, Lemons)—Fruit Tree Leafroller, Western Tussock Moth, Beet Army Worm, Orange Dog Caterpillar, Citrus Cut worm.	11369-R
Michigan Pest Control Operators Association, Troy, Michigan 48084 ---------- House mice, lice, fleas, bedbugs, batbugs.	28298-R
Michigan Pest Control Operators Association, Troy, Michigan 48084 ---------- Lice, fleas, bedbugs, batbugs.	28298-E
Michigan Pest Control Operators Association, Troy, Michigan 48084 ---------- Bats, lice, fleas, bedbugs, batbugs.	28298-G
North Carolina Forest Service, Raleigh, North Carolina 27611- Pine Trees—Pales Weevil.	29260-R

Notice is given in order that any Federal agency or other interested party may comment in writing with respect to this request, and solely as a matter of information. It should not be construed as indicating a decision by this Agency on the application. Please address comment to the Director, Registration Division, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460, and refer to "DDT-Cotton" or to the application number.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-17420 Filed 8-20-73;8:45 am]

TARIFF COMMISSION

[AA1921-121]

ALUMINUM INGOT FROM CANADA

Determination of No Injury or Likelihood Thereof

AUGUST 15, 1973.

On May 15, 1973, the Tariff Commission received advice from the Treasury Department that aluminum ingot from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of sec. 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-121 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held on June 26, 1973 in connection therewith was published in the FEDERAL REGISTER of May 29, 1973 (38 FR 14130, 14131). The hearing was subsequently rescheduled and held on July 17, 1973. Notice of the rescheduling was published in the FEDERAL REGISTER of June 7, 1973 (38 FR 14990).

In arriving at a determination in this case, the Commisison gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined [1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of aluminum ingot from Canada sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

The Antidumping Act of 1921, as amended, requires that before an affirmative determination can be made by the Tariff Commission it must find injury or likelihood of injury to an industry in the United States by reason of the sale of imports at less than fair value (LTFV).[2]

Data developed during the course of this investigation show that the Canadian suppliers were not price aggressors in the U.S. market, making no apparent effort to undersell U.S. producers. As a

[1] Commissioners Leonard and Young did not participate in the decision.

[2] The prevention of establishment of an industry is not at issue in this case.

result of the LFTV sales the Canadian exporters did not increase their share of the U.S. market. To the contrary their share of the nonintegrated fabricator market for aluminum ingot in the United States declined by 34 percent between 1968 and 1972.

In our opinion, the sharp decline in the price of aluminum ingot which occurred in 1971 and 1972 did not result from LTFV sales of Canadian ingot, but was largely attributable to an increase in U.S. productive capacity and the entry of new U.S. producers into the domestic market during a period when demand was leveling off.

Further evidence that the U.S. primary aluminum industry is not being injured by LTFV sales of Canadian ingot is the fact that this industry has operated virtually at full capacity since late 1972 with accompanying full employment, except where production was curtailed due to power shortages. It is evident that many U.S. aluminum fabricators would be unable to obtain an adequate supply of ingot were it not for the availability of Canadian imports and large sales of ingot from the U.S. Government stockpile.

Public notice of the Commission's investigation was given to all of the U.S. industry. The Commission notes that the complainant in this investigation and three other U.S. aluminum producers who collectively account for about 70 percent of total U.S. output of primary aluminum formally advised the Commission that imports of aluminum ingot from Canada are not injuring and are not likely to injure a U.S. industry. No other domestic producers appeared or claimed that an industry is being, or is likely to be, injured as a result of imports sold at LFTV.[1]

On the basis of all the evidence available to the Commission, we conclude that an industry in the United States is not being, and is not likely to be, injured by reason of sales of aluminum ingot from Canada at less than fair value.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-17395 Filed 8-20-73;8:45 am]

[1] The Commission further notes that a representative of the U.S. Department of Justice entered an apperance at the Commission's public hearing and presented testimony and briefs in support of a negative determination in this investigation.

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

AUGUST 7, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.
Canadian List No. 312

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (ft)	Ground system: Number of radials	Ground system: Length (ft)	Proposed date of commencement of operation
			610 kHz						
CHNL	Kamloops, British Columbia, N. 50°38'50", W. 120°16'15" (increase in nighttime power).	10D/5N	DA-N ND-D-181	U	III				
			940 kHz						
CJIB	Vernon, British Columbia, N. 50°19'26", W. 119°14'42" (now in operation).	10	DA-N ND-D-183.5	U	II				
			980 kHz						
(New)	Musgravetown, Newfoundland, N. 48°24'10", W. 53°55'00".	10	DA-N ND-D-182	U	III				E.O.I. 7-8-74.
			1170 kHz						
CKGY	Red Deer, Alberta, N. 52°08'56", W. 113°51'30" (assignment of call letters).	10D/5N	DA-2	U	II				
			1230 kHz						
CHVD	Dolbeau, Province of Quebec, N. 48°51'48", W. 72°15'00" (increase in daytime power).	10D/0.25N	ND-*180*	U	IV	*190*	120	320	
			1240 kHz						
CJAF	Cabano, Province of Quebec, N. 47°39'52", W. 68°51'44" (in operation).	1D/0.25N	ND-181	U	IV	125	120	325	
			1250 kHz						
CBOF	Ottawa, Ontario, N. 45°15'23", W. 75°39'38" (change in daytime radiation pattern).	10	DA-*2*	U	III	.....			
			1270 kHz						
CHPQ	Parksville, British Columbia, N. 49°17'45", W. 124°17'37" (assignment of call letters).	1	DA-1	U	III	.....			
			1400 kHz						
(New)	Renfrew, Ontario, N. 45°27'30", W. 76°41'20".....	0.25	ND-180	U	IV	135	120	250	E.I.O. 7-8-74.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.73-17289 Filed 8-20-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 161]

GUARANTEE FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Savings and Loan Institutions

AUGUST 15, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Guarantee Financial Corporation of California, Fresno, California, for approval of acquisition of control of the Fresno Guarantee Savings and Loan Association, Fresno, California and the Guarantee Savings and Loan Association of Visalia, Visalia, California, insured institutions under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a,(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisitions to be effected by an exchange of stock of Guarantee Financial Corporation of California for stock of the associations. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before September 20, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-17334 Filed 8-20-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY

Notice of Revocation

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and sec. 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01017	Westfal-Larsen & Co. A/S: *Hallanger.*
01055	Farrell Lines Incorporated: SS *African Star.*
01103	Poseidon Schiffahrt G.M.B.H.: *Rheingold.*
01113	A/S J. Ludwig Mowinckels Rederi: *Palma, Egda.*
01145	Det Bergenske Dampskibsselskab: *Ursa.*
01211	Selvaagbygg: *Anne Mildred Brovig.*
01212	A/S Selvaagbygg: *Andrea Brovig.*
01277	H & P Shipping I/S: *Inge Frank, Helle Frank.*
01330	Shell Tankers (U.K.) Ltd.: *Hellsoma.*
01368	Anax Shipping Company, S.A.: *Atlas.*
01429	Pacific Maritime Services Limited: *Stolt Abadesa.*
01517	Salamis A/S: *Skaustrand.*
01533	Henry Nielsen OY/AB: *Monsun.*
01565	Victoriana Corporation of Panama: *Mautric.*
01576	Henriksens Rederi A/S: *Brott.*
01816	The Bowater Steamship Co. Ltd.: *Nicolas Bowater.*
01861	BP Tanker Company, Ltd.: *British Reliance.*
01905	Ben Line Steamers Limited: *Benmhor.*
01986	A/B Transmarin: *Kerstin.*
02131	Houlder Line Limited: *Stolt Grange.*
02156	Lorentzens Skibs A/S: *Jane Stove, John Stove.*
02167	Sartori & Berger: *Sandhorn.*
02194	Compagnie Generale Transatlantique: *Cusco, Martinique.*
02239	Compagnia Marittima Carlo Cameli: *Niasca.*
02270	Enso-Gutzeit Osakeyhtio: *Finnsailor.*
02286	China Union Lines, Limited: *Union Companion.*
02361	The Mauritius Steam Navigation Co., Ltd.: *Belle Rive.*
02393	Prosperidad Compania Naviera S.A.: *Caltic Trader.*
02429	G & C Towing Inc.: *Charles R. Stevenson.*
02459	Dampskibsselskabet Orient Aktieselskab: *Tasmania.*
02479	Greenville Towing Company Inc.: *Chem-1201, Chem-2003, GTC-3, GTC-4, GTC-5, GTC-8, GTC-9, GTC-10, GTC-11, GTC-1200, GTC-1950, GTC-2002, GTC-2501, GTC-2502, GTC-2503, GTC-2504, GTC-2505, GTC-2506, GTC-2900, Karen, Walter Williamson.*
02510	Viamerito Compania Naviera S.A.: *Miko.*
02513	William Baird Mining Limited: *Dalhanna.*
02628	Schiffahrt-Und Assekuranz-Gesellschaft E. Russ & Co.: *Roland Russ.*
02642	Fidelity Shipping Co., Ltd.: *Genie.*
02825	Continental Lines S.A.: *Tecun Uman.*
02870	Isthmian Lines, Inc.: *Steel Navigator, Steel Traveler.*
02888	Stolt-Nielsons Rederi A/S: *Stolt Eagle.*
02958	Kawasaki Kisen K.K.: *Kinokawa Maru.*
02977	J. Ray McDermott & Co., Inc.: *TJ 512E, TJ 513E.*
03256	Upper Mississippi Towing Corp.: *UM-90, HTC 101, HTC 102, HTC 103, HTC 104.*
03315	Afran Transport Company: *Mona Pass.*
03413	Baba-Daiko Shosen K.K.: *Singapore Maru.*
03420	Dainichi Kaiun Kabushiki Kaisha: *Nippou Maru, Nikkyou Maru.*
03428	Hachiuma Kisen K.K.: *Horai Maru.*
03462	Mitsubishi Koseki Yuso K.K.: *Santa Isabel Maru.*
03467	Nichiro Gyogyo K.K.: *Kuroshio Maru No. 28, Kaiko Maru No. 1, Meisei Maru No. 2.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Yakumosan Maru, Kimi Maru, Havana Maru.*
03505	Showa Yusen Kabushiki Kaisha: *Mikawa Maru, Misaki Maru.*
03611	Villain & Fassio E Compagnia Internazionale Di Genova Societa Riunite Di Navigazione S.P.A. *Ginevra Fassio.*
03635	Hines, Incorporated: *Hines 264.*
03887	Vest Transportation Co., Inc.: *IBS 30.*
03980	Moran Towing & Transportation Co., Inc.: *Seaboard 30.*
04050	A/S Uglands Rederi: *Favorita.*
04093	Renaissance Shipping Corporation: *Renaissance.*
04214	Winco Tankers, Inc.: *Abiqua.*
04277	C. W. Blakeslee & Sons, Inc.; *Major, William P.*
04335-4	Viadoro Compania Naviera, S.A.: *Antiparos, Thera.*
04428	Franco Compania Naviera, S.A.: *Anette.*
04454	Satsumaru Kaiun K.K.: *Satsu Maru No. 17.*
04462	Empresa Nacional "Elcano" De La Marina Mercante S.A.: *Ukola.*
04565	Consolidated Navigation Corp.: *Consonance, Constor.*
04601	American Tunaboat Association: *Vivian Ann.*
04803	Brent Towing Co.: *Wasson 2, Barbara Brent.*
05001	Wenduyne Shipping Co., Ltd.: *Wenduyne.*
05030	Wallem & Co. A/S: *Nego Anne.*
05111	Porto Alegre Compania Naviera S.A.: *Panaghia.*
05148	Samyang Navigation Co., Ltd.: *Sea Star.*
05522	Burmah Oil Trading Limited: *Burmah Beryl.*
05531	Hydraulic Dredging Co., Ltd.: *Papoose, Duwamish.*
05560	Gann Enterprises, Inc.: *Anna Maria.*
05577	Far Eastern Shipping Company: *Admiles.*
05605	Faircape Steamship Corporation: *Stamatios.*
05658	Naviera Guanche, S.A.: *Guayadeque.*
05780	Ardas Conpania Naviera S.A.: *Ardas.*
05854	Levin Metals Corporation: *Tinian.*
05877	Transport Desgagnes, Inc.: *Fort Severn, Mont St Martin.*
05892	Luedtke Engineering Company: *Duluth.*
06234	Kokusai Gyogyo Kabushiki Kaisha: *Anyo Maru.*
06312	Aldebaran Compania Maritima S.A.: *Darrah.*
06421	Beacons Navigation S.A.: *Beacons.*
06563	Ragnar Johansen & Co. A/S: *Alderjo.*
06574	"Brinknes" Schiffahrtsges. Franz Lange Gmbh & Co. K/G: *Brinknes.*
06941	Excelsior Marine Corporation: *Noma.*
06947	D. M. Picton & Co., Inc.: *El Morro.*
06997	Kyodo Kisen K.K.: *Horai Maru.*
07019	Allied Shipping International Corporation: *Trechon, Tigris.*
07142	Kyselyn Corporation: *Elgy.*
07499	Naviera Granbahama, S.A.: *Lucaya.*
67502	Viadoro Armadora S.A.; *Spartan.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17383 Filed 8-20-73;8:45 am]

PORT OF SAN FRANCISCO AND CALIFORNIA STEVEDORE AND BALLAST CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to sec. 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, by September 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Miss Miriam E. Wolff, Port Director, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-2813, between the Port of San Francisco (Port) and the California Stevedore and Ballast Company (CS&B), provides for the 10-year

operation by CS&B of a wharfinger facility and marine terminal at the Port of San Francisco, California. As compensation, Port is to receive a minimum of $34,000 per month of port tariff charges, said charges to include crane rental but exclude utilities or rent for other properties occupied under the agreement. CS&B shall have the nonexclusive and preferential right to use of crane number 2. CS&B will be relieved of the rent due on unused portions of Pier 31, as provided for in a previous non-cancellable lease dated March 13, 1972. Should a possessory interest tax be assessed against CS&B, tariff charges in excess of the guaranteed minimum may be retained by CS&B until the tax payment is fully credited, with all tariff charges thereafter accruing to be paid to the Port. By order of the Federal Maritime Commission.

Dated: August 15, 1973.

FRANCIS C. HURNEY
Secretary.

[FR Doc.73-17385 Filed 8-20-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1196]

TRI-CITY FORWARDING CO.

Order of Revocation

On August 8, 1973, the Federal Maritime Commission received notification that Walter L. Geis d/b/a Tri-City Forwarding Co., P.O. Box 3525, Beaumont, Texas 77704, wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1196 for revocation, effective September 1, 1973.

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. 1196 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Walter L. Geis d/b/a Tri-City Forwarding Co. be and is hereby revoked effective September 1, 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 Walter L. Geis d/b/a Tri-City Forwarding Co.

AARON W. REESE,
Managing Director.

[FR Doc.73-17382 Filed 8-20-73;8:45 am]

TROPICAL STEAMSHIP CRUISES, INC., AND ARES SHIPPING CORP.

Order of Revocation of Certificates

Whereas, Tropical Steamship Cruises, Incorporated and Ares Shipping Corporation, % EASTERN STEAMSHIP LINES, INC., PIER 2, P.O. BOX 882 MIAMI, FLORIDA 33101, have ceased to operate the passenger vessel *Ariadne;* and

Whereas, Tropical Steamship Cruises, Incorporated, and Ares Shipping Corporation have returned Certificate (Performance) No. P-21 and Certificate (Casualty) No. C-1,048 for revocation.

It is ordered, That Certificate (Performance) No. P-21 and Certificate (Casualty) No. C-1,048 covering the Ariadne be, and are hereby revoked effective August 7, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-17384 Filed 8-20-73;8:45 am]

FEDERAL POWER COMMISSION

[Doc. Nos. E-7400, etc.]

BOSTON EDISON CO.

Notice of Extension of Time

AUGUST 14, 1973.

In the matter of Municipal Light Boards of Reading and Wakefield, Massachusetts, Complainants, v. Boston Edison Company, Respondent, (Docket No. E-7400), Norwood Municipal Light Department Norwood, Massachusetts, Complainant, v. Boston Edison Company, Respondent (Docket No. E-7517), and Boston Edison Company (Docket Nos. E-7485 and E-7533).

On July 25, 1973, Boston Edison Company filed a motion for an extension of time to file briefs on exceptions to the decison issued July 19, 1973, in the above-designated matter. On August 8, 1973, The Towns of Concord, Norwood and Wellesley, Massachusetts, filed a response opposing the request.

Upon consideration, notice is hereby given that the time is extended to and including September 19, 1973, within which all participants may file briefs on exceptions. Briefs opposing exceptions may be filed on or before October 9, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17397 Filed 8-20-73;8:45 am]

[Project No. 2732]

CAROLINA POWER & LIGHT CO.

Notice of Application

AUGUST 14, 1973.

Public notice is hereby given that an application for a preliminary permit was filed on June 19, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Carolina Power & Light Company (Correspondence to: J. A. Jones, Executive Vice President, Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602), for proposed Project No. 2732, to be known as the Jackson County Pumped Storage Project. The proposed project would be located in the region of the towns of Cullowhee and Sylva in Jackson County and near the town of Waynesville in Haywood County, North Carolina. The proposed project would be located on the Caney Fork, a tributary of the Tuckasegee River, and Frady Creek, a branch of Chastine Creek which is a tributary of Caney Fork.

According to the application, the proposed Jackson County Pumped Storage Project would consist of: (1) an upper reservoir having a maximum pool elevation of 4,000 feet (m.s.l.) formed by a rockfill dam on Frady Creek with an approximate height of 420 feet and a crest length of 2,100 feet; (2) a lower reservoir having a maximum pool elevation of 2,640 feet (m.s.l.) formed by a rockfill dam located on the Caney Fork of the Tuckasegee River with an approximate height of 255 feet and a crest length of 1,600 feet; (3) connecting pressure tunnels and penstocks; and (4) a powerhouse (possibly underground) housing an ultimate installation of four reversible pump-turbine motor-generating units, each rated at 250 megawatts, designed to operate under a head range from 1,275 feet to 1,398 feet. The power developed by the project would be used to supplement future load requirements. No construction is authorized under a preliminary permit; its function is to allow the applicant to conduct detailed studies to determine the feasibility of the proposed project.

Any person desiring to be heard or to make protest with reference to said application should on or before October 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 heard but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17399 Filed 8-20-73;8:45 am]

[Project No. 2503]

DUKE POWER CO.

Notice of Application

AUGUST 14, 1973.

Public notice is hereby given that application was filed June 20, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Duke Power Company (Correspondence to: Mr. C. J. Blades, Vice President-Real Estate, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28201) for

change in land rights for partially constructed Project No. 2503, known as the Keowee-Toxaway Project, located on the Keowee, Little, Whitewater, Toxaway, Thompson, and Horsepasture Rivers, all tributaries to the Savannah River which is a navigable waterway of the United States in Oconee and Pickens Counties, South Carolina, and Transylvania County, North Carolina.

Licensee seeks Commission approval of an easement conveying a right-of-way to Rochester Real Estate Company, Inc., and Rochester Real Estate of Seneca, Inc., for the purpose of constructing a sewer line across a small arm of Keowee Reservoir located in Oconee County, South Carolina.

Rochester is constructing a new residential subdivision north of Seneca, South Carolina, and desires to provide sewage service to the development. Rochester proposes to construct a sewer line across a small arm of Lake Keowee in order to connect said line to the municipal sewage system of the Town of Seneca.

Any person desiring to be heard or to make protest with reference to said application should on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17235 Filed 8-20-73;8:45 am]

[Docket No. RI74-23]

FOSTER T. CORP.

Order Regarding Rate Change and Providing for Hearing

AUGUST 9, 1973.

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

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

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

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

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

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI74-23	Foster T. Corporation	1	[1] 11	El Paso Natural Gas Company (certain leases in San Juan and Rio Arriba Counties, New Mexico, San Juan Basin, Rocky Mountain area).		7-16-73	8-16-73	Accepted [4]			
		1	12		(5)	7-16-73	8-16-73	Accepted [4]	11.0	[3] [6] 22.0	
					(5)	7-16-73	8-16-73	(7)	11.0	[3] [6] 28.0	

*Unless otherwise stated, the pressure base is 15.025 psia.
[1] Contract agreement dated May 15, 1973.
[2] For gas delivered from wells completed prior to June 1, 1970.
[3] For gas delivered from wells completed on or subsequent to June 1, 1970.
[4] Subject to Btu adjustment.
[5] Not stated.
[6] Accepted effective as of the date shown in the "Effective Date Unless Suspended" column.
[7] Accepted effective as of the date shown in the "Effective date unless suspended" column insofar as the proposed rate does not exceed the ceiling prescribed in Order No. 435, and suspended until 1-16-74 insofar as the proposed rate exceeds the ceiling in Order No. 435.

The primary term of Foster's contract has expired and an amendatory agreement has been filed providing for higher rates and extending the term of the original contract. Consequently, the vintaging policy set forth in Opinion No. 639 and the ceiling in Order No. 435 are applicable.

We shall therefore accept Foster's rate increases to the extent they do not exceed the ceiling prescribed in Order No. 435 and suspend for five months that portion of its proposed 28.0¢ rate which exceeds the ceiling in Order No. 435.

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

[FR Doc.73-17235 Filed 8-20-73;8:45 am]

[Docket No. RI74-16]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 9, 1973.

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

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

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

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

(B) Pending hearing and decision thereon, the rate supplement herein is

suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder.

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

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI74-16	Gulf Oil Corporation	305	3	Natural Gas Pipeline Company of America (Lockridge Fld, Ward Co, Texas, Permian Basin).	$6,221	7-16-73		9-19-73	[1] 18.1453	[1] 19.1822	RI69-600

* Unless otherwise stated, the pressure base is 14.65 psia.

[1] Includes quality adjustment.

The proposed rate increase exceeds the applicable area ceiling rate, but does not exceed the rate limit for a one day suspension, and is suspended for one day from the contractual due date which is beyond the expiration of the 60 day notice period.

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

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

[FR Doc.73–17234 Filed 8–20–73;8:45 am]

[Docket No. E–8336]

IOWA POWER AND LIGHT CO.

Notice of Application

AUGUST 14, 1973.

Take notice that on July 30, 1973, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application seeking authority pursuant to sec. 204 of the Federal Power Act to issue on or before December 31, 1974, amounts not exceeding in the aggregate at any one time the sum of $50,000,000, of which an amount not exceeding $25,000,000 in the aggregate at any one time may be in the form of commercial paper, with final maturities not more than one year after date of issuance.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

The notes are to be issued from time to time to banking institutions or sold through a commercial paper dealer.

Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities of not more than one year from their dates and are to bear interest at the prime rate in effect at the time of issuance.

Commercial paper will be issued as unsecured promissory notes through an established commercial paper dealer. Commercial paper notes are to have maturities of not more than nine months from their dates and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance.

The proceeds from the issuance of notes will be used as interim financing of the Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to the application should on or before August 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with 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 proceedings. 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 rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–17400 Filed 8–20–73;8:45 am]

[Project No. 2709–West Virginia]

MONONGAHELA POWER COMPANY ET AL.

Availability of Staff Draft Environmental Impact Statement

AUGUST 17, 1973.

Notice is hereby given in the captioned project, that on August 15, 1973, as required by § 2.81(b) of Commission Order No. 415–C, a draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Monongahela Power Company *et al.*, for the proposed Davis Pumped Storage Project No. 2709 to be located on the Blackwater River and Red Creek in Tucker and Grant Counties, West Virginia.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its New York Regional Office. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

The project would consist of a 600-acre upper reservoir on Cabin Mountain (full pond elevation 4,042 feet m.s.l.), a 7,000-acre lower reservoir (full pond elevation 3,182 feet m.s.l.) located in Canaan Valley, a tunnel and above ground penstocks, and a surface powerhouse which would contain 4–250 mw pump-turbine generating units. Also associated with the project would be 2–500 kv transmission lines about 12 miles long. Proposed recreation facilities include fisherman access areas, a camping area, a marina, an information center and an interpretive center overlooking the lower reservoir. All recreation facilities within Canaan Valley would be day-use types.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before September 29, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81 (c) of Order No. 415–C.

All petitions to intervene must be filed on or before September 29, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–17424 Filed 8–20–73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 14, 1973.

On August 7, 1973, Staff Counsel filed a motion for the postponement of the prehearing conference and an adjustment of the other procedural dates accordingly as fixed by notice issued July 11, 1973, in the above designated matter. The motion states that the parties have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, August 28, 1973 (10:00 a.m., EDT).
Intervener Service Date, September 4, 1973.
Company Rebuttal Date, September 18, 1973.
Hearing, September 25, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-17401 Filed 8-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Application To Engage in the Underwriting of Credit Life and Credit Accident and Health Insurance

Commerce Bancshares, Inc., Kansas City, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of a company to be organized to engage in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance. Notice of the application was published in the following newspapers on the dates listed below:

Date	Newspaper	City and State
May 12, 1973	The Kansas City Star.	Kansas City, Missouri.
May 23, 1973	St. Louis Globe-Democrat.	St. Louis, Missouri.
May 29, 1973	Arizona Weekly Gazette.	Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance in connection with extensions of credit by its subsidiary banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 9, 1973.

Board of Governors of the Federal Reserve System, August 13, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17340 Filed 8-20-73;8:45 am]

WEST DAKOTA CORP.

Formation of Bank Holding Company

West Dakota Corporation, Lead, South Dakota, 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 84.8 percent or more of the voting shares of Miners & Merchants Bank, Lead, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than August 28, 1973.

Board of Governors of the Federal Reserve System, August 12, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-17341 Filed 8-20-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PEABODY COAL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Correction

In FR Doc. 73-16878 appearing at page 22077 in the issue of Wednesday, August 15, 1973, in the data pertaining to the application following the first paragraph, make the following changes: In the third line, the USBM ID No., now reading "1100535 0", should read "1100585 0". In the 6th line, the number in parentheses, now reading "(1E-1S-5-1/2W-MC)", should read "(1E-1S-5-1/2W-MN)".

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

CIC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 14, 1973.

The 11 percent Debentures due June 1975 of C I C Industries, Inc., being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of C I C Industries, 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 section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) August 14, 1973 through August 23, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17355 Filed 8-20-73;8:45 am]

[File 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Order Suspending Trading

AUGUST 15, 1973.

The commonstock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadephia - Baltimore - Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent concertible subordinated debtentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 15, 1973 through August 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17356 Filed 8-20-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

AUGUST 15, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 15, 1973 through August 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17357 Filed 8-20-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORPORATION

Order Suspending Trading

AUGUST 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 15, 1973 through August 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17358 Filed 8-20-73;8:45 am]

PSA, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 14, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

PSA, INC..... File No. 7-4419

Upon receipt of a request, on or before August 29, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17359 Filed 8-20-73;8:45 am]

[811-896]

ICM FINANCIAL FUND, INC.

Notice of Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that ICM Financial Fund, Inc., c/o Norbert J. Magrath, 185 Cross Street, Fort Lee, New Jersey 07024 (Fund), registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized as a Maryland corporation on July 20, 1959, and registered under the Act by filing a Form N-8A notification of registration on July 30, 1959, and a Form N-8B-1 Registration Statement on September 21, 1959.

At a special meeting held on December 14, 1971, shareholders approved the transfer of business and assets of Fund to Pilgrim Fund, Inc. (Pilgrim), a registered investment company, in exchange for shares of capital stock of Pilgrim. The Pilgrim shares were distributed to Fund shareholders on December 15, 1971, and Fund ceased to act as an investment company as of the close of business on December 21, 1971.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission, on its own motion or upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17360 Filed 8-20-73;8:45 am]

[811-1322]

ICM EQUITY FUND, INC.

Notice of Proposal to Terminate Registration Pursuant to Section 8(f) of the Act

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that ICM Equity Fund, Inc., c/o Nobert J. Magrath, 185 Cross Street, Fort Lee, New Jersey 07024 (Fund), registered under the Act as an open-end,

diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on May 3, 1965, and registered under the Act by filing a notification of registration on Form N–8A and a Registration Statement on Form N–8B–1 with the Commission on June 28, 1965.

At a special meeting held on December 14, 1971, shareholders approved the transfer of the business and assets of Fund to MagnaCap Fund, Inc. (MagnaCap), a registered investment company, in exchange for shares of capital stock of MagnaCap. The MagnaCap shares were distributed to Fund shareholders on December 15, 1971, and Fund ceased to act as an investment company as of the close of business on December 21, 1971.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission, on its own motion or upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17361 Filed 8–20–73;8:45 am]

[811–976]

OXFORD TRUST FUND

Notice of Proposal To Terminate Registration

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Oxford Trust Fund (formerly Bankers Mutual Trust Fund), Room 432, Candler Building, Atlanta, Georgia, (Oxford), a trust formed under the laws of the State of Georgia and registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Oxford was initially organized in Georgia in August, 1960, under the name of Bankers Mutual Trust Fund (Bankers). Bankers filed a Form N–8A Notification of Registration with the Commission on August 31, 1960. On August 30, 1961 Bankers was reorganized in Georgia and changed its name to Oxford, and on September 8, 1961, Oxford filed a Form N–8B–1 Registration Statement with the Commission.

Oxford has never conducted any business operations other than initial organizational activities; it presently has no assets; its registration statement under the Securities Act of 1933 was withdrawn on June 14, 1972; and it has abandoned any intention of making a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 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 reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Oxford at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–17362 Filed 8–20–73;8:45 am]

[811–2056]

ROYDEN FUND, INC.

Notice of Proposal To Terminate Registration

AUGUST 14, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Royden Fund, Inc., (formerly Equitable Growth Fund, Inc.), 7000 East Camelback Road Suite 201, Scottsdale, Arizona 85251, (Royden), a corporation organized under the laws of the State of Maryland and registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Royden was initially organized in Maryland on April 1, 1970, under the name of Equitable Growth Fund, Inc. (Equitable). Equitable registered under the Act on April 6, 1970 by filing a Form N–8A Notification of Registration. On May 6, 1970, Equitable filed a Form N–8B–1 Registration Statement under the Act and a Form S–5 Registration Statement under the Securities Act of 1933 ("1933 Act") on May 20, 1970.

On August 20, 1970 Equitable changed its name to Royden, and on that date Royden filed a Form N–8B–1 Registration Statement under the Act and a Pre-effective amendment to the 1933 Act registration statement.

Royden has never conducted any business operations other than initial organizational activities; its registration statement under the 1933 Act was abandoned on September 13, 1972; and it has abandoned any intention of making a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 7, 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 reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications 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 the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-17363 Filed 8-20-73;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Advisory Committee, created by section 6(b) of Executive Order 11695, will meet on August 23, 1973 in Room 204A, Dirkson Building, 219 S. Dearborn, Chicago, Illinois.

The morning portion of the meeting, which will be held from 10 a.m. to 12:30 p.m., will be open to the public. The Chairman and the Staff will present to the Committee alternative control mechanism for hosptitals and practitioners for consideration by the Committee.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. For that reason, persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Robert Saner, 2000 M Street NW., Washington, D.C. 20508.

Any statement received three or more days prior to the meeting will be provided to the Committee before the meeting. Any statement over three pages in length should be submitted with twenty copies.

The afternoon portion of the meeting, to run from 12:30 p.m. to 4:30 p.m., will be closed to the public. Since the afternoon meeting will be discussing the substance of Phase IV and other possible governmental actions therewith, I have determined that the meeting will fall within Exemption 5 of 5 U.S.C. 552(b) and it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-17867 Filed 8-20-73;11:57 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 324]

ASSIGNMENT OF HEARINGS

AUGUST 16, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 77972 Sub 19, Merchants Truck Line, Inc., now assigned September 10, 1973, at Memphis, Tenn., is postponed indefinitely.

I. & S. No. 8851, TOFC, Freight All Kinds, Plan IV, Trans-Continental Territory, now being assigned hearing September 25, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35825, Board of Trade of the City of Chicago-V-The Akron, Canton & Youngstown Railroad Company Et Al., now assigned September 17, 1973, at Chicago, Ill., is postponed to October 23, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 127669 Sub 5, Cherry Hill Transit, now assigned September 24, 1973, at Trenton, N.J., is postponed to October 29, 1973 (1 week), in Room 407, New Jersey Public Utility Commission, 28 West State Street, Trenton, New Jersey.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17393 Filed 8-20-73;8:45 am]

[Notice No. 337]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Secs. 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 September 10, 1973. Pursuant to sec. 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-74309. By order of August 14, 1973, the Motor Carrier Board approved the transfer to BCD Trucking, Inc., Forestville, N.Y., of the operating rights in Permits No. MC-123672, MC-123672 (Sub-No. 1), and MC-123672 (Sub-No. 5) issued December 27, 1961, January 20, 1964, and April 17, 1967, respectively to J. Kenneth Brotz, Silver Creek, N.Y., authorizing the transportation of bakery products from, to and between specified points and areas in Massachusetts, Michigan, New Jersey, New York, and Ohio. Robert G. Gawley, 126 East Fourth St., Dunkirk, N.Y., attorney for applicants.

No. MC-FC-74540. By order of August 15, 1973, the Motor Carrier Board approved the transfer to J. H. Beers, Inc., P.O. Box 266, Male St., Wind Gap, Pa., of Certificate No. MC-47890 (Sub-No. 1) issued to Joseph H. Beers, Bangor, Pa., authorizing the transportation of: Slate and slate products, from Bangor, Pa., and 10 miles thereof to points in New Jersey, New York, Delaware, Connecticut, Maryland, Massachusetts, Virginia, West Virginia, and Dist. of Columbia.

No. MC-FC-74632. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Don's Towing and Automotive Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., of the operating rights in Certificate No. MC-109741 issued December 8, 1969, to Consolidated Towing Service, Inc., doing business as Bishop Towing Service, St. Paul, Minn., authorizing the transportation of various commodities between points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. F. H. Kroeger, 2288 University Ave., St. Paul, Minn., 55114, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-17394 Filed 8-20-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

User Charges and Industrial Cost Recovery

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Subpart E—Grants for Construction of Treatment Works, Federal Water Pollution Control Act Amendments of 1972

USER CHARGES AND INDUSTRIAL COST RECOVERY

Notice is hereby given that the Environmental Protection Agency is amending Part 35 of Title 40 to include regulations for user charge systems and industrial cost recovery, pursuant to section 204(b) of the Federal Water Pollution Control Act Amendments of 1972.

The regulations require that a system of user charges be adopted by all applicants for treatment works construction grants. User charges are payments to a grantee by recipients of waste treatment services to offset the cost of operation and maintenance of treatment works provided by the applicant. User charge systems are intended to enable the grantee to be financially self-sufficient with respect to operation and maintenance of treatment works.

The regulations also require that all grantees recover from industrial users that portion of the grant amount allocable to the treatment of wastes from such users. An industrial user's share is to be based on all factors which significantly influence the cost of the treatment works, including strength, volume, and flow characteristics.

The Act provides that a grantee may retain an amount of the revenues recovered from industry equal to (1) the amount of the non-Federal cost of the project paid by the grantee, plus (2) the amount necessary for future reconstruction and expansion of the project. The total amount retained, however, cannot exceed 50 percent of the amount recovered.

In the development of the regulations, it was determined that the 50 percent limitation would be applicable except at an amount for reconstruction and expansion which would not be sufficient to expand and reconstruct the treatment works. Therefore, in the interest of minimizing paper work pursuant to section 101(f) of the Act, the regulations permit a grantee to retain 50 percent of the amounts recovered in all cases. The remainder, together with any interest earned thereon, must be returned to the U.S. Treasury.

On May 22, 1973, notice of this proposed rulemaking was published in the FEDERAL REGISTER (38 FR 13524). Written comments were invited and received from interested parties and are on file with the Environmental Protection Agency. The Agency has carefully considered all submitted comments. Certain of these comments have been adopted or substantially satisfied by editorial changes in, deletions from, or additions to the regulations. The major comments received and principal changes made in the regulations are discussed below:

a. Many comments were made to the effect that existing industrial users should be exempt from cost recovery if a treatment works is expanded to accommodate new industries. No change was made in the regulations because it is the intent of the statute that all industrial users of a treatment works, for which a grant is made, must share in repaying the Federal contribution.

b. Several comments suggested that the definition of an industrial user was too broad (See § 35.905–19), especially with regard to Division I—Services. The intent of including Division I was to ensure that industries contributing significant quantities of process wastes would be subject to cost recovery when appropriate. Industries included in Division I which discharge primarily domestic-type wastes are specifically excluded from the cost recovery requirements.

c. Several comments indicated that the definition of Recovery Period was too restrictive (see § 35.905–20). In accordance with those comments, the section was revised to allow an applicant to commence its cost recovery program prior to the beginning of operation of a treatment works.

d. Section 35.905–22, *User charge*, was interpreted by many responders to prohibit a grantee from including debt service or other local charges in its billings to users of the wastewater treatment system. Such a prohibition was not intended. The terms "user charges" and industrial cost recovery in the regulations refer to specific requirements of the Act and must be included in the charges made by treatment authorities for wastewater collection and treatment. Other charges, such as payments for local debt service for previous construction and debt service for the local share of the treatment works, are not precluded by the Federal requirements and may be included in bills to users. To clarify this section, and remove doubt over any possible preclusion, the sentence "User charges do not include construction costs" was removed.

e. Many comments indicated that it was not clear that domestic users were subject to the user charge requirements. User charges must be paid by all recipients of wastewater collection and treatment services including domestic users, other non-industrial users, and industrial users. In order to provide clarity, this section was divided into two parts: § 35.925–11, user charges, and § 35.925–12, industrial cost recovery.

f. Several comments requested clarification of the length of the commitment period for industry (See § 35.925–12). The letter of intent is required to ensure that industries will use the treatment works when operation begins and that the period of use will be considered in plant design. In the event an industry discontinues use of the treatment works in the future, its payments for cost recovery and user charges would cease and the capacity formerly used by such industry would be available for increases in loading from existing users, or for new industrial users who would assume their proportionate share of the capital costs during the remaining portion of the recovery period.

g. Section 35.925–15, *Treatment of industrial wastes*, was partially revised for clarity of language.

h. Many responders interpreted § 35.925–14, *Federal activities*, to mean that Federal installations were to be excluded from user charges. It was not intended to exclude Federal installations from the user charge requirements. All users—industrial, commercial, institutional, domestic, and governmental—must pay the costs of operation and maintenance of treatment works.

The industrial cost recovery provisions of the Federal Water Pollution Control Act Amendments of 1972 are general conditions for grants made under this subpart. In consequence, the section entitled Federal Activities (and which dealt with these provisions) has been deleted from these regulations, and will be published with the final construction grant regulations.

i. Section 35.925–17 was corrected to conform with § 35.928–2.

j. The following changes were made to § 35.928–1, *Recovered amounts:*

(1) "Service life" was changed to "Useful life."

(2) Section 35.928–1(f) was modified for clarity.

Certain other suggested changes could not be made because, in the Administrator's judgment, they would have made these regulations inconsistent with the language and intent of the statute.

k. A large number of comments were received concerning a grantee's use of retained funds recovered from industry (§ 35.928–2).

Pursuant to the authority of the Administrator under section 204(b)(3) to determine the portion of retained amounts which is necessary for future expansion and reconstruction of treatment works, the regulations state that 80 percent of the retained amounts, together with any interest earned thereon, shall be used solely for eligible costs of reconstruction and expansion of treatment works associated with the project and necessary to meet the intent of the Act. The remainder of retained amounts may be used as the grantee sees fit.

It was determined to distribute the retained amounts in this manner because the 80/20 percent split between trust funds and discretionary funds bears a reasonable relationship to the Federal share of a project for future expansion and reconstruction. That is, the total amount necessary for reconstruction and expansion of the project would be, at a minimum, 100 percent of the eligible costs of the project and the non-Federal share would be 25 percent of the eligible project costs. Thus the ratio between the minimum amount necessary for reconstruction and expansion and the local amount for both reconstruction and expansion and the non-Federal share of

the project would be (100)(100)/(100 plus 25)=80 percent. Since the amount retained will be less than the full amount necessary for future reconstruction and expansion plus the non-Federal share, the amount retained for future reconstruction and expansion will bear the same ratio to the amount attributable to the non-Federal share as if the full amount for both purposes were available. This appears to be the most equitable manner of distributing the retained funds.

l. Comments were received objecting to the requirement that quantity discounts not be given to large volume users (See Appendix—(h). Other Considerations). No change was made in the regulations because savings resulting from economies of scale should be shared by all users. However, costs for services, such as meter reading and billing that are not a function of the extent of use of the treatment works, could be the same for all users, with the remaining costs apportioned on the basis of flow and wastewater characteristics.

m. Questions were raised concerning how the costs for stormwater treatment, correction of combined sewer overflows, and infiltration correction or treatment will be apportioned to users of the treatment works. These situations will be handled by guidance to the States in accordance with the principles outlined in the Act and these regulations.

Because of the statutory mandate that all grants awarded after March 1, 1973, shall be subject to the requirements for user charges and industrial cost recovery of Section 204, and because of the importance of promptly making known to States and treatment authorities the content of these regulations, the Administrator finds good cause to declare these regulations effective immediately upon publication.

Dated August 15, 1973.

JOHN QUARLES,
Acting Administrator.

Subpart E—Grants for Construction of Treatment Works, Federal Water Pollution Control Act Amendments of 1972

1. Section 35.901 is amended to read as follows:

§ 35.901 Authority.

This subpart is promulgated pursuant to sections 201 through 205, 207, 210 through 212, 501(a), and 502(18) of the Act.

2. Sections 35.905–17 through 35.905–22 are added to read as follows:

§ 35.905–17 Useful life.

The estimated period during which a treatment works will be operated.

§ 35.905–18 Industrial cost recovery.

Recovery by the grantee from the industrial users of a treatment works of the grant amount allocable to the treatment of wastes from such users.

§ 35.905–19 Industrial user.

Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A—Agriculture, Forestry, and Fishing.
(b) Division B—Mining.
(c) Division D—Manufacturing.
(d) Division E—Transportation, Communications, Electric, Gas, and Sanitary Services.
(e) Division I—Services.

A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

§ 35.905–20 Industrial cost recovery period.

That period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works.

§ 35.905–21 Replacement.

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

§ 35.905–22 User charge.

A charge levied on users of treatment works for the cost of operation and maintenance of such works.

3. Section 35.925–11 is revised to read as follows:

§ 35.925–11 User charges.

In the case of any grant awarded after March 1, 1973, for a project which includes the preparation of construction plans and specifications (step 2), that the applicant has developed an approvable plan and schedule of implementation for a system of user charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance (including replacement) of treatment works provided by the applicant.

§ 35.925–12 Industrial cost recovery.

(a) In the case of any grant awarded after March 1, 1973, for a project which includes the preparation of construction plans and specifications (step 2), that the applicant has received

signed letters of intent from each significant industrial user to pay that portion of the grant amount allocable to the treatment of its wastes. Each such letter shall also include a statement of the industrial user's intended period of use of the treatment works. A significant industrial user is one that will contribute greater than 10 percent of the design flow or design pollutant loading of the treatment works. In addition, the applicant must agree to require all industrial users to pay that portion of the grant amount allocable to the treatment of wastes from such users.

(b) That the applicant has legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of treatment works throughout the applicant's jurisdiction.

Grants awarded prior to March 2, 1973, are subject to 40 CFR 35.835–5 requirements in lieu of paragraphs (a) and (b) of this section.

4. Sections 35.925–15 and 35.925–17 are added to read as follows:

§ 35.925–15 Treatment of industrial wastes.

That the allowable costs for the project do not include costs allocable to the treatment for control or removal of pollutants in wastes introduced into the treatment works by industrial users unless the applicant is required to remove the same pollutants introduced from non-industrial sources.

§ 35.925–17 Retained amounts for reconstruction and expansion.

That the allowable costs for the project have been reduced by an amount equal to the unexpended balance of the amounts retained by the applicant for future reconstruction and expansion pursuant to 35.928–2, together with interest earned thereon.

5. Sections 35.928 through 35.928–2 are added to read as follows:

§ 35.928 Industrial cost recovery.

The system for industrial cost recovery shall be approved by the Regional Administrator and shall be implemented and maintained by the grantee in accordance with the following requirements.

§ 35.928–1 Recovered amounts.

(a) Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total grant amount divided by the recovery period.

(b) The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

(c) Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than 1 year after such user begins use of the treatment works.

(d) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant amount allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

(e) If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.

(f) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(g) An industrial user's share shall not include any portion of the grant amount allocable to unused or unreserved capacity.

(h) An industrial user's share shall include any firm commitment to the grantee of increased use by such user.

(i) All unallocated treatment works capacity must conform with the requirements of section 204(a)(5) of the Act and such cost-effectiveness guidelines as may be promulgated by the Administrator pursuant to section 212(2)(C) of the Act.

(j) An industrial user's share shall not include an interest component.

§ 35.928–2 Retained amounts.

(a) The grantee shall retain 50 percent of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(b) A minimum of 80 percent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs (in accordance with § 35.940 of this subpart) of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional Administrator prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the grantee sees fit.

(c) Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: (1) Obligations of the U.S. Government or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

6. Section 35.935–13 is added to read as follows:

§ 35.935–13 User charges and industrial cost recovery.

(a) The grantee will maintain such records as necessary to document compliance by the grantee with the Federal guidelines on user charges for operation and maintenance of publicly owned treatment works (see appendix hereto) and § 35.928 of this subpart.

(b) The grantee will obtain the approval of the Regional Administrator of the system of user charges and the system of industrial cost recovery based on the Federal guidelines on user charges for operation and maintenance of publicly owned treatment works (see appendix hereto) and § 35.928 of this subpart. The Regional Administrator shall not pay more than 80 percent of the amount of any Step 3 grant unless the grantee shall have received approval of its system of user charges and industrial cost recovery.

(c) Upon approval of a grantee's system of user charges and industrial cost recovery, such system shall become a condition of the grant and the grantee shall be subject to the provisions with respect to non-compliance with grant conditions of 40 CFR 30.404.

APPENDIX B

FEDERAL GUIDELINES

USER CHARGES FOR OPERATION AND MAINTENANCE OF PUBLICLY OWNED TREATMENT WORKS

(a) *Purpose.*—To set forth user charge guidelines pursuant to Section 204 of the Federal Water Pollution Control Act Amendments of 1972, PL 92–500, hereinafter referred to as the Act.

(b) *Authority.*—The Authority for establishment of the user charge guidelines is contained in section 204(b)(2) of the Act.

(c) *Background.*—Section 204(b)(1) of the Act provides that after March 1, 1973, Federal grant applicants shall be awarded grants only after the Regional Administrator has determined that the applicant has adopted or will adopt a system of charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance, including replacement. The intent of the Act with respect to user charges is to distribute the cost of operation and maintenance of publicly owned treatment works to the pollutant source and to promote self-sufficiency of treatment works with respect to operation and maintenance costs.

(d) *Definitions.*—(1) *Replacement.*—Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(2) *User charge.*—A charge levied on users of treatment works for the cost of operation and maintenance of such works.

(e) *Classes of users.*—At least two basic types of user charge systems are common. The first is to charge each user a share of the treatment works operation and maintenance costs based on his estimated or measured proportional contribution to the total treatment works loading. The second system establishes classes for users having similar flows and wastewater characteristics; i.e., levels of biochemical oxygen demand, suspended solids, etc. Each class is then assigned

its share of the waste treatment works operation and maintenance costs based on the proportional contribution of the class to the total treatment works loading. Either system is in compliance with these guidelines.

(f) *Criteria against which to determine the adequacy of user charges.*—The user charge system shall be approved by the Regional Administrator and shall be maintained by the grantee in accordance with the following requirements:

(1) The user charge system shall result in the distribution of the cost of operation and maintenance of treatment works within the grantee's jurisdiction to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(2) For the first year of operation, operation and maintenance costs shall be based upon past experience for existing treatment works or some other rational method that can be demonstrated to be applicable.

(3) The grantee shall review user charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs.

(4) The user charge system shall generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the grantee.

(5) The user charge system shall be incorporated in one or more municipal legislative enactments or other appropriate authority. If the project is a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving waste treatment services from the grantee shall have adopted user charge systems in accordance with this guideline. Such user charge systems shall also be incorporated in the appropriate municipal legislative enactments or other appropriate authority.

(g) *Model user charge systems.*—The user charge system adopted by the applicant must result in the distribution of treatment works operation and maintenance costs to each user (or user class) in approximate proportion to his contribution to the total wastewater loading of the treatment works. The following user charge models can be used for this purpose; however, the applicant is not limited to their use. The symbols used in the models are as defined below:

C_T = Total operation and maintenance (O. & M.) costs per unit of time.
C_u = A user's charge for O. & M. per unit of time.
C_s = A surcharge for wastewaters of excessive strength.
V_c = O&M cost for transportation and treatment of a unit of wastewater volume.
V_u = Volume contribution from a user per unit of time.
V_T = Total volume contribution from all users per unit of time.
B_c = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).
B_u = Total BOD contribution from a user per unit of time.
B_T = Total BOD contribution from all users per unit of time.
B = Concentration of BOD from a user above a base level.
S_c = O&M cost for treatment of a unit of suspended solids.
S_u = Total suspended solids contribution from a user per unit of time.
S = Concentration of SS from a user above a base level.
P_c = O&M cost for treatment of a unit of any pollutant.
P_u = Total contribution of any pollutant from a user per unit of time.
P_T = Total contribution of any pollutant from all users per unit of time.
P = Concentration of any pollutant from a user above a base level.

(1) *Model No. 1.*—If the treatment works is primarily flow dependent or if the BOD, suspended solids, and other pollutant concentrations discharged by all users are approximately equal, then user charges can be developed on a volume basis in accordance with the model below:

$$C_u = \frac{C_T}{V_T}(Vu)$$

(2) *Model No. 2.*—When BOD, suspended solids, or other pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge added to a base charge, calculated by means of Model No. 1, can be levied. The surcharge can be computed by the model below:

$$C_s = [B_c(B) + S_c(S) + P_c(P)]V_u$$

(3) *Model No. 3.*—This model is commonly called the "quantity/quality formula":

$$C_u = V_cV_u + B_cB_u + S_cS_u + P_cP_u$$

(h) *Other Considerations.*—(1) Quantity discounts to large volume users will not be acceptable. Savings resulting from economies of scale should be apportioned to all users or user classes.

(2) User charges may be established based on a percentage of the charge for water usage only in cases where the water charge is based on a constant cost per unit of consumption.

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