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PART I

(Part II begins on page 22605)


## HIGHLIGHTS OF THIS ISSUE

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



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

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National Legal Secretaries' Court Observance Week, designation (Aug. 16, 1973; 87 Stat. 349)

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S. J. Res. 25..... Pub. Law 93–103
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# Rules and Regulations



## Title 5—Administrative Personnel

## CHAPTER I—CIVIL SERVICE COMMISSION

## PART 210—BASIC CONCEPTS AND DEFINITIONS (GENERAL)

### Applicability of Regulations; Definitions

Part 210 is amended to revise the definition of the metropolitan area of Washington, D.C., by adding Charles County, Maryland. This makes the definition accord with the current definition of the Washington, D.C., Standard Metropolitan Statistical Area issued by the Office of Management and Budget.

Effective on Aug. 22, 1973, § 210.102 is amended as set out below.

**§ 210.102 Definitions.**

* * * * *

(b) In this chapter:

* * * * *

(7) Metropolitan area of Washington, D.C., means the District of Columbia; Alexandria, Fairfax, and Falls Church Cities, Va.; Arlington, Fairfax, Loudoun, and Prince William Counties, Va.; and Charles, Montgomery, and Prince Georges Counties, Md.

(5 U.S.C. secs. 1302, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

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

[FR Doc.73-17773 Filed 8-21-73;8:45 am]

## PART 213—EXCEPTED SERVICE

### Department of Justice

Section 213.3310 is amended to show that one additional position of Special Assistant to the Director, Community Relations Service, is excepted under Schedule C.

Effective August 22, 1973, § 213.3310(r) (5) is amended as set out below.

**§ 213.3310 Department of Justice.**

* * * * *

(r) *Community Relations Service.* * * *

(5) Three Special Assistants to the Director.

* * * * *

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

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

[FR Doc.73-17777 Filed 8-21-73;8:45 am]

## PART 213—EXCEPTED SERVICE

### Department of the Interior

Section 213.3312 is amended to show that one position of Assistant to the Assistant Secretary, Land and Water Resources, is excepted under Schedule C.

Effective on Aug. 22, 1973, § 213.3312 (a) (42) is added as set out below.

**§ 213.3312 Department of the Interior.**

(a) *Office of the Secretary* * * *

(42) One Assistant to the Assistant Secretary, Land and Water Resources.

* * * * *

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

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

[FR Doc.73-17776 Filed 8-21-73;8:45 am]

## PART 213—EXCEPTED SERVICE

### Department of Commerce

Section 213.3314 is amended to show that one position of Commissioner General of the International Exposition on the Environment is excepted under Schedule C.

Effective on August 22, 1973, § 213.3314 (m) (15) is added as set out below.

**§ 213.3314 Department of Commerce.**

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(15) Commissioner General of the International Exposition on the Environment.

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

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

[FR Doc.73-17887 Filed 8-21-73;8:45 am]

## PART 213—EXCEPTED SERVICE

### Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Assistant Secretary for Occupational Safety and Health Administration.

Effective August 22, 1973, § 213.3315 (a) (22) is amended as set out below.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary,* * * *

(22) Four Special Assistants to the Assistant Secretary for Occupational Safety and Health Administration.

* * * * *

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

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

[FR Doc.73-17778 Filed 8-21-73;8:45 am]

## PART 451—INCENTIVE AWARDS

### Correction

In the document appearing in the FEDERAL REGISTER of July 11, 1973, (FR Doc. 73–14107) on page 18445, § 451.309 was inadvertently omitted. Section 451.309 reads as set out below:

**§ 451.309 Award by other benefiting agency.**

(a) *Contribution approved.* When the head of an agency approves a contribution which originated in another agency, he shall report the approval to either the originating agency or the Commission, whichever referred the contribution.

(b) *The report.* The approving agency shall report its approval as soon as possible and not later than six months after receipt of the referral except that the report may be made at a later date with prior approval of the Commission. The report shall state the estimated first year net tangible benefits, if any; the intangible benefits, if any; and the incentive award it will grant, under this part.

(c) *Funds for award.* (1) When the head of an agency approves a contribution referred by another agency, he shall arrange with the originating agency for transfer of funds necessary to pay the incentive award.

(2) When more than one agency benefits from a contribution, the Commission shall determine the total interagency first year net measurable benefits, and the total intangible benefits, and recommend to the appropriate benefiting agencies, their proportionate share of the award.

(3) Within thirty days after receipt of the recommendation referred to in paragraph (c)(2) of this section, each benefiting agency shall notify the Commission in writing of its action on the recommendation.

(5 USC 4506)

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

[FR Doc.73-17774 Filed 8-21-73;8:45 am]

## PART 511—CLASSIFICATION UNDER THE GENERAL SCHEDULE

## PART 534—PAY UNDER OTHER SYSTEMS

### Miscellaneous Amendments

Section 511.201(b) is amended to show exclusion from part 511 and from classification under the General Schedule of position of Student Physician's Assistant, Department of Health, Education and Welfare. Section 534.202(b) is amended to show additional maximum stipends prescribed for positions of Student Physician's Assistant, Department of Health, Education and Welfare as set out below.

1. Effective August 19, 1973, the following item is added in alphabetical sequence to paragraph (b) of § 511.201.

§ 511.201 Coverage of and exclusions from the General Schedule.

* * * * *

(b) *Exclusions.* * * *

Student Physician's Assistant, Department of Health, Education and Welfare, approved first year postgraduate training.

* * * * *

(5 U.S.C. sec. 5102)

2. Effective August 19, 1973, the following item is added in alphabetical sequence to paragraph (b) of Section 534.202.

§ 534.202 Maximum Stipends.

* * * * *

(b) * * *

| | |
|---|---|
| Student Physician's Assistant, Department of Health, Education and Welfare, approved first year postgraduate training | L-5 |

* * * * *

(5 U.S.C. secs. 5102, 5351, 5352, 5541)

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

[FR Doc.73-17775 Filed 8-21-73;8:45 am]

## Title 6—Economic Stabilization

## CHAPTER I—COST OF LIVING COUNCIL

## PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

### Petroleum and Petroleum Products

The purpose of this amendment to Part 150 of the Cost of Living Council Regulations is to add Subpart L—Petroleum and Petroleum Products.

On July 19, 1973, the Cost of Living Council established Part 150 and issued Subpart N in final form, 38 FR 19462 (July 20, 1973). On the same day the Council issued a notice of proposed rulemaking, 38 FR 19464 (July 20, 1973) setting out proposed Phase IV regulations, and inviting interested persons to submit written data, views, or arguments. On August 6, 1973, the Council issued Subparts A through K and P in final form, 38 FR 21592, (August 9, 1973). On August 9, 1973, the Council issued Subparts M and O in final form, 38 FR 21978 (August 15, 1973).

The Council stated in the July 19 notice of proposed rulemaking that all comments received before July 31, 1973, would be considered by the Council before taking action on the proposed regulations.

The Council received 272 comments on Subpart L of the proposed Phase IV regulations. This number includes 110 comments which were received after July 31, 1973, all of which the Council considered, notwithstanding the fact that they were filed late. On August 10, 1973, the Council extended the freeze on petroleum and petroleum products for one week, until August 19, 1973, to provide time to consider all of the 272 comments and prepare the Subpart L regulations in the final form, 38 FR 21933 (August 14, 1973).

As in the case of comments on the subparts already issued in final form, each comment on proposed Subpart L was reviewed by the attorneys and economic analysts responsible for the subpart. Staff officials of the Council conducted numerous meetings with affected parties and made an intensive reexamination of the regulations, independently as well as in light of the comments received, in order to assure the maximum degree of clarity and consistency of the policy decisions that were made and of the regulations written to reflect these decisions. As a result of these efforts Subpart L in its final form has been changed extensively from the proposal that was published on July 19, 1973. The substantive policy changes were publicly announced on August 10. These regulations implement those policy decisions and, in addition, incorporate numerous changes to better implement the program.

Subpart L sets forth Phase IV petroleum regulations which apply to all sales and purchases of crude petroleum (Standard Industrial Classification Code 1311, excluding natural gas), natural gas liquids (Standard Industrial Classification Code 1321), and refined petroleum products (Standard Industrial Classification Code 2911), and to leases of gasoline stations used in the retail sales or resellers of gasoline. The Small Business exemption which appears in § 150.60 of the already-published main body of Phase IV price stabilization regulations (38 FR 21602) provides that no firm which produces, manufactures or sells covered products qualifies for the exemption.

The provisions of Subpart L supersede the provisions of Subparts E, F, G, the rules applicable to manufacturers and service organizations, and the provisions of Subpart K which prescribe pricing rules for wholesalers and retailers. The prenotification provisions for prices subject to Subpart L apply only to the extent specified in Subpart L. The loss-low profit rule § 150.201, is not applicable to prices subject to the provisions of Subpart L. To the extent this subpart is inconsistent with any other provisions of this part, the provisions of this subpart govern.

I. *Domestic crude petroleum.* A 2-tier price system has been adopted, providing for a ceiling on domestic crude petroleum prices but allowing new crude and an equivalent amount of old crude to be sold at prices above the ceiling. The system, as published in final form in § 150.354, modifies in several respects the plan as originally proposed on July 19, 1973.

The ceiling price for domestic crude petroleum, as specified in § 150.353, is the highest posted price on May 15, 1973, plus an amount not in excess of 35 cents. Comments received during the rulemaking proceeding indicated that prices of more than a third of the domestic output of crude petroleum had increased on the order of 20 cents to 45 cents per barrel above the May 15 posted prices by June 13, 1973, the date on which the freeze was instituted. Moreover, during this period, the world price of domestic crude continued to increase significantly. The initial authorization of a 35 cent increase above the May 15, 1973 prices will permit continuation up to a maximum of 35 cents, of those posted price increases which were implemented in some fields after May 15, 1973 and prior to the freeze and it will allow domestic crude prices to move toward the world prices. However, it will also require rollbacks in those fields where prices had moved higher than 35 cents above the May 15 level. The Council will continually monitor the ceiling prices of domestic crude petroleum and intends to make periodic upward adjustments in the ceiling price toward the higher world prices for crude petroleum.

II. *Retail sales of gasoline, No. 2 heating oil and No. 2-D diesel fuel.* The ceiling price rules for gasoline, No. 2 heating oil and No. 2-D diesel fuel as set forth in § 150.353 have been modified in several respects. The ceiling prices for No. 2 heating oil becomes effective at 11:59 p.m., e.s.t., August 19, 1973. The ceiling prices for gasoline and No. 2-D diesel fuel become effective at 11:59 p.m., on August 31, 1973. In each case, the ceiling price is computed as the average cost of inventory on August 1, 1973, plus the actual markup as of January 10, 1973. However, for purposes of computing the ceiling prices for gasoline and No. 2 heating oil, retailers may use an actual markup of not less than 7 cents per gallon. This change is intended to

avoid undue hardship for those retailers who were engaged in price wars on January 10, 1973, and, as a result, had actual markups of less than 7 cents per gallon on that date.

Effective September 1 retail sellers of gasoline and No. 2–D diesel fuel must post at each pump their selling prices and the minimum octane number for sales of gasoline. Stickers used to post ceiling prices and octane numbers have been prescribed by the Council and may be obtained from local post offices in accordance with instructions being issued by the Council and mailed to each gasoline retailer.

The ceiling price for No. 2 heating oil may be adjusted at the beginning of each month, beginning September 1, 1973, to reflect increased costs of imported No. 2 heating oil. However, the retailer must notify the Council of such upward adjustments by the 5th day of the month in which such an adjustment has been made. If in a subsequent month the cost of the retailer's inventory of No. 2 heating oil decreases, the selling price must be adjusted downward on a dollar-for-dollar basis to reflect the reduced cost of No. 2 heating oil. These monthly adjustments to the ceiling price are intended to assure that the regulations do not restrict importation of No. 2 heating oil which will be vitally needed in the U.S. this winter.

A separate section has been added which sets forth the method by which refiners making retail sales must compute their ceiling prices for gasoline, No. 2 heating oil and No. 2–D diesel fuel. For these "refiner-retailers" the ceiling prices on these products are the May 15, 1973 selling price at each location plus increased costs of imports incurred after May 15 and prior to July 31. The method of computing and allocating the increased costs of imports is set forth in § 150.356.

The Council intends to monitor the ceiling prices of gasoline No. 2 heating oil and No. 2–D diesel fuel and will make periodic upward adjustments in the ceiling prices for those products to account for increased costs of imports and of domestic crude.

III *Refiners.* The base price for sales of covered products by a refiner as set forth in § 150.358 is the May 15 selling price plus an adjustment for (1) increased cost of imports above May 15 costs and (2) increased costs of domestic crude petroleum over May 15 crude prices. Increases above the base price may be made only to reflect on a dollar-for-dollar basis increased costs other than increases in the costs of imports and increases in domestic crude prices. However, a firm making such an increase must prenotify that increase and is subject to the profit margin test.

Section 150.358(c) through (k) prescribes the method for calculating a price increase above base price and is similar to the general rules applicable to other manufacturers. However, the period for determining the base costs with respect to labor, crude petroleum and other input costs is the rate at which those costs were incurred on May 15. For other costs, which cannot be determined as of May 15, 1973, the base cost is the average cost incurred during the last fiscal quarter which ended prior to May 15.

In order to assure that a retailer of gasoline can comply with the octane number posting requirements, the refiner is required to certify the octane number in each sale of gasoline other than a retail sale. In order to allow a retailer of No. 2 heating oil to adjust his ceiling price to reflect increased costs of imports of No. 2 heating oil, the refiner must certify the amount by which the base price of No. 2 heating oil exceeds the May 15 price due solely to increased costs of imported No. 2 heating oil.

The pricing rule also allows a refiner to adjust its May 15, 1973 selling prices to reflect increased costs of imports in computing both base prices and ceiling prices. The specific method of calculating these increased costs is set forth in § 150.356. For purposes of computing ceiling prices, the increased costs of imports is the difference between the landed costs on July 31, 1973, and the landed costs on May 15, 1973. For purposes of adjusting base prices, the increased cost of imports is the difference between current costs and the May 15, 1973 cost.

*Increased costs of imports incurred prior to August 1, 1973.* Increases in costs of imports incurred prior to August 1, 1973, may be used to compute the base prices for covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil. To the extent the refiner does not use these costs to increase base prices of those other products, he may use the balance to adjust both ceiling and base prices of gasoline, No. 2 diesel and No. 2 heating oil subject to the following limitations:

1. The part of increased costs of product or crude oil used to adjust the base and ceiling prices of gasoline may not exceed the fraction which sales of gasoline in the same quarter of the most recently completed fiscal year bears to total sales of covered product in that quarter.

2. The increased costs for gasoline so computed must be allocated between ceiling and base prices of gasoline. The amount used to adjust ceiling prices may not exceed the fraction which the sales of gasoline at retail during the same quarter of the most recently completed fiscal year bear to total sales of gasoline in that quarter. The remainder of the increased costs allocated to gasoline may be applied only to the base price of gasoline.

The same calculations must be made for adjustments to the ceiling and base prices of No. 2 heating oil and No. 2–D diesel.

*Increased costs of imports incurred after July 31.* The increase costs of imports incurred after July 31, 1973, may be used to adjust the base prices for covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil. The balance may be used in computing the base prices for gasoline, No. 2–D diesel fuel and No. 2 heating oil.

The amount of these increased costs of imports which may be applied to gasoline is computed in the same manner as set forth above with respect to increased costs of imports incurred prior to August 1, 1973. Of this amount, the part used to increase base prices of gasoline may not exceed the proportion that sales of gasoline, other than sales at retail, during the same quarter of the most recently completed fiscal year bore to total gasoline sales in that quarter. Moreover, that part of the amount allocated to gasoline which represents the fraction that retail sales of gasoline bore to total sales of gasoline during the same quarter of the most recently completed fiscal year, may not be passed on either in the ceiling price or base price of retail gasoline or in the base price of any other covered product. The same calculations and limitations apply to increases in the base prices of No. 2–D diesel fuel or No. 2 heating oil.

*Increased cost of domestic crude petroleum.* Increases in the cost of domestic crude petroleum over the May 15, 1973 cost of crude petroleum of the same grade from the same field may be passed on in the base price of products sold by the refiner in a manner consistent with the allocation of increased costs of imports incurred after July 31, 1973. Therefore, increased costs of domestic crude petroleum may not be used to calculate the ceiling prices for retail sale of gasoline No. 2 heating oil or No. 2–D diesel fuel by a refiner. If the increased cost in domestic crude is used to adjust the base prices of gasoline, No. 2–D diesel or No. 2 heating oil, the fraction of the increased costs attributable to those products sold at retail may not be passed on and must be absorbed by the refiner. Any increase in base prices or a ceiling price of a product due to increased costs of crude petroleum or increased costs of imports must be applied equally to all classes of purchasers of that product.

IV. *Resellers and retailers of products other than gasoline, No. 2–D diesel fuel and No. 2 heating oil.* The price rule set forth in the notice of proposed rulemaking which limited these sellers to actual cost plus January 10, 1973 markups has been adopted by the Council. However, in order to enable the retailer of gasoline to post the minimum octane number, these sellers must certify to their retail vendees the octane number for each sale of gasoline. Moreover, in order to allow a retailer of No. 2 heating oil to adjust his ceiling price for increases in the cost of imports, the seller of No. 2 heating oil must certify any increase in prices over the August 10, 1973 prices which reflect an increase in the cost of imported No. 2 heating oil incurred since August 19, 1973.

V. *Leases.* The base rent with respect to the lease of any real property used in the retailing of gasoline is the rent charged for that property on May 15, 1973. The rule substantially as set forth in the proposed rulemaking.

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective 11:59 p.m., e.s.t., August 19, 1973.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489)

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

JOHN T. DUNLOP,
*Director,*
*Cost of Living Council.*

1. The table of sections is amended by adding the following items regarding Subpart L:

**Subpart L—Petroleum and Petroleum Products**

Sec.



2. The part is amended by adding a new Subpart L to read as follows:

## Subpart L—Petroleum and Petroleum Products

### § 150.351 Purpose and scope.

(a) This subpart applies to the sales of products described in the 1972 Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911 and the leasing of real property used in the retailing of gasoline. These industry codes include crude petroleum, certain petroleum products, liquefied petroleum gas and other natural gas liquids.

(b) This subpart supersedes the provisions of § 150.11, § 150.201, Subparts E, F, G, and K, and the prenotification provisions of Subpart H except to the extent specifically required, with respect to sales and leases subject to this subpart. To the extent that this subpart may be inconsistent with any other provisions in this part, the provisions in this subpart govern.

### § 150.352 Definitions.

For purposes of this subpart—

"Base price" means the base price determined pursuant to § 150.358 or in the case of a new product § 150.361.

"Ceiling price" means the ceiling price determined pursuant to § 150.355 with respect to No. 2-D diesel fuel, No. 2 heating oil and gasoline and § 150.353 with respect to domestic crude petroleum.

"Class of purchaser" means purchasers or lessees to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

"Covered product" means a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911.

"Domestic crude petroleum" means a crude petroleum produced in any of the several States, or the District of Columbia or from the "outer continental shelf" as defined in 43 USC 1331.

"Gasoline" means any of the various grades of retail gasoline other than aviation gasoline.

"Item" means a product sold, leased or offered for sale or lease to a class of purchaser as defined in this section.

"No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396-71.

"No. 2-D diesel fuel" means diesel fuel grade No. 2 defined in American Society for Testing and Materials (ASTM) D975-71.

"Octane number" means the octane number derived from the sum of Research (R) and Motor (M) octane numbers divided by two (R+M)/2. The research octane (R) and motor octane number (M) shall be as described in the American Society for Testing and Materials (ASTM) "Standard Specifications for Gasoline" D439-70, and subsequent revisions, and ASTM Test Methods D2699 and D2700. When gasoline of different octane numbers is mixed for sale, "octane number" means the lowest octane number of the gasoline used in this mixture.

"Producer" means a firm or that part of a firm which produces crude petroleum or any firm which owns crude petroleum when it is produced.

"Refiner" means a firm (other than a reseller or retailer) or that part of such a firm which refines covered products or blends and substantially changes covered products, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining and sells those products to resellers, retailers, reseller-retailers or ultimate consumers. "Refiner" includes any owner of covered products which contracts to have those covered products refined and then sells the refined covered products to resellers, retailers, reseller-retailers or ultimate consumers.

"Refiner-reseller" means that part of a refiner which carries on the trade or business of purchasing covered products in arms-length transactions and selling those products to other resellers or to retailers without substantially changing their form.

"Refiner-retailer" means a refiner or that part of a refiner which sells covered products to ultimate consumers.

"Reseller" means a firm (other than a refiner or retailer) or that part of such a firm which carries on the trade or business of purchasing covered products, and reselling them without substantially changing their form to purchasers other than ultimate consumers.

"Reseller-retailer" means a firm (other than a refiner) or that part of such a firm which carries on the functions of both a reseller and retailer.

"Retail sales" means sales of covered products to ultimate consumers.

"Retailer" means a firm (other than a refiner or reseller) or that part of such a firm which carries on the trade or business of purchasing covered products and reselling them to ultimate consumers without substantially changing their form.

"Transaction" means an arms-length sale or lease between unrelated persons which are not members of a controlled group (as defined in 26 U.S.C. 1536(c)) and is considered to occur at the time and place when a binding contract is entered into between the parties.

### § 150.353 Ceiling price determination: Domestic crude petroleum.

The ceiling price for a particular grade of domestic crude petroleum in a particular field is the sum of (i) the highest posted price at 6:00 a.m., local time, May 15, 1973, for that grade of crude petroleum at that field, or if there are no posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted; and (ii) a maximum of 35 cents per barrel.

### § 150.354 Ceiling price rule: Crude petroleum.

(a) *Applicability.* This section applies to the first sale of domestic crude petroleum.

(b) *Definitions.* As used in this section—

"Based production control level" for a particular month for a particular property means:

(1) If crude petroleum was produced and sold from that property in every month of 1972, the total number of barrels of domestic crude petroleum produced and sold from that property in the same month of 1972;

(2) If domestic crude petroleum was not produced and sold from that property in every month of 1972, the total number of barrels of domestic crude petroleum produced and sold from that property in 1972 divided by 12.

"Property" is the right which arises from a lease or from a fee interest to produce domestic crude petroleum.

"New crude petroleum" means the total number of barrels of domestic crude petroleum produced and sold from a property in a specific month less the base production control level for that property.

(c) *Rule.* (1) General. Except as provided in paragraphs (c)(2) and (3) of this section, no producer may charge a price higher than the ceiling price for the first sale of domestic crude petroleum.

(2) *Special release rule.* Notwithstanding paragraph (c)(1) of this section, a producer of new crude petroleum produced and sold from a property may in the month produced, beginning with the month of September 1973, or in any subsequent month, sell that new crude petroleum without respect to the ceiling price. However, if the amount of crude petroleum produced and sold in any month subsequent to the first month in which new crude petroleum was produced and sold, is less than the base production control level for that property for that month, any new crude petroleum produced from that property during any subsequent month may not be sold pursuant to this subparagraph until an amount of the new crude petroleum equal to the difference between the amount of crude petroleum actually produced from that property during the earlier month and the base production control level for that property for the earlier month has been sold at or below its ceiling price.

(3) *Released crude.* Notwithstanding paragraph (c)(1) of this section, if during a particular month new crude petroleum which could be sold at other than the ceiling price pursuant to paragraph (c)(2) of this section is produced from a property, the entire base production control level crude petroleum for that month may be sold at a price which exceeds the ceiling price provided that the maximum price charged per barrel of that base production control level crude petroleum does not exceed the following:

$$P_{max}=P_r+\left[\frac{C_{pr}}{C_{bpc}}-1\right]\left[P_m-P_r\right]$$

Where:

$P_{max}$ = Maximum price that may be charged for the crude petroleum (other than new crude) purchased from the property (dollars per barrel);

$P_r$ = Ceiling price of the crude petroleum (dollars per barrel);

$C_{bpcl}$ = Base production control level for property (barrels);

$C_{pr}$ = Total amount of crude petroleum produced from the property during the month (barrels); and

$P_m$ = Current free market price of the particular quality and grade of crude petroleum (dollars per barrel).

Application of this formula may be illustrated by the following example:

Example: During September 1973, Firm X produces 8,170 barrels of a single grade of crude petroleum from a particular property. During September 1972, 6,420 barrels of crude petroleum were produced from the same property. The ceiling price for the September 1973 crude petroleum is $4.10 per barrel, and its free market price (i.e., the price X can get on the market for the 1,750 barrels of new crude) is $4.95 per barrel. The maximum price that X may charge for the 6,420 barrels of other than new crude petroleum (i.e., old plus released crude) produced in September 1973 is:

$P_{max}=\$4.10+(8{,}170/6{,}420-1)\ (\$4.95-\$4.10)$
$P_{max}=\$4.10+(.27)\ (\$0.85)$
$P_{max}=\$4.10+\$0.23$
$P_{max}=\$4.33/\text{barrel}.$

(4) *Certification.* Each producer of domestic crude petroleum which charges a price above the ceiling price pursuant to the provisions of paragraphs (c) (2) or (3) of this section, must, with respect to each sale of domestic crude petroleum, certify in writing to the purchaser: (i) The ceiling price of domestic crude petroleum, (ii) the amount of the new crude petroleum, and (iii) the amount of the base production control level crude petroleum. The certification shall also contain a statement that the price charged for the domestic crude petroleum is no greater than permitted pursuant to this section.

### § 150.355 Retail sales of gasoline, No. 2–D diesel fuel and No. 2 heating oil.

(a) *Applicability.* This section applies to each retail sale of No. 2–D diesel fuel, No. 2 heating oil and gasoline by a refiner-retailer, reseller-retailer, or retailer.

(b) *Rule.* (1) Prior to 11:59 p.m., local time, August 31, 1973, no refiner-retailer, reseller-retailer, or retailer of gasoline, No. 2–D diesel fuel may charge a price with respect to a retail sale of any such item which exceeds the freeze price or other authorized price for such item established pursuant to the provisions of Part 140 of this chapter.

(2) Effective 11:59 p.m., local time, August 31, 1973, no refiner-retailer, reseller-retailer, or retailer of gasoline, or No. 2–D diesel fuel may charge a price with respect to a retail sale of any such item which it exceeds the ceiling price for that item.

(3) Effective 11:59 p.m., e.s.t., August 19, 1973, no refiner-retailer, reseller-retailer, or retailer of No. 2 heating oil may charge a price with respect to a retail sale of any such item which exceeds the ceiling price for that item.

(c) *Ceiling prices: refiner-retailers.* The ceiling price for retail sales of gasoline of a particular octane number, No. 2–D diesel oil or No. 2 heating oil by a refiner-retailer at each outlet where the refiner-retailer sells such item is (1) the price at which each such item was lawfully priced in transactions on May 15, 1973, at each such outlet plus (2) increased costs of imports incurred after May 15, 1973, and calculated pursuant to § 150.356(d). If the refiner-retailer first offered gasoline, No. 2–D diesel fuel or No. 2 heating oil at a particular outlet after May 15, 1973, the price at which each such item was priced in transactions on May 15, 1973, at the nearest comparable outlet shall be used in computing the ceiling price.

(d) *Ceiling prices: retailers and reseller-retailers.*

(1) *Definitions.* As used in this paragraph—

"Seller" means a retailer or a reseller-retailer.

"Actual cost" means the weighted average unit cost of the seller's inventory of the item concerned on August 1, 1973, incurred in arms-length transactions. If a particular item was not in inventory on August 1, 1973, the date for computing actual cost is the most recent day preceding August 1, 1973, when the seller had the item in inventory. If that item was first offered for sale after August 1, 1973, the date for purposes of computing the actual cost is the first day on which the item is offered for sale.

"Actual markup" means the difference between the weighted average unit price at which the item concerned was lawfully priced in transactions on January 10, 1973, and the weighted average cost of the seller's inventory of that item on January 10, 1973. If no transaction occurred on that date with respect to that item, then the date for the purpose of determining actual markup is the next preceding day in which a transaction occurred with respect to that item. If a seller first offered an item for sale after January 10, 1973, and prior to 11:59 p.m., e.s.t., August 19, 1973, the date for purposes of determining actual markup is the first day on which a transaction occurred with respect to that item. If a seller first offered an item for sale after 11:59 p.m., e.s.t., August 19, 1973, the actual markup is computed as the difference between the average price received for the same or most similar item sold by other sellers in transactions occurring on the same day at the nearest comparable outlet when the seller first offered the item for sale, and the actual cost of the item when first offered for sale.

(2) *Gasoline.* The ceiling price for retail sales of gasoline of a particular octane number by a seller at each outlet where the seller retails that item, is the actual cost to the seller for that gasoline, plus the actual markup applied by the seller at that outlet to the actual cost of that gasoline except that in no event shall the seller be required to use an actual markup of less than 7 cents per gallon for purposes of computing a ceiling price.

(3) *No. 2 heating oil.* The ceiling price for retail sales of No. 2 heating oil by a seller at each outlet where the seller retails that item, is the actual cost to the seller for that No. 2 heating oil, plus the actual markup applied by the seller at that outlet to the actual cost of that No. 2 heating oil, except that in no event shall the seller be required to use an actual markup of less than 7 cents per gallon for purposes of computing a ceiling price. A seller may increase the ceiling price on No. 2 heating oil on the first day of each month to reflect, on a dollar-for-dollar basis, certified increases in the cost of imported No. 2 heating oil incurred since the first day of the preceding month provided that any seller which increases the ceiling price on No. 2 heating oil pursuant to this subparagraph must submit a report in accordance with the forms and instructions issued by the Cost of Living Council by the fifth day of the month in which the ceiling is increased. For any month in which the cost of No. 2 heating oil decreases, the seller's ceiling price of No. 2 heating oil must be decreased to reflect on a dollar-for-dollar basis the decreases in cost of No. 2 heating oil.

(4) *No. 2–D diesel fuel.* The ceiling price for retail sales of No. 2–D diesel fuel by a seller at each outlet where the seller retails that item is the actual cost

to the seller for that No. 2–D diesel fuel plus the actual markup applied by the seller at that outlet to the actual cost of the No. 2–D diesel fuel.

(e) *Posting.* No later than 11:59 p.m., local time, August 31, 1973, each refiner-retailer, reseller-retailer, or retailer of gasoline or No. 2–D diesel fuel shall post the ceiling price in a prominent place on each pump used to dispense retail sales of gasoline or No. 2–D diesel fuel and the octane number for that gasoline. The ceiling price and octane number must be certified and posted in the form and manner prescribed by the Cost of Living Council.

**§ 150.356 Allocation of refiner's increased cost of imports.**

(a) *Scope.* This section prescribes the requirements governing the inclusion of a refiner's increased costs of imports in the computation of its—

(1) Base prices for covered products: and

(2) Ceiling prices for retail sales of gasoline, No. 2–D diesel fuel, and No. 2 heating oil. This section does not apply to increased costs of imports of products a refiner resells as a refiner-reseller pursuant to § 150.359.

(b) *Measuring amount of increased costs.* Except as used in paragraphs (e) and (f) of this section, "increased costs of imports" is the difference between the landed cost for the particular imported covered product and the landed cost on May 15, 1973, for that same grade of imported covered product from the same point of origin. For purposes of paragraph (e) and (f) of this section, "increased costs of imports" is the difference between the landed cost for the particular imported covered product on July 31, 1973, or if none was purchased on July 31, 1973, the next preceding day on which that imported covered product was landed and the landed cost on May 15, 1973, of the same grade of imported covered product from the same point of origin. In either case, if no covered product was landed on May 15, 1973, from the particular point of origin, the landed cost for May 15, 1973, shall be computed by reference to the posted or published price for that grade of imported covered product on May 15, 1973, at the point of origin plus transportation at world scale 160.

(c) *Cost incurred before August 1, 1973: inclusion in base prices of covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil.* Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its base prices for covered products (other than gasoline, No. 2–D diesel fuel, or No. 2 heating oil) pursuant to § 150.358(g), include an amount to reflect those increased costs of imports incurred between May 15, 1973, and August 1, 1973, which are attributable to imports of all covered products. To the extent that a refiner does not allocate increased costs of imports pursuant to this paragraph, it may include that part of those increased costs of imports attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil in computing its ceiling and base prices for those products pursuant to paragraph (d) of this section.

(d) *Cost increases incurred before August 1, 1973: inclusion in ceiling and base prices of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.* (1) Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its ceiling prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells at retail as a refiner-retailer pursuant to § 150.355(c) and in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells as a refiner pursuant to § 150.358(g), include an amount to reflect increased costs of imports of a covered product incurred between May 15, 1973, and August 1, 1973, which are attributable to that product and which have not been otherwise allocated pursuant to paragraph (c) of this section. A refiner may attribute a part of its increased costs of imports of covered products to gasoline, No. 2–D diesel fuel or No. 2 heating oil only if those imported covered products are refined by the refiner or co-mingled for accounting purposes with products refined by the refiner. In no case may the ratio that the attributed part bears to the total increased costs of imports exceed the ratio which sales during the corresponding fiscal quarter of the preceding year of the particular product receiving this allocation bear to the total sales of covered products during the same quarter.

(2) A refiner which elects to include such costs in computing its ceiling prices and base prices for gasoline, No. 2–D diesel fuel and No. 2 heating oil must also allocate those costs between ceiling prices and base prices for the product concerned in accordance with the following rules.

(i) The part of those costs allocated to the ceiling price of any product computed pursuant to § 150.355(c) may not exceed the proportion which the sales of that product at retail during the most recently completed fiscal quarter bears to the total sales of that product during the same quarter.

(ii) The part of those costs allocated to base prices of any product computed pursuant to § 150.358(g) may not exceed the proportion which the sales of that product it sold as a refiner during the most recently completed fiscal quarter bears to total sales of that product during the same quarter.

(e) *Cost incurred after July 31, 1973: inclusion in base prices of covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil.* Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its base prices for covered products (other than gasoline, No. 2–D Diesel fuel, or No. 2 heating oil) pursuant to § 150.358(g), include an amount to reflect increased costs of imports incurred after July 31, 1973, which are attributable to imports of all covered products. To the extent that a refiner does not allocate increased costs of imports pursuant to this paragraph, it may include that part of its increased costs of imports attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil in computing its base prices for those products pursuant to paragraph (f) of this section.

(f) *Cost increases incurred after July 31, 1973: inclusion in base prices of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.* (1) Subject to the limitation of paragraph (g) of this section, a refiner may, in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells as a refiner pursuant to § 150.357, include an amount to reflect increased costs of imports incurred after July 31, 1973, which are attributable to that product and which have not been otherwise allocated pursuant to paragraph (e) of this section. A refiner may attribute a part of its increased costs of imports of covered products to gasoline, No. 2–D diesel fuel or No. 2 heating oil only if those imported covered products are refined by the refiner or co-mingled for accounting purposes with products refined by the refiner. In no case may the ratio that the attributed part bears to the total increased costs of imports exceed the ratio which sales during the corresponding fiscal quarter of the preceding year of the particular product receiving this allocation bears to the total sales of covered products during the same quarter.

(2) A firm which elects to include such costs in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil may only include that part of those costs which does not exceed the proportion which the sales of that product it sold as a refiner during the most recently completed fiscal quarter bears to total sales of that product during the same quarter. The part of those costs attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil which the refiner sells in retail sales may not be included in the ceiling prices of any of those products or the base price of any covered product.

(g) *General limitation.* The amount of increased costs of imports included in computing ceiling prices and base prices of a particular product must be equally applied to each class of purchasers of that product.

**§ 150.357 Allocation of refiner's increased costs of domestic crude petroleum.**

(a) *Scope.* This section prescribes the requirements governing the inclusion of a refiner's increased costs of domestic crude petroleum in the computation of its base prices for covered products.

(b) *Measuring amount of increased costs.* As used in this section, "increased costs of domestic crude petroleum" is the difference between the cost for the particular domestic crude petroleum and the cost on May 15, 1973, for that same grade of domestic crude petroleum from the same field. If the refiner did not purchase any domestic crude petroleum of that particular grade from that particular field on May 15, 1973, the cost for May 15, 1973, shall be (1) the posted price for that grade of domestic crude petroleum

on May 15, 1973, in the field concerned or (2) if there is no posted price in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which the price is posted.

(c) *Inclusion of increased costs in base prices of covered products other than gasoline, No. 2–D diesel fuel or No. 2 heating oil.* Subject to the limitation of paragraph (e) of this section, a refiner may, in computing its base prices for covered products (other than gasoline, No. 2–D diesel fuel, or No. 2 heating oil) pursuant to § 150.358(g), include an amount to reflect increased costs of domestic crude petroleum incurred after May 15, 1973, which are attributable to all of its covered products. To the extent that a refiner does not allocate pursuant to this paragraph that portion of its increased costs of domestic crude petroleum which are attributable to gasoline, No. 2–D diesel fuel, or No. 2 heating oil, it may include those costs in its base prices for those products pursuant to paragraph (d) of this section.

(d) *Inclusion of increased costs in base prices of gasoline, No. 2–D diesel fuel, and No. 2 heating oil.*

(1) Subject to the limitation of paragraph (e) of this section, a refiner may, in computing base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil which it sells as a refiner pursuant to section 150.358, include an amount to reflect increased costs of domestic crude petroleum incurred after May 15, 1973, which are attributable to that product and which have not been otherwise allocated pursuant to paragraph (c) of this section. A refiner may attribute a part of its increased costs of domestic crude petroleum to gasoline, No. 2–D diesel fuel or No. 2 heating oil only if the domestic crude petroleum is refined by the refiner. In no case may the ratio that the attributed part bears to the total increased costs of domestic crude petroleum exceed the ratio which sales during the corresponding fiscal quarter of the preceding year of the particular product receiving this allocation bear to the total sales of covered products during the same quarter.

(2) A refiner which elects to include such costs in computing its base prices for gasoline, No. 2–D diesel fuel, or No. 2 heating oil may only include that part of those costs which does not exceed the proportion which the sales of that product it sold as a refiner during the most recently completed fiscal quarter bears to total sales of that product during the same quarter. The balance of those costs may not be included in the ceiling prices of any gasoline, No. 2–D diesel fuel, or No. 2 heating oil which the refiner sells in retail sales; and base price of any gasoline, No. 2–D diesel fuel, or No. 2 heating oil; or in the base price of any other covered product.

(e) *General limitation.* The amount of increased costs of domestic crude petroleum included in computing base prices of a particular product must be equally applied to each class of purchasers of that product.

**§ 150.358 Price rule: Refiners.**

(a) *Applicability.* This section applies to each sale of a covered product refined by a refiner or co-mingled for accounting purposes with a product refined by the refiner except retail sales of gasoline, No. 2–D diesel fuel, and No. 2 heating oil which are subject to § 150.355.

(b) *Rule.* A refiner may not charge a price for an item in excess of the base price of that item except to the extent permitted pursuant to the provisions of paragraphs (c) through (k) of this section.

(c) *Price increases.* (1) A price in excess of the base price of an item in a product line may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to that product line since the period for determining base cost and which the refiner continues to incur.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price.

(d) *Application of price increases.*

(1) A firm which is subject to the prenotification requirements of Subpart H of this part may not increase prices pursuant to this section until it complies with those requirements.

(2) A firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part, and any other firm which qualifies to charge a percentage price increase with respect to a product line by virtue of cost justification determined in accordance with this section, shall apply that percentage price increase on a weighted average basis (in accordance with instructions which accompany forms issued pursuant to Subpart H of this part) so that, for any fiscal quarter, the weighted average of all price increases and price decreases in that line does not exceed that percentage price increase. However, the maximum price which may be charged for any one item in that line may not exceed 110% of the base price of that item plus the amount which results from multiplying the base price of that item by the percentage of cost justification determined in accordance with this section with respect to that product line.

(e) *Price reductions.* A price charged in excess of the base price may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the base price continue to be incurred. Price reductions shall be made whenever and to the extent necessary to assure that, for any fiscal quarter, the weighted average of all price increases and price decreases in a product line does not exceed the percentage of cost justification for that line.

(f) *Productivity gains.*

(1) Increases in allowable costs shall be reduced to reflect productivity gains. For the purpose of determining whether a price may be increased under any provision of this section, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in the Appendix to Subpart E. To the extent provided in the table in the Appendix, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from the Appendix and calculated under subparagraph (2) of this paragraph, has been used within that fiscal year.

(2) For the purpose of determining the extent to which a price increase is justified, each refiner shall calculate the sum of all of its labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part, whether or not such forms are required to be filed) as a percentage of sales for the product line concerned, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in the Appendix to Subpart E. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this section.

(3) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(g) *Base price.* The base price for sales of an item by a refiner is the weighted average price at which that item was lawfully priced in transactions on May 15, 1973, or, if none occurred on that date, in the transaction next preceding May 15, 1973, plus increased costs of imports incured after May 15, 1973, and measured pursuant to § 150.356(b) and increased costs of domestic crude petroleum incurred after May 15, 1973, and measured pursuant to § 150.357(b).

(h) *Base cost.* (1) *Base costs.* Base costs are the net allowable costs incurred with respect to the product line concerned and are calculated as follows:

(i) *Input costs.* The base cost with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on May 15, 1973. If no input costs were incurred on that day, the base cost is the rate at which those costs were being incurred on the next day preceding May 15, 1973, on which input costs were incurred.

(ii) *All other costs.* The base cost with respect to all costs other than input costs is the rate at which those costs were

being incurred on May 15, 1973. However, if the base cost with respect to any costs other than an input cost cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the last fiscal quarter which ended before May 15, 1973, in which costs were incurred with respect to the product line concerned as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(2) *New items.* The base cost with respect to input costs for each new item, as defined in accordance with § 150.361, is calculated as of the date on which the new item concerned was first sold or leased in arms-length trading between unrelated persons. The base cost with respect to all other costs which cannot be calculated on the first day of sale is the average cost incurred throughout the fiscal quarter in which the new item concerned was first sold or leased in arms-length trading between unrelated persons.

(i) *Current cost.* (1) *Current costs.* Current costs are the net allowable costs incurred during the current cost period with respect to the item concerned excluding increased costs of imports incurred after May 15, 1973, and measured pursuant to § 150.356(b) and increased costs of domestic crude petroleum incurred after May 15, 1973, and measured pursuant to § 150.357(b).

(2) *Input costs.* The current cost with respect to costs of labor, crude petroleum, and other input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(3) *All other costs.* The current cost with respect to all costs other than input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period. However, if the current cost with respect to all costs other than input costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(4) *Current cost period.* For quarterly reporting purposes, the current cost period is the last accounting month in the current fiscal quarter for which a quarterly report is required to be filed pursuant to Subpart H of this part. The current cost period for price category III firms is the last accounting month in the current fiscal quarter for which compliance is being measured. For prenotification purposes, the current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part except that with respect to input and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate on the last full day of the current cost period.

(j) *Profit margin limitation.* A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price increase is charged, exceed its base period profit margin as defined in § 150.31 of this part.

(k) *Certification.* Each refiner of gasoline must with respect to each sale of gasoline certify in writing to the purchaser the octane number of the gasoline sold and, with respect to each sale of No. 2 heating oil the refiner must certify any increase above the May 15, 1973 selling price of the No. 2 heating oil which reflects the increased costs of imported No. 2 heating oil over the May 15, 1973 cost of heating oil from the same origin which has been commingled for accounting purposes with the No. 2 heating oil refined by the firm.

### § 150.359 Price rule: Resellers and retailers.

(a) *Applicability.* This section applies to each sale of a covered product other than a retail sale of gasoline, No. 2-D diesel fuel, or No. 2 heating oil which is subject to § 150.355 and other than a sale by a refiner which is subject to § 150.358. Sellers subject to this section are refiner-resellers, resellers, reseller-retailers and retailers.

(b) *Definitions.*

As used in this section—

"Actual cost" means the weighted average unit cost of the sellers inventory of a particular product.

"Actual markup" means the difference between the weighted average unit price at which the item was lawfully priced in transactions on January 10, 1973, and the weighted average unit cost of the seller's inventory of that item on January 10, 1073. If no transaction occurred on that date with respect to that item, then the date for the purpose of determining actual markup is the next preceding day in which a transaction occurred with respect to that item. If a seller first offered an item for sale after January 10, 1973, and prior to 11:59 p.m., e.s.t., August 19, 1973, the date for purposes of determining actual markup is the first day on which a transaction occurred with respect to that item. If a seller first offered an item for sale after August 19, 1973, the actual markup is computed as the difference between the average price received for the same or most similar item sold by other sellers in transactions occurring on the same day at the nearest comparable outlet when the seller first offered the item for sale, and the actual cost of the item when first offered for sale.

(c) *Rule.* A price may not be charged for any item to which this section applies which is in excess of the seller's actual cost of that item plus the seller's actual markup for that item.

(d) *Certification.* Each seller with respect to each sale of gasoline other than a retail sale must certify in writing to the purchaser the octane number of the gasoline sold. For each sale of No. 2 heating oil other than a retail sale the seller must certify to the purchaser the amount of increased costs of imports certified to him by a refiner, refiner-reseller, or reseller; and for each sale of No. 2 heating oil imported by the seller, the amount of the increased costs of imports of No. 2 heating oil incurred after August 19, 1973.

### § 150.360 Price rule: Leases.

(a) *Applicability.* This section applies to each leased real property used in the retailing of gasoline.

(b) *Base rent.* The base rent with respect to a lease or real property used in the retailing of gasoline is the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973.

(c) *Rule.* A lessor or lessee of real property used in retailing gasoline may not—

(1) Increase, offer to increase, or give notice of intent to increase the rent for that real property to an amount in excess of the base rent as defined in paragraph (b) of this section.

(2) Increase the retailer's obligation to sell covered products to a level above that which prevailed for that retailer pursuant to the lease provisions which prevailed on May 15, 1973; or

(3) Impose any operating requirements on the retailer which would be unreasonably inconsistent with the standards of goals of the Economic Stabilization Program, including but not limited to a requirement that the retailer extend his hours of operation beyond his customary hours of operation.

### § 150.361 New item and lease rule.

(a) *General—new item.*

(1) An item is a new item if—

(i) The firm concerned did not produce, sell or lease it in the same or substantially similar form at any time during the 1 year period immediately preceding the day on which the firm offers it for sale or lease. (A change in appearance, arrangement, or combination including a change in octane number does not create a new item. Ordinarily, a change in fashion, style, form, or packaging does not create a new item;) and

(ii) It is substantially different in purpose, function, quality, or technology, or its use or service effects a substantially different result from any other item which the firm concerned currently sells or leases or sold or leased at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease.

(2) *New market.* An item which the firm concerned has previously sold is a new item with respect to its offer for sale or lease to any market to which it did not sell or lease it at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease. For the purposes of this section, a "market" is one or more members of any one of the following groups: resellers; retailers; consumers; manufacturers; or service organizations.

(b) *Base price determination*—(1) *Refiners.* A refiner offering a new item shall determine the base price for that item pursuant to the base price provisions of § 150.358(g). However, for purposes of determining the price at which the item was lawfully priced in transactions on May 15, 1973, it shall use the average price received on May 15, 1973, for the same or most nearly similar item sold to the same market by other refiners selling the same or most nearly comparable item in the same marketing area.

(2) *Lessors.* A firm offering a lease in a new real property used in the retailing of gasoline shall determine the base rent for that real property as the average rent charged on May 15, 1973, for the most nearly similar real property used in the retailing of gasoline leased to the same market by other firms leasing real property used in the retailing of gasoline in the same geographic area.

(c) *Base prices and base production control levels upon acquisition.* (1) If a legal entity or a component of a legal entity determines a base price, ceiling price, an actual markup, or an actual cost pursuant to this subpart for a covered product which it sells to a particular market and the entity, or component is subsequently acquired by another firm, that covered product does not become a new item with respect to the same market. The base price, ceiling price, actual markup, or actual cost of the covered product with respect to that market remains the base price, ceiling price, actual markup, or actual cost determined for it by the acquired entity or component.

(2) If a legal entity or component of a legal entity determines pursuant to this subpart a base production control level for a property which produces domestic crude petroleum and the entity or component is subsequently acquired by another firm the domestic crude petroleum produced from that property does not become new crude petroleum. The base production control level for that property remains the base production control level determined for it by the acquired entity or component.

(d) *Quarterly reporting of new items.* A firm subject to the quarterly reporting requirements of Subpart H of this part and which has projected sales and revenues for its current fiscal year of $10 million or more derived from the sale or lease of new items shall, in accordance with instructions which accompany forms issued pursuant to Subpart H of this part, provide information which demonstrates that, with respect to each new item with projected annual sales of $1 million or more which is offered for sale or lease for the first time during the quarter concerned, the item qualifies as a new item as defined in this section and the base price of that item has been determined in accordance with this section.

### § 150.362 Price information.

Each seller of covered products shall maintain records of its base prices, base production control levels, and ceiling prices and shall make available upon request by a customer, the base price, base production control levels or ceiling price of any item being offered for sale to that customer.

### § 150.363 Reports and recordkeeping.

(a) *Reports.*—(1) *Producers.* (i) Each firm which produces as an operator domestic crude petroleum and which derives $50 million or more in annual sales or revenues from sales of covered products shall prepare and file with the Cost of Living Council periodic reports in accordance with forms and instructions issued by the Council.

(ii) Each firm which produces as an operator domestic crude petroleum from a property and which sells the domestic crude petroleum above the ceiling price calculated pursuant to § 150.353 shall prepare and file with the Cost of Living Council periodic reports in accordance with the forms and instructions issued by the Council.

(2) *Refiners, retailers, and resellers.* Each firm which refines covered products and each firm which derives $50 million or more in annual sales or revenues from the retailing or reselling of covered products shall prepare and file with the Cost of Living Council, periodic reports in accordance with forms and instructions issued by the Council.

(b) *Recordkeeping.* Each firm which derives less than $50 million but more than $1 million in annual sales or revenues from the retailing or reselling of covered products shall prepare and maintain at its principal place of business, periodic reports in accordance with forms and instructions issued by the Council.

(c) *Records.*—(1) *General.* Each firm subject to this subpart shall keep such records as are sufficient to demonstrate that the prices charged by the firm are in compliance with the requirements of this subpart.

(2) *Inspection.* Records required to be kept under subparagraph (1) of this paragraph shall be made available for inspection at any time upon the request of a representative of the Economic Stabilization Program.

(3) *Justification.* Upon the request of a representative of the Economic Stabilization Program any firm which has filed a notice of a proposed price increase or increases a price pursuant to this subpart, shall:

(i) Specify the records that it is maintaining to comply with this paragraph; and

(ii) Justify that proposed price increase or increased price.

(4) *Period for keeping records.* Each firm required to keep a record under this paragraph shall maintain and preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

[FR Doc.73-17440 Filed 8-17-73;11:12 am]

## Title 7—Agriculture

## CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Wheat Supplement]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1973 Crop Wheat Loan and Purchase Program

*Correction*

In FR Doc. 73-14907 appearing at page 20237 in the issue of Monday, July 30, 1973, make the following changes in the table to § 1421.489, the entries for the State of Texas: Immediately below "DeWitt ..... 1.39", add "Dickens ..... 1.28"; and "Donley ..... 1.28" and "Eastland ..... 1.32" should be reversed.

## PART 1427—COTTON

### Subpart—Procedures and Factors for Determining Three-Year Average Price for Middling 1-Inch American Upland Cotton in World Markets

The Agriculture and Consumer Protection Act of 1973, P.L. 93-86, approved August 10, 1973, requires the Secretary to determine the three-year average price of American cotton in world markets annually pursuant to a published regulation specifying the procedures and factors to be used in making the determination. The act also requires the Secretary to determine and announce the loan level for the 1974 crop by November 1, 1973. The average price determination is a prerequisite to the loan level determination. Thus, it is essential that this regulation be published as soon as possible. For this reason, it is found and determined that compliance with the notice of proposed rulemaking procedure is impracticable and contrary to the public interest. Therefore, this regulation shall be effective August 21, 1973.

Sec.
1427.1101 Legislative directive.
1427.1102 General statement.
1427.1103 Procedures and factors.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

### § 1427.1101 Legislative directive.

Section 602 of the Agricultural Act of 1970 as amended by the Agriculture and Consumer Protection Act of 1973, further amended section 103 of the Agricultural Act of 1949, as amended, effective beginning with the 1974 crop of upland cotton, by amending subsection (e) to read in part as follows:

(e)(1) The Secretary shall * * * make available for the 1971 through 1977 crops of upland cotton to cooperators nonrecourse loans * * * at such level as will reflect for Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the average

price of American cotton in world markets for such cotton for the three-year period ending July 31 in the year in which the loan level is announced, except that if the loan rate so calculated is higher than the then current level of average world prices for American cotton of such quality, the Secretary is authorized to adjust the current calculated loan rate for cotton to 90 per centum of the then current average world price. The average world price for such cotton for such preceding three-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. * * *

The Senate-House Conference Report on the Agriculture and Consumer Protection Act of 1973 states that "The Conferees intend that the Secretary shall obtain quotations in world markets for American cotton, supplemented by any other relevant price information available, for use in the determination of average price and in the establishment of the loan level at ninety percent of the three-year average."

**§ 1427.1102 General statement.**

It is generally recognized that prices in world markets for identical grades and staple lengths of American cotton vary because of factors such as the locality where grown, Pressley strength, micronaire reading, storage area and estimated weight gain during ocean shipment. Less than one-half of one percent of the American crop in recent years has been Middling 1-inch cotton, consequently, such quality is not universally quoted in foreign markets. Most foreign market quotations are basis Strict Middling one and one-sixteenth inch cotton. Further, reliable price quotations based on U.S. quality standards are notably meager in all foreign markets. It is generally conceded that quality determinations made in most world markets are more tolerant than those made under evaluations in the United States. The complexity of this situation makes a determination of a precise average price of Middling 1-inch American cotton in world markets extremely difficult.

**§ 1427.1103 Procedures and factors.**

The following procedures and factors shall be used in determining the average price of American cotton in world markets basis Middling 1-inch (micronaire 3.5 through 4.9) at average location in the United States for the three-year period ending July 31 in the year in which the loan level for the following crop of upland cotton is announced.

(a) Monthly average market price quotations per pound of American upland cotton quoted in foreign markets shall be obtained for the principal markets of the world for the applicable three-year period. In selecting the qualities and markets to be examined, there shall be taken into account to the extent that information is available, reliability of quotations, volume of sales, and any other relevant information that may be available.

(b) Monthly average price quotations obtained under paragraph (a) of this section shall be averaged for the applicable three-year period.

(c) The three-year average price of American cotton in world markets determined under paragraph (b) of this section shall be adjusted to a U.S. Middling 1-inch (micronaire 3.5 through 4.9) net weight basis to compensate for any lack of comparability, or for differences in quality evaluation or designation relative to U.S. quality standards.

(d) The average cost per pound of appropriate charges and costs related to marketing, handling, and transporting upland cotton from average U.S. location to world markets shall be determined for the applicable three-year period on the basis of the latest information available at the time.

(e) Such average cost per pound determined under paragraph (d) of this section shall be deducted from the three-year average world price, adjusted as provided under paragraph (c) of this section, to adjust such price to average location in the United States.

Signed at Washington, D.C., on August 17, 1973.

EARL L. BUTZ,
*Secretary.*

[FR Doc.73-17821 Filed 8-17-73;4:42 pm]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instruction 465.2]

### PART 1872—REAL ESTATE SECURITY

### Management and Sale of Acquired Real Estate

Subpart C of Part 1872, Title 7, Code of Federal Regulations, (38 FR 19210) is amended by adding a new § 1872.65(j), to provide that in exceptional situations on a case by case basis with the approval and assistance of the National Office, arrangements may be made with other agencies of Government, such as the General Services Administration, for disposal of association surplus property.

Section 1872.65(j) as added will read as follows:

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

* * * * *

(j) *Other disposition of association property.* In exceptional situations on a case by case basis with approval and assistance of the National Office, arrangements may be made with other agencies of Government such as General Services Administration for disposal of association surplus property.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

*Effective date.* This amendment shall become effective August 22, 1973.

Dated: August 9, 1973.

J. R. HANSON,
*Acting Deputy Administrator,*
*Farmers Home Administration.*

[FR Doc.73-17823 Filed 8-21-73;8:45 am]

## Title 12—Banks and Banking

## CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

### SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

### PART 329—INTEREST ON DEPOSITS

### Payment of Time Deposits Before Maturity

1. On July 24, 1973 the Board of Directors of the Federal Deposit Insurance Corporation proposed a number of amendments to Part 329 of the FDIC's rules and regulations (12 CFR Part 329). One of the proposed amendments has to do with the imposition of withdrawal penalties in the event of a change in the interest rate or maturity of a time deposit. This proposal was published along with the other proposed amendments in the FEDERAL REGISTER on July 30, 1973 (38 FR 20279-81) and the public was given until August 13, 1973 to submit its comments on the amendments.

After reviewing the comments on this proposal, the Board of Directors has concluded that its adoption—in modified form—is both desirable and in the public interest. The principal purpose and effect of adoption will be to require a distinction, on the part of depositors and insured nonmember banks, between regular savings accounts and time deposits. The former are easily withdrawable, pay a lesser rate of interest than the latter, and are subject to both increases and decreases in the applicable rate of interest. The latter pay a higher rate of interest in return for a definite commitment of funds by the depositor for a specified period of time ranging from 90 days to four years or more. The rate of interest is generally fixed for the entire period to which the depositor's funds are committed. Adoption of the proposed amendments, in conjunction with similar action by the Board of Governors of the Federal Reserve System with respect to member banks, will also have the desirable effect of eliminating differences in the way in which the penalty provisions are applied to time deposits in federally insured banks as opposed to time accounts in Federally insured savings and loan associations. The Board of Directors has accordingly decided to require the imposition of a penalty for all rate increases made on time deposits on or after September 10, 1973, unless the increase is required by the terms of the original deposit contract.

Effective September 10, 1973, § 329.4 of the FDIC's rules and regulations is amended so as to prevent an insured nonmember bank from increasing the rate of interest paid on an existing time deposit or converting that deposit to one having a longer maturity—if it bears a

higher rate of interest after conversion—unless the depositor pays the appropriate penalty for withdrawal prior to maturity. The one exception to this requirement permits increases in the rate of interest paid on a time deposit without penalty where the increase is explicitly authorized by the terms of the original deposit contract and the bank does not retain the option to grant or deny such an increase.

The above amendment represents a change in the traditional FDIC position of allowing an insured nonmember bank to raise the interest rate paid on an existing time deposit without penalizing the depositor. For this reason, among others, the Board of Directors deems it vital that all insured nonmember banks make adequate disclosure of the withdrawal penalties to their customers. The Board has accordingly decided to adopt the proposed amendments regarding disclosure which were published for comment in the FEDERAL REGISTER on July 30, 1973 (38 FR 20280–81).

Effective September 10, 1973, §§ 329.4 and 329.8 of the FDIC's rules and regulations are amended so as to require that all advertisements, announcements, or solicitations by insured nonmember banks which relate to the interest paid on time deposits include a clear and conspicuous statement that a "substantial penalty" will be imposed where a depositor is permitted to withdraw all or part of his time deposit before maturity. In addition, each depositor must be given a separate disclosure statement at the time he enters into a time deposit contract with the bank. Among other things, this statement must clearly describe the penalty for early withdrawal. This penalty may be the minimum penalty prescribed by § 329.4(d), as amended, or a more severe penalty chosen by the bank.

In addition to the above amendments, the Board of Directors has decided to adopt the proposed amendment to § 329.4 which relates to loans secured by time deposits. This amendment was also published for comment in the FEDERAL REGISTER on July 30, 1973 (38 FR 20280). Loans secured by time deposits must currently bear an interest rate which is at least 2 percent per annum in excess of the interest rate paid on the time deposit. The amendment makes it clear that the 2 percent rate differential may, if necessary, be obtained by reducing the interest rate paid on the time deposit. The amendment does not change the substantive requirements of the regulation. However, it will enable banks in some states to make loans secured by time deposits at interest rates which do not exceed the maximum rates established by state usury law for consumer loans. Moreover, the amendment provides that the requirement for a 2 percent rate differential—which is a penalty established by Federal regulation—shall be deemed to be a part of every time deposit contract. This amendment is also effective September 10, 1973.

On July 26, 1973 the Board of Directors of the Federal Deposit Insurance Corporation amended §§ 329.6 and 329.7 of the FDIC's rules and regulations (12 CFR 329.6, 329.7). The amendments became effective August 1, 1973, the date of their publication in the FEDERAL REGISTER (38 FR 20442). They limit the total amount of time deposits of $1,000 or more with maturities of 4 years or more that may be held by any one insured nonmember bank to 5 percent of the bank's total domestic time and savings deposits. Deposits in this category received on or after August 1, 1973 may not bear a rate of interest in excess of the maximum rate for time deposits of 30 months or more 6½% for insured nonmember commercial banks and 6¾ percent for insured nonmember mutual savings banks) if their receipt would cause the total of all such deposits to exceed the 5 percent limitation.

Prior to August 1, 1973, insured nonmember banks were not generally aware that the Board of Directors was considering a change in the traditional FDIC position of allowing them to change the interest rates paid on their existing time deposits without penalizing their depositors nor were such banks aware of the impending 5 percent limitation on time deposits of $1,000 or more with maturities of 4 years or more. Following the introduction on July 5, 1973 of this new category of four-year, $1,000 minimum denomination time deposits with no maximum rate ceilings, a number of insured nonmember banks offered their depositors the opportunity to convert their preexisting time deposits bearing lower interest rates to deposits in this category without penalty. However, some insured nonmember banks which made such offers before the new regulations were issued have been unable to convert the time deposits of those preexisting customers who failed to notify the bank before August 1 that they wanted the new four-year deposits.

The Board of Directors has concluded that it is inequitable to prevent insured nonmember banks from paying higher interest rates on the new four-year deposits to some of their preexisting customers simply because those customers failed to notify the bank before the August 1 deadline. The Board of Directors has accordingly decided to further amend §§ 329.6 and 329.7 of the FDIC's rules and regulations (12 CFR 329.6 and 329.7) to allow any insured nonmember bank which made such an offer to its customers before August 1, to now proceed to transfer or convert their time deposits to time deposits of $1,000 or more with maturities of 4 years or more without regard to the interest rates paid on the new deposits. However, in order to take advantage of this amendment, three conditions must be met:

1. The funds must have been in a time deposit in the same bank prior to July 5, 1973.

2. The bank must have made the offer on or before July 31, 1973.

3. The transfer or conversion must take place on or before September 8, 1973.

The above amendment does not effect the calculation of the 5 percent limitation. Thus, in calculating the percentage of a bank's total domestic time and savings deposits which is represented by time deposits of $1,000 or more with maturities of 4 years or more, all time deposits in this latter category must be counted except those whose interest rates do not exceed the maximum rate prescribed for time deposits of 30 months or more.

The Board of Directors has also concluded that small insured nonmember banks should have more latitude to compete for time deposits of $1,000 or more with maturities of 4 years or more. The Board of Directors has therefore decided to amend sections 329.6 and 329.7 so as to allow an insured nonmember bank to accept time deposits of $1,000 or more with maturities of 4 years or more at negotiated interest rates so long as the total amount of such deposits does not exceed 5 percent of the bank's total domestic time and savings deposits, or $500,000, whichever is greater.

2. Section 329.4 is amended by revising paragraph (e) and adding new paragraphs (f), (g), and (h) as follows:

**§ 329.4 Payment of time deposits before maturity.**

* * * * *

(e) *Application of penalty to changes in interest rates or maturities.*—(1) *Increases in interest rates on existing time deposits.* Where there is an increase in the rate of interest paid on any time deposit, the deposit will be treated as having been withdrawn by the depositor, prior to maturity, on the date on which the deposit begins to earn interest at the higher rate.

(2) *Conversion of existing time deposits to new deposits with longer maturities.* Where an existing time deposit is converted to one having a longer maturity, the deposit will be treated as having been withdrawn by the depositor, prior to maturity, on the date of conversion if the rate of interest paid on the new deposit exceeds the rate paid on the original deposit.

(3) *Exceptions.* The provisions of this paragraph (e) do not apply to an increase in the rate of interest paid on a time deposit where such increase is explicitly authorized by the terms of the original deposit contract and may not be granted or withheld at the option of the bank.

(f) *Disclosure of penalty.* At the time an insured nonmember bank enters into a new time deposit contract with any depositor, it shall provide the depositor with a separate written statement which clearly states that the depositor may not withdraw all or any part of his deposit prior to maturity except with the consent of the bank which may be given only at the time such request for withdrawal is made, and that if the bank gives its consent at that time, a penalty will be assessed on the amount withdrawn. In

addition, the statement shall clearly describe the penalty, which shall, at a minimum, be the penalty prescribed in paragraph (d) of this section.[11e]

(g) *Determination of "date of deposit" for multiple maturity time deposits.* As used in paragraph (d) of this section, the words "date of deposit" have the following meanings as applied to multiple maturity time deposits: (1) in the case of automatically renewable mutiple maturity time deposits (or those payable on more than one date), the last maturity date on which the deposit could have been withdrawn, and (2) in the case of multiple maturity time deposits which may only be withdrawn upon written notice to be given prior to the date of withdrawal, the last date on which notice could have been given in order to withdraw the deposit on the date on which it is treated as having been withdrawn (i.e., the date as of which a higher interest rate is paid or the date on which the deposit is converted to one having a longer maturity).

(h) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to a depositor upon the security of his time deposit. However, the rate of interest paid by the bank on such deposit for the period of time it secures the loan shall not be in excess of 2 percent per annum less than the rate of interest charged on the loan. The provisions of this paragraph (h) shall be deemed to be a part of every time deposit contract entered into by any insured nonmember bank whether or not such provisions are expressly set forth therein.

3. Section 329.6 is amended to read as follows:

**§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.[13]**

* * * * * *

(b) *Deposits of less than $100,000.* * * *

(2) *Deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more with a maturity of 4 years or more, *provided, however,* That the total amount of such deposits in an insured nonmember bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329, or $500,000, whichever is greater. With respect to any such deposit that is received on or after August 1, 1973 during any period when the outstanding amount of all such deposits is at or above the 5 percent level, or $500,000, whichever is greater, the bank shall not pay interest thereon at a rate in excess of 6½ percent per annum.[13a]

* * * * *

4. Section 329.7 is amended to read as follows:

**§ 329.7 Maximum rate of interest or dividends payable on deposits by insured nonmember mutual savings banks.[14]**

* * * * * *

(b) *Maximum rates payable.* * * *

(4) *Time deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more with a maturity of 4 years or more, *provided, however,* That the total amount of such deposits in an insured nonmember mutual savings bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329, or $500,000, whichever is greater. With respect to any such deposit that is received on or after August 1, 1973 during any period when the outstanding amount of all such deposits is at or above the 5 percent level, or $500,000, whichever is greater, the bank shall not pay interest thereon at a rate in excess of 6¾ percent per annum.[14a]

* * * * *

5. Section 329.8 is amended by adding a new paragraph (h) to read as follows:

**§ 329.8 Advertising of interest on deposits.**

* * * * *

(h) *Time deposits.* Every advertisement, announcement, or solicitation relating to the interest paid on time deposits shall include a clear and conspicuous statement that in the event the depositor is allowed to withdraw all or part of his deposit before maturity, a "substantial penalty" will be imposed.

(Sec. 9, 18(g); 64 Stat. 881–82, Pub. L. No. 93–100, § 1 (August 16, 1973); 12 U.S.C. 1819, 1828(g))

6. The requirements of sections 553 (b) and (d) of Title 5, United States Code, and §§ 302.1, and 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with the amendments to §§ 329.6 and 329.7 because the Board of Directors found that notice and public procedure thereon would be unnecessary and contrary to the public interest and because the amendments relieve an existing restriction.

The requirements of section 553(d) of Title 5, United States Code, and § 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to the publication of a substantive rule not less than 30 days before its effective date were not followed in connection with the amendments to §§ 329.4 and 329.8 because the Board of Directors found that the public interest compelled it to make the action effective no later than September 10, 1973.

7. *Effective dates.* The amendments to §§ 329.6 and 329.7 are effective August 17, 1973.

The amendments to §§ 329.4 and 329.8 are effective September 10, 1973.

By order of the Board of Directors, August 14, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
*Executive Secretary.*

[FR Doc.73-17815 Filed 8-21-73;8:45 am]

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## Title 14—Aeronautics and Space

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-77]

### PART 385—DELEGATIONS AND REVIEW OF ACTIONS UNDER DELEGATION; NONHEARING MATTERS

### Revisions of Delegations of Authority

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

The Board's Bureau of Accounts and Statistics recently has been reorganized resulting in abolition of the Statistical Division and transfer of the Audit Division to the Bureau of Enforcement. As a result of this reorganization, the Board is reassigning delegations of authority previously assigned to the Chief, Statistical Division, under § 385.18a to the Chief of the new Statistical Data Division.[1] In addition, an editorial amendment is included to reflect the name change of the Accounting Regulation Division to the Accounting and Statistical Regulation Division.

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[11e] This paragraph (f) does not apply to any extensions or renewals of existing contracts except where the depositor has not previously been notified of the penalty provisions in paragraph (d). This paragraph also does not apply to "obligations other than deposits" that are otherwise subject to the provisions of this Part 329 (see 12 CFR 329.10(a)).

[13] * * *

[13a] Notwithstanding the 5 percent or $500,000 limitation established by this subparagraph (b)(2), an insured nonmember bank may accept any time deposit of $1,000 or more with a maturity of 4 years or more without regard to the interest rate paid thereon if the deposit consists of funds that were in a time deposit in the same bank prior to July 5, 1973, and if such funds were subsequently transferred or converted to a time deposit of 4 years or more on or before September 8, 1973, provided that the bank made an offer on or before July 31, 1973, to effect such transfers or conversions.

[14] * * *

[14a] Notwithstanding the 5 percent or $500,000 limitation established by this subparagraph (b)(4), an insured nonmember mutual savings bank may accept any time deposit of $1,000 or more with a maturity of 4 years or more without regard to the interest rate paid thereon if the deposit consists of funds that were in a time deposit in the same bank prior to July 5, 1973, and if such funds were subsequently transferred or converted to a time deposit of 4 years or more on or before September 8, 1973, provided that the bank made an offer on or before July 31, 1973 to effect such transfers or conversions.

[1] It should be noted that the transfer of the Audit Division to the Bureau of Enforcement does not affect the authority of the Director, Bureau of Accounts and Statistics, under § 385.17(b) to resolve any disputes on accounting matters which may arise between the Board's auditors and the carriers.

Since the amendments provided for herein are rules of agency organization, the Board finds that notice and public procedure are not necessary, and that the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends §§ 385.18 and 385.18a of Part 385 of its Organization Regulations (14 CFR Part 385) effective August 16, 1973, as follows:

1. Amend the Table of Contents of Subpart B of Part 385 by changing the heading of §§ 385.18 and 385.18a, the table as amended to read as follows:

Sec.
385.18 Delegation to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics.
385.18a Delegation to the Chief, Statistical Data Division, Bureau of Accounts and Statistics.

2. Amend the title and introductory paragraph of § 385.18 to read as follows:

**§ 385.18 Delegation to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics.**

The Board hereby delegates to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics, the authority to:

* * * * *

3. Amend the title and introductory paragraph of § 385.18a to read as follows:

**§ 385.18a Delegation to the Chief, Statistical Data Division, Bureau of Accounts and Statistics.**

The Board hereby delegates to the Chief, Statistical Data Division, Bureau of Accounts and Statistics, authority to:

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

Adopted: August 16, 1973.

Effective: August 16, 1973.

By the Civil Aeronautics Board.

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

[FR Doc.73-17819 Filed 8-21-73;8:45 am]

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## CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

[NTSB Reg. PR-3; NTSB Reg. PR-6]

## PART 431—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INQUIRIES

## PART 440—RULES OF PRACTICE IN SURFACE TRANSPORTATION ACCIDENT HEARINGS

### Determination To Hold Hearings

The purpose of these amendments is to make it clear that the authority to order hearings as part of an accident inquiry and to assign a Member to serve as Chairman of the Board of Inquiry are decisions of the National Transportation Safety Board.

Since these regulations are rules of agency practice and procedure, notice and public procedure thereon are not required.

These amendments were approved by the Board of the National Transportation Safety Board on February 7, 1973, and become effective on publication in the FEDERAL REGISTER.

Accordingly, the National Transportation Safety Board hereby amends the provisions of its regulations covering rules or practice in aircraft accident inquiries (Part 431) and its rules of practice in surface transportation accident hearings (Part 440) as follows:

1. Section 431.21 is revised to read as follows:

**§ 431.21 Determination to hold hearing.**

The National Transportation Safety Board may order a hearing as part of an accident inquiry whenever the Board deems it necessary in the public interest; provided that should a quorum of the Board not be immediately available in the event of a catastrophic accident, then the determination to hold a public hearing may be made by the Chairman.

2. Section 431.22 is revised to read as follows:

**§ 431.22 Board of inquiry.**

The Board of Inquiry shall consist of a Member of the Board who, when present, will be Chairman of the Board of Inquiry, the Hearing Officer, the Director of the Bureau of Aviation Safety or his designee, and the General Counsel or his designee. Assignments of Members to serve as Chairmen of Boards of Inquiry shall be determined by the National Transportation Safety Board. In the absence of the Chairman, a member of the Board of Inquiry designated by him shall act as chairman. It shall be the duty of the Board of Inquiry to secure in the form of a public record all known facts pertaining to the accident and surrounding circumstances and conditions from which probable cause may be determined and recommendations of corrective action formulated.

3. Section 440.10 is revised to read as follows:

**§ 440.10 Determination to hold hearing.**

The National Transportation Safety Board may order a hearing as part of an accident hearing whenever the Board deems it necessary in the public interest; provided that should a quorum of the Board not be immediately available in the event of a catastrophic accident, then the determination to hold a public hearing may be made by the Chairman.

4. Section 440.11 is revised to read as follows:

**§ 440.11 Board of inquiry.**

The Board of Inquiry shall consist of a Member of the Board who shall be Chairman of the Board of Inquiry, a Hearing Officer when assigned, the Director of the Bureau of Surface Transportation Safety or his designee, and, where appropriate, the General Counsel or his designee. Assignments of Members to serve as Chairman of Boards of Inquiry shall be determined by the National Transportation Safety Board. It shall be the duty of the Board of Inquiry to examine witnesses and to secure, in the form of a public record, all known facts pertaining to the accident and surrounding circumstances and conditions from which cause may be determined and recommendations for corrective action may be formulated.

Adopted: February 7, 1973.

Effective: August 22, 1973.

By the National Transportation Safety Board.

JOHN H. REED, *Chairman.*

AUGUST 16, 1973.

[FR Doc.73-17746 Filed 8-21-73;8:45 am]

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## Title 19—Customs Duties

## CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T. D. 73-228]

## PART 1—GENERAL PROVISIONS

### Customs Regions, Districts and Ports

AUGUST 13, 1973.

On May 18, 1973, notice of a proposal to extend the limits of the port of Omaha, Nebraska, in the Chicago, Illinois, Customs district (Region IX), was published in the FEDERAL REGISTER (38 FR 13027). No comments were received regarding this proposed extension.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of Omaha, Nebraska, in the Chicago, Illinois, Customs district (Region IX), are hereby extended to include all of Douglas County and all of Sarpy County in the State of Nebraska, and all of Pottawattamie County west of Iowa Highway 59 in the State of Iowa.

To reflect this change, the table in § 1.2(c) of the Customs regulations is amended by substituting "Omaha, Nebraska (including the territory described in T.D. 73-228)" for "Omaha, Nebr. (including territory described in E.O. 9297, Feb. 1, 1943; 8 FR 1479)." in the column headed "Ports of Entry" in the Chicago, Illinois, district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

It is desirable to make the extended port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed

effective date under the provision of 5 U.S.C. 553(d).

*Effective date.* This amendment shall be effective August 22, 1973.

[SEAL] EDWARD L. MORGAN,
*Assistant Secretary of the Treasury.*

AUGUST 13, 1973.

[FR Doc.73-17813 Filed 8-21-73;8:45 am]

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[T.D. 73-227]

## FOREIGN MILITARY PERSONNEL

### Free Entry Privileges

AUGUST 13, 1973.

On April 19, 1973, notice of proposed rule making to amend Part 148 of the Customs regulations by adding to subpart I of Part 148 a new § 148.90 entitled "Foreign military personnel," was published in the FEDERAL REGISTER (38 FR 9670). No comments were received in response to this notice.

Section 148.90 is part of the general revision of the Customs Regulations and replaces present § 10.30c. Changes or additions in language are made to clarify the provisions, eliminate inconsistencies, and conform the Customs Regulations to current administrative practices.

The principal changes in the requirements and procedures in § 148.90 from those set forth in § 10.30c relate to the entry or withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), for personal or family use. These changes are as follows:

1. The present regulations state that for normal consumption the entry or withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), is limited to one case per month. In practice, this limitation does not apply to malt beverages. Therefore, the words "(other than malt beverages)" are added to § 148.90(d)(1)(i), to clearly point out that malt beverages are an exception to the limitation.

2. Advance entry or withdrawal of cases of alcoholic beverages under the one case per month limitation, mentioned above, is permitted under the present regulations, but the number of cases advanced is left to the discretion of the district director. This policy has resulted in a lack of uniformity as to the number of cases that can be entered or withdrawn at one time. To establish a uniform policy, § 148.90(d)(1)(ii) permits three cases (the initial one plus two cases in advance) to be entered or withdrawn at any one time. The second sentence of § 148.90(d)(1)(ii) is added to explicitly point out that this advance entry or withdrawal does not broaden the one case per month limitation.

3. Section 148.90(d)(3) sets forth the requirement that the warehouse proprietor must retain the necessary records concerning the entry and withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), for at least 3 years from the date of such entry or withdrawal. This section also indicates that the district director may have the warehouse proprietor's records verified.

4. Since the requirement that the member of the armed forces be an alien is explicitly set forth in § 148.81, it is omited from § 148.90.

The amendment also sets forth the limitations that the term "articles entered for the personal or family use" does not include articles imported as an accommodation to others or for sale or other commercial use. These limitations are contained in headnote 3 of schedule 8, part 2C, Tariff Schedules of the United States (19 U.S.C. 1202).

Cross-references made by other sections of the Customs Regulations to § 10.30c have been changed to reflect the replacement of that section by § 148.90.

There is included as part of the amendment a parallel reference table which shows the relationship of § 148.90 to superseded § 10.30c of the Customs regulations.

Accordingly, new § 148.90, and conforming changes in Parts 10, 11, 145, and 148 of the Customs Regulations, Chapter I, title 19 of the Code of Federal Regulations, are hereby adopted as set forth below.

*Effective date.* This amendment shall become effective on September 21, 1973.

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

Approved: August 13, 1973.

EDWARD L. MORGAN,
*Assistant Secretary of the Treasury.*

### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Part 10 is amended by deleting § 10.30c and footnotes 33e and 33f appended thereto.

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

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### PART 11—PACKING AND STAMPING; MARKING

Section 11.3 is amended by deleting "10.30c,".

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

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### PART 145—MAIL IMPORTATIONS

Section 145.39 is amended by deleting "and § 10.30c".

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

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### PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Section 148.81 is amended to correct its cross-reference to foreign military personnel as follows:

In paragraph (a) substitute "§ 148.90" for "§ 10.30c of this chapter".

In paragraphs (b), (c), and (d) delete "and § 10.30c of this chapter".

Part 148 is amended by adding a new § 148.90 entitled "Foreign military personnel" to subpart I, to read as follows:

**§ 148.90 Foreign military personnel.**

(a) *Exemptions allowed.*—District directors shall in accordance with the provisions of this section admit the following free of duty and internal revenue tax imposed upon or by reason of importation:

(1) The baggage and effects of persons on duty in the United States as members of the armed forces of any foreign country, and of their immediate families under item 820.40, Tariff Schedules of the United States (19 U.S.C. 1202);

(2) Articles entered or withdrawn from warehouse for consumption by a member of the armed forces of any foreign country on duty in the United States, for his personal use or that of any member of his immediate family but not as an accommodation to others or for sale or other commercial use, under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202); and

(3) Articles entered or withdrawn from warehouse for consumption for the official use of members of the armed forces of any foreign country on duty in the United States, under item 841.20, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Reciprocity limitation.*—When district directors have been advised officially of a finding by the Secretary of the Treasury that a foreign country does not reciprocate to members of the armed forces of the United States on duty in its country and members of their immediate families the privileges accorded its members and their families in the United States, the district directors shall accord to the personnel of such foreign government privileges under the law only to the extent to which the foreign government accords similar treatment to members of the armed forces of the United States and members of their immediate families.

(c) *Status of importer questioned.*—If any question arises as to the status of the importer under item 820.40, 822.20, or 841.20, Tariff Schedules of the United States (19 U.S.C. 1202), or whether articles entered thereunder are for official use or for personal or family use, but not as an accommodation to others or for sale or other commercial use, the district director shall report the available facts to the Commissioner of Customs for instructions.

(d) *Alcoholic beverages for personal or family use.*—(1) *General rule.*—(i) *Limitation stated.*—Except in the case of exceptional circumstances set forth in paragraph (d)(2) of this section, entry of alcoholic beverages (other than malt beverages) for personal or family use but not as an accommodation to others or for sale or other commercial use under item 822.20, Tariff Schedules of the United

States (19 U.S.C. 1202), is limited to one case each month.

(ii) *Advance entry or withdrawal.*—A maximum of three cases (the initial one plus two cases in advance) may be entered or withdrawn at any one time in a given 3-month period if the district director is satisfied they are for personal or family use but not as an accommodation to others or for sale or other commercial use. Such advance entry or withdrawal shall not be deemed to broaden the one case per month limitation.

(iii) *Certification.*—At the time of each entry or withdrawal, the member of the Armed Forces must certify that since his last entry or withdrawal there have expired a number of months equal to the numbers of cases last entered or withdrawn.

(2) *Exceptional circumstances.*—In exceptonal circumstances an additional quantity of alcoholic beverages for personal or family use but not as an accommodation to others or for sale or other commercial use, in excess of the one case per month limitation may be allowed under the following procedure:

(i) A statement signed by the member of the Armed Forces and attached to his declaration for free entry will be submitted to the district director, setting forth the reason for requesting the additional quantity;

(ii) The statement of request must be approved by the officer or person in charge of the Armed Forces involved, or a person specifically authorized by such officer or person to approve such requests; and

(iii) The district director must be satisfied that the need for the additional quantity is justified. Questionable cases shall be referred to the Commissioner of Customs for instructions.

(3) *Retention and verification of the warehouse proprietors' records.*—The warehouse proprietor shall retain all records relating to the entry and withdrawal of alcoholic beverages under item 822.20, Tariff Schedules of the United States (19 U.S.C. 1202), for at least 3 years from the date of entry or withdrawal of such beverages. Verification of the warehouse proprietors' records shall be at the discretion of the district director.

(e) *Entry requirements.*—The entry requirements prescribed in the Tariff Act of 1930, as amended (Title 19, United States Code), and the regulations thereunder are applicable to articles for which free entry is claimed under item 820.40, 822.20, or 841.20, Tariff Schedules of the United States (19 U.S.C. 1202). No invoices shall be required.

(R.S. 251, as amended, 77A Stat. 14, secs. 498, 624, 46 Stat. 728, as amended, 758; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1498, 1624)

APPENDIX

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 148 to superseded 19 CFR Part 10.)

| Revised section: | Superseded section |
|---|---|
| 148.90(a) | 10.30c(a). |
| 148.90(b) | 10.30c(a). |
| 148.90(c) | 10.30c(b). |
| 148.90(d)(1)(i) | 10.30c(b). |
| 148.90(d)(1)(ii) | 10.30c(b) and new. |
| 148.90(d)(1)(iii) | 10.30c(b). |
| 148.90(d)(2) | 10.30c(b). |
| 148.90(d)(3) | New. |
| 148.90(e) | 10.30c (c) and (d). |

[FR Doc.73-17812 Filed 8-21-73;8:45 am]

## Title 22—Foreign Relations

### CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID Reg. 5]

### PART 205—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

#### Per Diem Payments

The regulation governing per diem payments to participants in non-military economic development training programs is revised to provide increased per diem payments to such participants. This change is based on the amendment to 22 CFR 61.3 set forth at 38 FR 15965 (June 19, 1973) wherein an increased per diem is provided to participants who come to the United States to observe, consult, demonstrate special skills, or engage in specialized programs.

Part 205 of Chapter II of Title 22 of the Code of Federal Regulations (AID Reg. 5), is revised to read as follows:

§ 205.1 **Per diem rates.**

Participants in any training program under the Foreign Assistance Act of 1961 other than Part II may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed $35, or, in exceptional circumstances such other rate not to exceed $45, as the Administrator of the Agency for International Development or his designee may prescribe and such designee may be authorized to redelegate such authority.

(b) For participants in programs of training in countries other than the United States, a per diem allowance not to exceed those prescribed by the Standardized regulations (Government Civilian, Foreign Areas).

This revision shall become effective on August 22, 1973.

JAMES F. CAMPBELL,
*Assistant Administrator, Bureau for Program and Management Services.*

JULY 11, 1973.

[FR Doc.73-17781 Filed 8-21-73;8:45 am]

## Title 26—Internal Revenue

### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7283]

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

#### Income Tax Regulations; Amendments Relating to DISC's

*Corrections*

In FR Doc. 73-16003, appearing at page 20823 for the issue for Friday, August 3, 1973, in the tenth line from the top of § 1.922-1(c), the phrase which now reads "See section 922(a) (1) and (3)", should read "See section 992(a) (1) and (3)".

## Title 31—Fiscal Service

### CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

### PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

#### Amount of Interest Checks and Investment Yields

*Correction*

In FR Doc. 73-8412, appearing at page 10808 for the issue for Wednesday, May 2, 1973, in Table 26-A, opposite "4 years" in the first column of the table, the first amount of interest which now reads "13.57", should read "13.75".

## Title 41—Public Contracts and Property Management

### CHAPTER 109—ATOMIC ENERGY COMMISSION

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

### PART 109-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

#### Updating To Reflect Transfer of Certain Functions

This amendment is issued to reflect the Atomic Energy Commission's reassignment and transfer of certain functions and responsibilities from its Division of Construction to its Division of Waste Management and Transportation as follows:

1. Under Part 109-40 of Title 41 CFR, §§ 109-40.106, 109-40.109, 109-40.305-5, and 109-40.307 are amended by deleting from each the words "Division of Construction," and inserting in place thereof the words "Division of Waste Management and Transportation."

This amendment is effective on August 22, 1973.

(Sec. 161 Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205 Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486).)

Dated at Germantown, Maryland this 13th day of August, 1973.

For the U.S. Atomic Energy Commission.

R. E. HOLLINGSWORTH,
*General Manager.*

[FR Doc.73-17426 Filed 8-21-73;8:45 am]

## Title 43—Public Lands: Interior

## CHAPTER II—BUREAU OF LAND MANAGEMENT

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5375]

[New Mexico 12723]

### NEW MEXICO

### Withdrawal for National Forest Recreation Areas and Administrative Sites

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

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

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

*Lagunitas Administrative Site and Campground*

T. 31 N., R. 6 E., (unsurveyed)
Sec. 28, S½S½SW¼;
Sec. 33, W½NE¼, NW¼, N½SW¼, NW¼ SE¼.

*Potrero Box*

T. 25 N., R. 7 E.,
Sec. 8, SE¼SE¼SE¼, E½SW¼SE¼SE¼;
Sec. 9, SW¼SW¼SW¼, W½SE¼SW¼ SW¼;
Sec. 16, W½NW¼NW¼, W½E½NW¼ NW¼, W½NE¼SW¼NW¼, NW¼SW¼ NW¼;
Sec. 17, E½NE¼NE¼, E½W½NE¼NE¼.

*Laguna Larga Campground*

T. 31 N., R. 8 E.,
Sec. 28, S½S½SW¼;
Sec. 33, N½NW¼, N½S½NW¼.

*Tres Piedras Administrative Site*

T. 28 N., R. 9 E.,
Sec. 15, S½SW¼SE¼, SW¼SE¼SE¼, W½ SE¼SE¼SE¼;
Sec. 22, lots 3, 8, 9, 10, 11 and NW¼NE¼.

The areas described aggregate approximately 765 acres in Rio Arriba and Taos Counties.

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

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17435 Filed 8-21-73;8:45 am]

[Public Land Order 5376]

[Arizona 032148]

### ARIZONA

### Final Revocation of Withdrawal for Air Navigation Site No. 27

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 49 U.S.C. 214 (1970), it is ordered as follows:

The Secretary's Order of April 4, 1929, withdrawing land for Air Navigation Site No. 27, is hereby revoked as to the remaining lands embraced therein, described as follows:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 6 W.,
Sec. 25, NE¼, E½NW¼, S½.

The area described aggregates 560 acres in Pima County.

All of the lands have been patented to Pima County under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869; 869-4 (1970).

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17436 Filed 8-21-73;8:45 am]

[Public Land Order 5377]

[Arizona 033067]

### ARIZONA

### Partial Revocation of Withdrawals for National Forest Administrative Sites

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

1. The Secretarial Order of November 10, 1908, and Public Land Order No. 3965 of March 30, 1966, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

*Ashdale Administrative Site*

T. 8 N., R. 5 E.,
sec. 31 (unsurveyed tract of land located in central part of section).
Containing approximately 76.60 acres.

*Top of the World Administrative Site*

T. 1 S., R. 14 E.,
sec. 8, W½SW¼, excluding patented Mineral Survey No. 2337.
Containing approximately 57.00 acres.

The areas described total approximately 133.60 acres in Gila and Maricopa Counties.

2. At 10 a.m. on September 19, 1973, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17784 Filed 8-21-73;8:45 am]

[Public Land Order 5378]

[New Mexico 13046]

### NEW MEXICO

### Partial Revocation of National Forest Reserve: Transfer of Administrative Jurisdiction Over Land in the Rio Grande National Wild and Scenic Rivers Area

By virtue of the authority vested in the President by the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the authority contained in section 6(e) of the Act of October 2, 1968, 16 U.S.C. 1277 (1970), it is ordered as follows:

1. The Presidential Proclamation No. 863 of March 2, 1909, withdrawing lands for the Carson National Forest, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 N., R. 12 E., secs. 5 and 8, that portion lying west of the Rio Grande River.

The areas described aggregate 280.70 acres in Taos County.

2. The jurisdiction over the land described above is hereby transferred to the Secretary of the Interior to be administered by the Bureau of Land Management as part of the Rio Grande National Wild and Scenic Rivers Area, as provided for by section 3(a)(4) of the National Wild and Scenic Rivers Act of October 2, 1968, supra.

3. At 10 a.m. on September 19, 1973, the land shall be open to such forms of disposition as may by law be made of National Wild and Scenic Rivers lands as provided by sections 8 and 9 of the Act of October 2, 1968, supra, and subject to the provisions of Waterpower Designation No. 1, New Mexico No. 1 of August 7, 1916, and the withdrawals made by Powersite Reserve No. 548 of September 30, 1916, and Powersite Reserve No. 740 of May 21, 1920.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17785 Filed 8-21-73;8:45 am]

[Public Land Order 5380]

[New Mexico 12530]

### NEW MEXICO

### Withdrawal for National Forest Recreation Areas

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

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

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

*Angostura Recreation Area*

T. 22 N., R. 14 E.,
Sec. 29, that portion of lot 9 south and west of State Highway No. 3;
Sec. 30, those portions of lots 3, 4 and 5, (excluding HES 312) south and west of State Highway No. 3, W½SE¼SE¼, E½SW¼SE¼;
Sec. 31, lots 5, 6, 9, 10, E½NW¼NE¼NE¼, SW¼NE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, E½SE¼NW¼NE¼, E½SW¼NE¼, E½SW¼SW¼NE¼.

*Rio La Junta Recreation Area*

T. 22 N., R. 13 E.,
Sec. 24, S½SE¼NE¼, partially unsurveyed.
T. 22 N., R. 14 E.,
Sec. 9, W½SW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, N½NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, E½W½SW¼SE¼, unsurveyed;
Sec. 16, E½NW¼NE¼, E½W½NW¼NE¼, NW¼SW¼NE¼, W½NE¼SW¼NE¼, N½SW¼SW¼NE¼, S½NE¼SE¼NW¼, S½SE¼NW¼, S½S½SW¼NW¼, N½NW¼NE¼SW¼, N½N½NW¼SW¼, unsurveyed;
Sec. 17, S½N½SW¼NE¼, S½SW¼NE¼, S½SE¼NE¼, E½SE¼SE¼NW¼, E½NE¼SE¼SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼, N½NE¼NE¼SE¼, W½NW¼SE¼, W½W½SW¼SE¼, partially unsurveyed;
Sec. 19, S½NE¼NE¼, SE¼NE¼NE¼NE¼, SE¼SE¼NW¼NE¼, N½SW¼NE¼, W½SW¼SW¼NE¼, NW¼NW¼SE¼NE¼, S½S½NW¼;
Sec. 20, N½ of lot 1, N½ and N½S½ of lot 2, NW¼NW¼NE¼, N½NE¼NW¼.

*Tres Ritos Recreation Area*

T. 22 N., R. 13 E.,
Sec. 24, those portions of lots 3, 4, W½SW¼NE¼, W½NW¼SE¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, SW¼SW¼SE¼SE¼, E½SW¼SE¼, NE¼NW¼SW¼SE¼, lying south and/or south and west of State Highway No. 3, excluding that part of PLO 725 in lot 3 and that part of S½SE¼NE¼NW¼ (excluding HES 316) lying south and west of State Highway No. 3, partially unsurveyed;
Sec. 25, those portions of lot 1 lying south and west of State Highway No. 3, E½NE¼NW¼NE¼, S½NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, SE¼NE¼NE¼, partially unsurveyed.
T. 22 N., R. 14 E.,
Sec. 30, that portion of lot 1 lying south and west of State Highway No. 3 and S½NW¼NW¼ (excluding HES 312), partially unsurveyed.

*Sipapu Ski Area*

T. 22 N., R. 13 E.,
Sec. 9, S½SE¼, partially unsurveyed;
Sec. 10, SW¼ (excluding approximately 10 acres in Patent No. 883043), partially unsurveyed;
Sec. 15, N½NW¼, SW¼NW¼, partially unsurveyed;
Sec. 16, NE¼, SE¼NW¼, E½SW¼, W½SE¼, NE¼SE¼, unsurveyed.

The areas described aggregate 1,507.48 acres in Taos County.

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

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17437 Filed 8-21-73;8:45 am]

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[Public Land Order 5381]

[AA-8144, AA-8182]

## ALASKA

### Exclusions of Land From Chugach and Tongass National Forest

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. section 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

The following described tracts of land, occupied as homesites, are hereby excluded from the Chugach and Tongass National Forests and restored, subject to valid existing rights, for purchase as homesites under section 10 of the Act of May 14, 1898, 30 Stat. 413, as amended by the Act of March 3, 1927, 44 Stat. 1364, and the Act of May 26, 1934, 48 Stat. 809:

CHUGACH NATIONAL FOREST

[AA-8182]

U.S. SURVEY 2518

Latitude 60°23'47" N., Longitude 149°21' W., lot 3 (Homesite No. 19, Lawing Homesite Group), 3.74 acres.

U.S. SURVEY 2532

Latitude 60°21'24" N., Longitude 149°21'20" W., lot 1E (Homesite No. 223, Lakeview Homesite Group), 2.36 acres.

[AA-8144]

U.S. SURVEY 3533

Latitude 60°21' N., Longitude 149°21½' W., lot "L" (Homesite No. 195, Lakeview Homesite Group), 1.55 acres.

TONGASS NATIONAL FOREST

[AA-8144]

U.S. SURVEY 2414

Latitude 58°06'24" N., Longitude 135°27' W., lot 6 (Homesite No. 706, Cartina Game Creek Homesite Group), 1.31 acres.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17786 Filed 8-21-73;8:45 am]

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[Public Land Order 5382]

[ES-7576]

## MISSOURI

### Addition to National Forest

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, 16 U.S.C. 471 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described land is hereby added to and made a part of the Clark National Forest, and hereafter shall be subject to all laws and regulations applicable to said national forest.

FIFTH PRINCIPAL MERIDIAN

T. 31 N., R. 4 E.,
Sec. 6, N½ lot 1 of SW¼.

The area described contains 40 acres in Iron County.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17787 Filed 8-21-73;8:45 am]

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[Public Land Order 5383]

[Oregon 8646]

## OREGON

### Partial Revocation of Reclamation Project Withdrawal

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

1. The order of the Bureau of Reclamation of October 25, 1954, concurred in by the Bureau of Land Management on January 24, 1956, withdrawing lands for the Rogue River Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 36 S., R. 7 W.,
Sec. 2, lots 8, 9, 10;
Sec. 3, lots 9 and 16;
Sec. 10 SE¼NW¼.

The areas described aggregate 195.89 acres in Josephine County.

Of these lands, those described as lots 8, 9, and 10, sec. 2, and lot 9, sec. 3, are withdrawn from all forms of appropriation under the public land laws, with certain exceptions, and from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, by Public Land Order No. 1726 of September 3, 1958. The lands described in section 2 are also included within the boundaries of the withdrawal made for the Rogue River Wild and Scenic Rivers System established by section 3 of the Act of October 2, 1968, 82 Stat. 907. All of these lands will remain so withdrawn.

2. The remaining unreserved, unappropriated public lands described as lot 16, section 3, and the SE¼NW¼, section 10, shall at 10 a.m. on September 19, 1973, be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements received on or before 10 a.m. on September 19, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

All of the lands described in paragraph 1 of this order have been and will continue to be open to the filing of applications and offers under the mineral leasing laws, except that the leasing of the lands described in section 2 will be subject to the provisions of section 9(a) of the Act of October 2, 1968, supra.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oregon 97208.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17788 Filed 8-21-73;8:45 am]

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[Public Land Order 5384]

[Arizona 6898]

## ARIZONA

### Withdrawal for National Forest Recreational and Administrative Sites

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

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

SITGREAVES NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

*O'Haco Lookout Administrative Site*

T. 12 N., R. 12 E.,
Sec. 10, SE¼SE¼NW¼.

*Bear Canyon Lake Recreation Area*

T. 12 N., R. 13 E.,
Sec. 20, S½SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 29, W½E½E½, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 32, NW¼NE¼, NE¼NW¼.

*Chevelon Canyon Lake Recreation Area*

T. 13 N., R. 14 E.,
Sec. 14, W½NW¼SW¼, S½S½, E½NW¼SE¼, NE¼SE¼;
Sec. 15, E½E½SE¼;
Sec. 23, lots 1 and 2, NE¼, N½NW¼, E½SE¼NW¼, E½NE¼SW¼, W½SE¼, 14.44 acres of HES 197 in E½E½SE¼;
Sec. 24, lots 1 and 2, S½SW¼NE¼, NW¼, E½SW¼, SW¼SE¼, 14.91 acres of HES 197 in W½W½SW¼;
Sec. 25, 3.07 acres of HES 197 in NW¼NW¼NW¼;
Sec. 26, E½.

*Heber Job Corps Conservation Center Administrative Site*

T. 12 N., R. 16 E.
Sec. 20, N½SE¼, SW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼.

The areas described aggregate 2,323.07 acres in Coconino and Navajo Counties.

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

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17789 Filed 8-21-73;8:45 am]

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[Public Land Order 5385]

[Montana 24365]

## MONTANA

### Partial Revocation of Reclamation Withdrawal Milk River Irrigation Project

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

The departmental order of August 18, 1902, which withdrew lands for reclamation purposes, is hereby revoked so far as it affects the following described lands:

MONTANA PRINCIPAL MERIDIAN

T. 31 N., R. 35 E.,
Sec. 9, NE¼SE¼.

The area described aggregates 40 acres in Valley County.

The lands are embraced in an allowed entry under the homestead laws.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

AUGUST 15, 1973.

[FR Doc.73-17790 Filed 8-21-73;8:45 am]

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## Title 49—Transportation

## CHAPTER I—DEPARTMENT OF TRANSPORTATION

### SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-99; Amdts. Nos. 173-75 and 178-27]

### SPECIFICATIONS 3AX, 3AAX, AND 3T CYLINDERS

*Correction*

In FR Doc. 73-16737 of the issue of Wednesday, August 15, 1973, page 21989, the following changes should be made:

1. In § 173.302(f) the reference to "1,000 p.s.i." in the eighth line should read "1000 p.s.i.g."

2. § 173.304(a)(2) table of gases, the DOT container corresponding to "Carbon dioxide-nitrous oxide mixture" reading "DOT-3ET2000" should read "DOT-3HT2000."

3. In § 178.45-15(a)(4), the reference to "165,000 p.s.i. (Rᶜ 36)" should read "165,000 p.s.i. (Rc 36)."

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## 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 necessity 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 Railway 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 interests 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.* (a) 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 Railway 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.73-17758 Filed 8-21-73;8:45 am]

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## Title 50—Wildlife and Fisheries

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

### PART 32—HUNTING

#### San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on August 22, 1973.

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

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, New Mexico, is permitted from December 1 through December 2, 1973, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State, Federal, and military regulations, subject to the following special conditions.

(1) Hunters must check in and out in person at the check station located on the Jornada road near U.S. 70. The check station will be open 24 hours a day. Hunters may check in during the afternoon of November 30, 1973. Time of entry to the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10:00 p.m. December 2, 1973.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Range except at the discretion of the officers in charge.

(3) The officers in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

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 2, 1973.

JOHN H. KIGER,
*Refuge Manager, San Andres National Wildlife Refuge Las Cruces, New Mexico.*

AUGUST 14, 1973.

[FR Doc.73-17779 Filed 8-21-73;8:45 am]

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### PART 32—HUNTING

#### San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective August 22, 1973.

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

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, New Mexico, is permitted from October 13 through October 21, 1973, inclusive. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

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 21, 1973.

JOHN H. KIGER,
*Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, New Mexico.*

AUGUST 14, 1973.

[FR Doc.73-17780 Filed 8-21-73;8:45 am]

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### PART 32—HUNTING

#### Pathfinder National Wildlife Refuge; Wyoming

The following special regulation is issued and is effective on August 22, 1973.

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

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Pathfinder National Wildlife Refuge, Wyoming, is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1973 Orders regulating deer hunting. Portions of the refuge lying in Area No. 87 will be open October 15 through October 24, 1973. Portions of the refuge lying within Area No. 72 will be open October 1 through October 15, 1973. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this 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 24, 1973.

V. CARROL DONNER,
*Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.*

AUGUST 9, 1973.

[FR Doc.73-17744 Filed 8-21-73;8:45 am]

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### PART 32—HUNTING

#### Pathfinder National Wildlife Refuge; Wyoming

The following special regulation is issued and is effective August 22, 1973.

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

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Pathfinder National Wildlife Refuge, Wyoming, is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1973 Orders regulating antelope hunting. Portions of the refuge lying in Area No. 63 will be open from September 15 through September 23, 1973. Portions of the refuge lying in Area No. 48 will be open from September 25 through October 15, 1973. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of antelope.

The provisions of this 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 15, 1973.

V. CARROL DONNER,
*Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.*

AUGUST 9, 1973.

[FR Doc.73-16642 Filed 8-21-73;8:45 am]

# Proposed Rules

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

## DEPARTMENT OF THE TREASURY

### U.S. Customs Service

### [ 19 CFR Part 19 ]

### CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

### Transfer of Merchandise to a Container Station by a Container Station Operator

AUGUST 13, 1973.

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and sections 551, 565, and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1551, 1565, 1624), it is proposed to amend § 19.45 of the Customs regulations (19 CFR 19.45), to permit container station operators to use their own vehicles to cart merchandise from the place of unlading to their stations. Section 19.45, Customs regulations (19 CFR 19.45), added by T.D. 72-68, 37 FR 4186, provides that merchandise may be transferred to a container station only by a bonded cartman or bonded carrier. However, it would facilitate the movement of cargo to continue the previous practice of permitting container station operators to use their own vehicles to cart merchandise from the place of unlading to their stations. The container station bond would amply protect the revenue in such circumstances.

Accordingly, it is proposed to amend § 19.45 of the Customs regulations (19 CFR 19.45) to read as follows:

**§ 19.45 Transfer of merchandise, approval and method.**

Approval of the application by the district director shall serve as a permit to transfer the container and its contents to the station. Except when the container station operator is moving the merchandise to his own station by his own vehicle, the merchandise may only be transferred to a container station by a bonded cartman or bonded carrier. The station operator, cartman, or carrier shall receipt for the merchandise on both copies of the application.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau on or before Sept. 21, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

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

Approved August 13, 1973.

EDWARD L. MORGAN,
*Assistant Secretary of the Treasury.*

[FR Doc.73-17814 Filed 8-21-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 929 ]

[Docket No. AO-341-A3]

### CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

### Decision and Referendum Order Regarding Proposed Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on February 14, 1973, at Wisconsin Rapids, Wisconsin, on February 22, and at Long Beach, Washington, on February 27, after notice thereof published in the FEDERAL REGISTER (38 FR 3985) on proposals to amend the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 25, 1973, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto through June 15, 1973, was published in the FEDERAL REGISTER (FR Doc. 73-10852; 38 FR 14290). A notice of extension of time for filing such exceptions, through July 31, 1973, was filed with said Hearing Clerk on June 22, 1973, and published in the FEDERAL REGISTER (FR Doc.73-13023; 38 FR 17016). No exceptions were filed.

The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (FR Doc. 73-10852; 38 FR 14290) are hereby approved and adopted as the material issues, findings and conclusions, and rulings of this decision as published in full herein.

*Material issues.*—The material issues presented on the record of the hearing involved amendatory action relating to:

1. Changing the beginning date of the 2-year term of office for the committee from September 1 to August 1; and authorizing the committee to meet earlier than now permitted to formulate its marketing policy, consider the need for regulations and submit its recommendation with respect thereto when it deems the production and marketing situation warrants;

2. Changing the requirements with respect to submission of the names of nominees from two to one or more for each committee position to be filled; and authorizing the Secretary to consider other qualified persons;

3. Providing representation on the committee for all growers in District 4 (Oregon and Washington) who are not affiliated with the major cooperative, and allow them to participate in nomination proceedings;

4. Providing authority for the committee, with the approval of the Secretary, to levy a late-payment charge and an interest charge on assessments that are not paid within the time specified;

5. Clarifying the withholding provisions so that each handler and the committee can more easily and accurately determine the withholding obligation;

6. Liberalizing the provisions dealing with interhandler transfers to permit handlers to transfer cranberries freely to other handlers, and require each handler to report such transfers to the committee twice each year;

7. Elimination of the requirement for inspection of withheld (restricted from marketing) cranberries, when such cranberries are released to the handler in accordance with the special provisions of the order relating to withheld cranberries; and

8. Making conforming changes.

*Findings and conclusions.*—The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

1. The order should be amended to change the beginning date of the 2-year term of office of committee members from September 1 to August 1. The Crop Reporting Board issues its report of estimated production during the 3d week in August. It is desirable for the committee to meet as soon as practicable after this report is available to formulate its marketing policy and consider the need for regulation of the oncoming crop. Since the term of office begins on September 1, it is not possible for the committee to meet before that date.

The committee whose term of office expires on August 31 of every other year could meet prior to September 1. However, it was testified at the hearing that the committee that will supervise the program during the crop-year should formulate the marketing policy and be responsible for any recommendation for regulation. The language in the order states "Each crop-year prior to making any recommendation * * *, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop-year." This infers that the committee meeting should be held within the crop-year. Since it is desirable for the committee to meet earlier than September 1, the order should be changed to permit the committee to meet as soon as practicable after August 1. Fixing the beginning date of the term of office as August 1 would add the needed flexibility. Accordingly, the order should be amended as hereinafter set forth.

2. The provisions of the order which require the industry to submit two nominees for each position to be filled on the committee should be changed to require the submission of one or more nominees for each position. The order provides that the large cooperative marketing organization may obtain its nominations by means of grower meetings or by resolution of the Board of Directors. The order directs that all other growers will obtain nominees through meetings held in each district. Requiring the submission of two nominees for each position has caused problems in the operation of the order. Attendance at nomination meetings has sometimes been low. In order to comply with the two nominees for each position requirement of the order it has been necessary to nominate growers who are not in attendance. It is not always known whether such nominees are eligible to serve or if they would serve. Usually the industry desires that the person with the most votes be appointed as a member and the person with the next highest votes be the alternate. Presently, the person with the second highest number of votes for member may not be considered for the alternate position as he must be considered for appointment as member and he should not be considered for two positions at the same time. Similar objections exist to requiring the major cooperative to submit two names of nominees for each position it is to fill on the committee.

Amending the order to require submission of the names of one or more nominees for each committee position to be filled should result in greater flexibility in selecting the best qualified individuals for member and alternate positions respectively. The extension of authority to permit the Secretary to consider other eligible persons, in addition to the nominees, would provide sufficient latitude for him to make a choice. The order should therefore be amended as hereinafter set forth.

3. Some growers in District 4 are not affiliated with the major cooperative marketing organization. The order does not currently provide sufficient committee representation for these growers as is the case for growers not so affiliated in other districts. It would be desirable and the order should be amended to specifically provide representation on the committee for these District 4 growers. Such amendment should permit such growers to participate in the selection of nominees as well as make them eligible to serve on the committee. This could be accomplished by treating Districts 3 and 4 growers as one unit for purposes of committee representation for such growers. Hence, the order would provide that all such growers in Districts 3 and 4 may participate together in the selection of nominees to fill positions representing growers not affiliated with the major cooperative. It should provide that each grower in either district would be eligible to serve in such a position on a committee. It should also provide that the member who represents growers in District 3 who are not so affiliated shall also represent such growers in District 4. Because of the distance between Districts 3 and 4 it would not be feasible to require the growers from these two districts to meet in one place to select nominees. In the past it has been the practice to hold a nomination meeting in District 3 and it is desirable to continue to hold meetings in that district. However, District 4 growers should not be required to be present in order to participate in the nominations. A procedure should be provided to permit participation by District 4 growers. Development of an appropriate procedure should be the responsibility of the Cranberry Marketing Committee. Such could be patterned after the following procedure which was outlined at the hearing: Growers in District 4 would be notified by mail of the time and place of the nomination meeting in District 3. District 4 growers would be asked to indicate whether they would attend the meeting. Those indicating that they would not attend the meeting would submit the names of candidates to the Department or the committee. At the nomination meeting in District 3, the names of any candidates submitted by mail would be placed in nomination. This could be done by the Department of Agriculture's representative or by the person conducting the meeting. Growers in attendance could then nominate other eligible persons. All eligible growers present would be permitted to vote. District 4 growers would be provided an opportunity to vote by mail. The combined vote of District 3 and 4 growers would determine the nominee for member and alternate member.

4. The order should be amended, as hereinafter set forth, to permit the committee, with the approval of the Secretary, to levy a late payment charge and interest on overdue assessments. The only source of funds to pay the expenses of the committee is from assessments on handlers. Each handler pays a pro rata share of the committee's expenses in proportion to the volume of cranberries handled. The failure of handlers to pay assessment obligations promptly results in added expense and operational problems for the committee. The committee has frequently encountered difficulty in collecting assessments from some handlers. To attempt to collect, the committee must incur the added expense of sending out additional billings and contacting each delinquent handler by phone, in person, or through one of its field offices. Nonpayment of assessments hampers the operation of the committee and may require it to borrow money and to pay interest to continue operation. Authority for the committee to levy a late payment charge and to add interest to the outstanding delinquent obligation would encourage handlers to pay assessment obligations promptly. By paying the obligation when due, handlers would not be subject to either the late payment charge or interest. It would not be desirable to specify the rate of interest in the order. The rate of interest changes as the availability of money fluctuates. If the interest rate was specified in the order, it would be necessary to amend the order each time the interest rate should be changed. Amending the order involves a considerable amount of time and expense. Therefore, the order should permit the committee to establish the late payment charge, and fix the rate of interest, with the approval of the Secretary, so as to provide the flexibility needed to make such adjustments as are found to be necessary.

5. Handlers acquire cranberries which have been "screened" to remove the extraneous material which is picked up with the berries as they are harvested, and "unscreened" berries from which the extraneous material, including cull berries, has not been removed. Cranberries from which the extraneous material has been removed are referred to as "screened cranberries", and cranberries from which such material has not been removed are referred to as "unscreened cranberries" or "cranberries in the chaff". All cranberries are screened before they are handled.

Under the order, there have been no problems in the application of the withholding percentage to cranberries which were screened before the handler received them. The handler merely applied the percentage to the total quantity so received to ascertain the amount required to be withheld. Likewise, few problems have been experienced in the case of cranberries received in the chaff and

screened shortly thereafter. The percentage was applied to the quantity of marketable berries screened out of the lot to ascertain the quantity that was required to be withheld.

However, substantial quantities of cranberries are acquired in the chaff and stored for a considerable length of time before they are screened. Such berries deteriorate and diminish (shrink) in quantity in storage so that the quantity of useable berries screened out is less than if the berries had been screened when they were first acquired by the handler. Since some handlers handle berries for growers under a "pool" arrangement, they apply an upward adjustment "shrink factor" to the screened quantity to compensate for the shrink that occurred in storage. Application of the shrink factor is designed to give the grower credit in the pool for the quantity of useable berries in the lot at the time he delivered it to the handler regardless of the length of time the handler kept his berries in storage before screening them. This puts all growers who participate in the pool on an equal footing.

Because of the upward adjustment that is made for pool purposes to compensate for shrinkage in storage, there has been confusion among handlers as to whether or not this same upward adjustment should be made in the screened quantity resulting from the screening of stored cranberries so as to reflect a quantity of screened berries that could have been obtained by screening the berries when they were first received before the withholding percentage is applied.

No such upward adjustment should be made. Since the berries that represent the withholding percentage are contained in the unseparated stored lot, along with the free-market percentage berries, both shrink at the same rate. Therefore, application of the withholding percentage to the screened quantity as determined by actual screening or from a representative sample, regardless of when the determination is made, is fair and equitable. It would not be equitable to require handlers to make an upward adjustment in the screened quantity before the withholding computation is made. This would require the handler to dispose of a quantity of marketable berries equal to that which would result if the percentage were applied to the useable berries contained in the lot before it suffered shrink, and would cause handlers who store berries to withhold a larger proportion of their berries than handlers who do not.

It is true, of course, that a handler which screens its berries at the time of acquisition will derive a larger total for disposition than it would if it stored the same berries for any appreciable length of time prior to screening. This is the necessary result of the fact that stored cranberries shrink in volume over time. However, the time of screening by each handler is a business decision which must be presumed to take into account the various possibilities as to the quantity of berries which will be available for disposition dependent upon when they are screened. That a handler chooses to screen its acquired cranberries after storing them should not alter the basic principle that the quantity of berries which must be withheld is to be determined at the time of screening.

Therefore the order should be amended, as hereinafter set forth, to make it clear that the withholding percentage shall be applied to the quantity of screened cranberries regardless of the time the screening occurs.

Testimony was offered at the hearing contending that the withholding obligation should be based on the quantity of cranberries handled rather than on the quantity acquired by handlers. "Handle" is defined to mean can, freeze, or dehydrate cranberries within the production area or to sell, consign, deliver, or transport cranberries. The order requires restricted percentage cranberries to be withheld from handling. It would, therefore, not be practicable to base the withholding on the volume handled. On this basis, the proposed modification is rejected.

6. The order should be amended so that handlers need report the transfer of cranberries from one handler to another only twice each year. The dates for filing such reports should be specified by the committee. The purpose of the interhandler transfer report, simply stated, is to provide information so the committee can prepare accurate reports with respect to acquisition and disposition of cranberries and levy assessments on each lot of cranberries only once. Thus, the interhandler transfer report provides the committee with the information necessary to make adjustments so that acquisition of any given lot of cranberries will be counted only once regardless of the number of times the lot changes hands among handlers.

The provisions in the order which requires handlers to give notice to the committee prior to such transfer has proved impractical. Cranberries are harvested and handled within a relatively short period of time. Many transactions, including interhandler transfers, are made by telephone. Such rapid transactions are hampered by the requirement that such transactions shall be subject to prior notification to the committee. Experience has shown that such prior notification is not necessary for effective committee operations. Handlers should be permitted to transfer cranberries to any other handler freely. The filing of two interhandler transfer reports each year on dates specified by the committee, probably as January 1 and July 1, of each fiscal period, will enable the committee to function properly and compile statistical data that will meet the needs of the industry and the order should be amended to so provide, as hereinafter set forth.

7. The order should be amended, as hereinafter set forth, to provide that withheld cranberries released to a handler need not be inspected. The inspection requirement is to assure that handlers will meet the withholding obligation with cranberries possessing satisfactory market quality. Such requirements prevent a handler from meeting his withholding obligation with cull or other low quality cranberries which would normally be discarded. The order provides a procedure whereby a handler may obtain release of his withheld cranberries. Upon release such berries may be marketed as free percentage cranberries. Under this procedure, the committee assumes the responsibility of purchasing a like quantity to replace those released. The cranberries purchased by the committee must be inspected and meet the requirements for withheld cranberries because it is the intent of the order that all cranberries withheld from normal marketing channels be of marketable quality. To ascertain that this requirement is met, inspection of the cranberries by the Federal or Federal-State Inspection Service is required. Suppose for example, the quantity of cranberries available is determined by the Secretary to exceed market demands, including a desirable carryover, by 10 percent. He fixes the free and restricted percentage at 90 and 10 percent, respectively. Let us assume that 1,650,000 barrels of cranberries were acquired by all handlers. On that basis 165,000 barrels should be withheld from handling. Inspection of 165,000 barrels should be made. Let us now assume that a particular handler acquired 1,000 barrels of screened cranberries. The restricted percentage is 10 percent. The handler's withholding obligation is 100 barrels. This handler makes application to the committee for the release of 100 barrels, including with the application the required payment which will permit the committee to purchase an equivalent quantity of free percentage berries from other handlers to replace those released. The handler is relieved from any further withholding obligation for the released quantity. The cranberries purchased by the committee replaced those released to the handler and become withheld cranberries. They must be inspected and meet the requirements established for withheld cranberries. Such cranberries may be disposed of only in outlets prescribed for withheld cranberries. The cranberries purchased by the committee fulfill the handlers obligation and no constructive purpose would be served by inspection of the 100 barrels of cranberries that the committee released to the handler. Such cranberries upon release became free percentage cranberries which are not required to be inspected. They are eligible for disposal in any outlet available to free percentage cranberries. They should be subject only to the limitation applicable to free percentage cranberries and the order should be amended accordingly, as hereinafter set forth.

8. The amendments heretofore recommended will make necessary conforming changes in § 929.22(b). Growers are required to be present at nomination meetings and may participate only in the

nomination of members and alternate members to represent the district in which they produce cranberries. Combining Districts 3 and 4 for purposes of representation on the committee and permitting all growers from District 4 not affiliated with the major cooperative to vote for nominees and to serve on the committee to represent such growers makes necessary an exception to such requirements. Such exception has been included in the amendment as hereinafter set forth.

*Ruling on proposed findings and conclusions.*—March 30, 1973, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs with respect to the facts presented in evidence at the hearing. No brief was filed.

*Further Amendment of the amended marketing agreement and order.*—Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" and "Order Amending the Order, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Referendum order.*—Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted:

(1) Among the producers who, during the period September 1, 1972, through July 31, 1973 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, in the production of cranberries for market; and

(2) Among processors who, during the aforesaid representative period, canned or froze within the production area cranberries for market, to ascertain whether such producers and processors favor the issuance of said annexed order amending the order, as amended, regulating the handling of cranberries grown in the aforesaid production area.

George B. Dever, Jr. and Robert W. Forney, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250.

Ballots to be cast in the referendum and other necessary forms and instructions may be obtained from any referendum agent or appointee.

*It is hereby ordered*, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated August 17, 1973.

JAMES H. LAKE,
*Deputy Assistant Secretary.*

ORDER [1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

**§ 929.0 Fundings and determination.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.*—Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Wareham, Massachusetts, on February 14, in Wisconsin Rapids, Wisconsin, on February 22, and in Long Beach, Washington, on February 27, 1973, upon proposed amendment of the amended marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and condition thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, as amended and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is therefore ordered*, That, on and after the effective date hereof, all handling of cranberries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. Section 929.21 *Term of office* is revised to read as follows:

**§ 929.21 Term of office.**

The term of office of each member and alternate member of the committee shall be for 2 years beginning August 1 and ending on the second succeeding July 31. Members and alternate members shall serve in such capacity for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

2. Section 929.22 *Nominations* is amended by revising subparagraphs (1), (2), and (3) of paragraph (b) thereof. As amended paragraph (b) reads as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and orders have been met.

§ 929.22 Nominations.

* * * * *

(b) *Successor members.*—(1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate four or more qualified persons for members and four or more qualified persons for alternate members of the committee. At least one such nominee for member and one such nominee for an alternate member shall represent growers in the State of Oregon and the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1, of each even-numbered year, meetings of growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in paragraph (b)(1) of this section, to elect nominees for member and alternate member positions on the committee.

(i) With respect to such meeting in District 3, eligible growers in District 4 shall be permitted to attend the meeting and participate in the selection of nominees. Such growers shall be eligible to be nominated for and serve as member or alternate member. Eligible growers in District 4 who do not attend the nomination meeting shall be afforded an opportunity to participate in the selection of nominees by mail. Selection of the nominee for member and the nominee for alternate member from Districts 3 and 4 shall be on the basis of the total vote of the eligible growers who attended the meeting plus any mail ballots cast by District 4 growers.

(ii) Except as hereinbefore provided, the growers in each such district who are present at the meeting, including District 4 growers who are present at the District 3 meeting, shall nominate one or more qualified persons for member and one or more qualified persons for alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year. The committee shall prescribe such procedure for the conduct of nomination meetings and for the submission of names of candidates and voting by mail by District 4 growers as shall be fair and equitable to all persons concerned.

(3) Except as set forth in subparagraph (2) of this paragraph, growers shall only participate in the nomination of members and alternate members to represent the district in which they produced cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

3. Section 929.23 *Selection* is amended by revising paragraph (b) thereof to read as follows:

§ 929.23 Selection.

* * * * *

(b) *Successor members.*—From the nominations made pursuant to § 929.22(b)(1), or from other qualified persons, the Secretary shall select four members of the committee and an alternate for each such member. From the nomination made pursuant to § 929.22(b)(2), or from other qualified persons, the Secretary shall select three members of the committee and an alternate for each such member.

4. Section 929.41 *Assessments* is amended by adding a new paragraph (c) reading as follows:

§ 929.41 Assessments.

* * * * *

(c) If a handler does not pay his assessment within the period of time prescribed by the committee, the assessment may be increased by either or both a late payment charge and an interest charge at rates prescribed by the committee, with the approval of the Secretary.

5. Section 929.46 *Marketing policy* is amended by revising paragraph (b) thereof to read as follows:

§ 929.46 Marketing policy.

* * * * *

(b) As soon as practicable after August 1 of each crop-year and prior to making any recommendations pursuant to paragraphs (b)(7) and (8) of this section or to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop-year. Such marketing policy shall contain the basis therefor and information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The estimated carryover, as of September 1, of frozen cranberries and other cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) The recommended desirable total marketable quantity of cranberries including a recommended adequate carryover into the following crop year of frozen cranberries and other cranberry products;

(8) Regulation pursuant to § 929.52 expected to be recommended by the committee during the crop year together with its recommendation of the free and restricted percentages and beginning with 1974–75 crop year, the recommended allotment percentages, if any, for the crop year; and

(9) Other factors having a bearing on the marketing of cranberries.

6. Section 929.54 *Withholding* is amended by revising paragraph (a) thereof to read as follows:

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided*, That such withholding requirements shall not apply to any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying each of the following quantities, as applicable, by the restricted percentage:

(1) The quantity of screened cranberries acquired;

(2) The quantity of screened cranberries obtained at the time unscreened lots of cranberries are screened: *Provided*, That, if the cranberries have not been screened by a date specified by the committee, with the approval of the Secretary, as the date by which each handler shall have met the withholding requirement, the quantity of screened cranberries shall be determined as set forth in paragraph (a)(3) of this section; and

(3) The quantity of screened cranberries contained in unscreened lots of cranberries acquired (i) which are destined for disposition without screening, or (ii) but which have not been screened prior to the date referred to in paragraph (a)(2) of this section. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

* * * * *

(7) Section 929.55 *Interhandler transfer* is revised to read as follows:

§ 929.55 Interhandler transfer.

(a) Transfer of cranberries from one handler to another may be made without prior notice to the committee. If such transfer is made between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

(b) All handlers shall report all such transfers to the committee, on a form provided by the committee, twice a year each at a time specified by the committee.

(8) Section 929.56 *Special provisions relating to withheld (restricted) cranberries* is amended by adding new paragraphs (e) and (f) reading as follows:

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

* * * * *

(e) Cranberries purchased by the committee to replace released cranberries

shall be inspected and shall meet such standards as are prescribed for withheld cranberries.

(f) Inspection of withheld cranberries released to a handler is not required.

[FR Doc.73-17825 Filed 8-21-73;8:45 am]

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## [ 7 CFR Part 1002 ]

[Docket No. AO-71-A65]

## MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

### Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at New York City and Syracuse, New York, on November 16-17 and November 20-21, 1972, respectively, pursuant to the notice thereof which was issued on October 12, 1972, and November 14, 1972 (37 FR 22000, 37 FR 24357), and was reconvened in Syracuse, New York, on December 19, 1972, pursuant to the notice thereof which was issued on December 4, 1972 (37 FR 26116).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 2, 1973 (38 FR 18033), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and rulings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record relates to:

1. Whether increased hauling costs from farm to plant of first receipt justify an increased allowance to processors of Class II milk to cover such increased costs and, if so, how such increased allowances shall be implemented under the order.

Specifically, Northeast Dairy Cooperative Federation, Inc., and Dairylea Cooperative, Inc., proposed that to offset increased transportation costs: (1) the Class II transportation credit provided in § 1002.55 of the order be increased from "10 cents" to "15 cents," (2) the provision in § 1002.80 allowing a negotiable tank truck service charge of up to 10 cents per hundredweight be deleted, and (3) provision be made whereby a farm stop-charge of not more than one dollar and fifty cents ($1.50) for each stop of a tank truck at a producer's farm could be assessed against the producer.

#### Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

No change should be made in the order on the basis of this record.

The order presently provides for a recovery of hauling costs up to 20 cents per hundredweight on Class II bulk milk and 10 cents per hundredweight on Class I bulk milk. This is accommodated through (1) a pool transportation credit to the responsible handler of 10 cents per hundredweight on bulk milk picked up at the farm and disposed of for Class II use, and (2) a permissive (when authorized) hauling deduction from producer payments not to exceed 10 cents per hundredweight.

In their hearing petition proponents alleged that farm-to-plant hauling costs had increased about 5 cents per hundredweight since the hearing of April 1970, the record of which showed such costs then to be about 20 cents per hundredweight. The proposed amendments, they indicated, are needed to "update the application of the order to the increased costs of providing bulk tank milk transportation service to producers and the impact of such costs on variable production and marketing characteristics."

A Professor of Marketing at Cornell University presented the results of a hauling cost survey he had conducted at the request of proponent cooperatives. He stated that the principal purpose of his testimony was "to provide current information on farm-to-plant hauling costs incurred by handlers for Class II milk under the New York-New Jersey milk marketing order." His survey covered hauling costs for the month of July 1972 for more than 322 million pounds of direct delivery bulk milk at 35 major manufacturing plants. This represented more than 90 percent of the total Class II direct delivery bulk milk received at such plants. In addition, hauling cost data were collected for direct delivery bulk milk for seven smaller manufacturing plants and for 18 transfer plants or fluid processing plants. In total, the data collected covered more than 397 million pounds of direct delivery bulk milk, equivalent to 78 percent of the total Class II milk volume in July and nearly 85 percent of the Class II volume receiving the transportation credit. The volumes of milk reported by handlers in the survey were verified by the market administrator.

The hauling costs for the seven smaller manufacturing plants and 18 transfer plants were not included in the summary data. However, the witness reported that the additional hauling cost data for the nearly 25 million pounds of direct delivery Class II milk to these plants would not have changed the average hauling cost figure in his survey by as much as 0.1 cent per hundredweight.

The hauling costs for direct delivered bulk milk at the 35 major plants varied from an average of 15.3 cents per hundredweight for the nine plants having the least hauling cost to an average of 27.3 cents per hundredweight for the nine plants having the highest hauling cost. The average cost for all 35 plants was 21.1 cents per hundredweight, an increase of 0.8 cents from the 20.3-cent average reported in 1970, on which data the existing 10-cent Class II transportation credit provision was adopted in conjunction with the already existing 10-cent permissive deduction from the individual producer.

Witnesses for the proponent cooperatives did not support the proposal for an allowable farm stop-charge of up to $1.50 per pickup as set forth in the hearing notice. Instead, they supported imposition of a mandatory $1.50 stop-charge for each pickup. They testified that their proposal to increase the transportation credit (applicable only on Class II milk) from 10 to 15 cents in conjunction with the application of a mandatory $1.50 farm stop-charge and deletion of the 10-cent permissive hauling deduction provisions, would provide a transportation cost recovery of 20.74 cents per hundredweight on Class II bulk milk. They held that such provisions would be effective in insuring recovery of average transportation costs on Class II milk and hence would better accommodate the market than the existing order provisions.

Competition in the market for milk supplies seemingly has limited the use of the 10-cent permissive hauling deduction provision by both cooperatives and proprietary handlers. Consequently, their cost for milk has been more than the minimum prices required by the order. However, use of the permissive hauling deduction provision has been increasing. In August 1969, only 357 producers had authorized a hauling deduction, whereas in January 1972, there were 920 active authorizations.

Since 1961, when the township pricing provisions were initially adopted, producers several times have asked reconsideration of the level of Class II milk pricing in the New York-New Jersey market. In his 1970 decision (35 FR 15927) on the matter of Class II price level in the then six northeastern markets, the Assistant Secretary reviewed and restated the Department's position with respect to the matter of hauling cost between farm and plant of first receipt, as expressed in previous decisions. His findings and conclusions in this regard as set forth in that decision are hereby reaffirmed and adopted as a part of this decision as if set forth in full herein.

The conditions of pickup of farm bulk tank milk vary greatly. Consequently, there must be means for adjusting handlers' obligations to compensate for these variations. The deduction of an authorized hauling charge, if used as now permitted, could provide the needed flexibility to this end and result in greater parity of costs for milk among New York-New Jersey order handlers. On the other hand, the modifications proposed would leave the order inflexible to accommodate the varying conditions and costs of bulk tank pickup.

While proponents' current position reflects an abandonment of their previously held "free hauling" concept in the handling of Class II milk, there has been no change in this concept with respect

to Class I milk. They continue to maintain that producers should not bear any of the cost of transporting Class I milk from farm to plant, pointing out that handlers generally have borne such cost since adoption of the township pricing provisions. They suggest that Class I handlers generally compete in a local market unencumbered by intermarket competition and, therefore, are not faced with the equity problem faced by Class II milk handlers who necessarily compete in a national market. For this reason, they believe that appropriately handlers can recover their hauling costs on Class I milk in the marketplace.

Proponents' proposals are directed toward amendment of the order in a manner that would assure for handlers of Class II milk a recovery of farm-to-plant hauling costs to essentially the same degree envisioned by the existing order (i.e., 20.74 vs. 20.0 cents) while, at the same time, reducing the degree of hauling cost recovery possible by handlers on Class I milk.

Notwithstanding proponents' position, there are today no clear-cut boundaries with respect to the marketing of milk. Modern transportation and processing facilities and applicable health regulations encourage milk movements whenever price differences exceed transportation costs. There is, therefore, an urgency for intermarket Class I price alignment in the interest of continuing orderly marketing. This has long been recognized in the pricing structure of the Federal orders.

The Order 2 Class I price has been established in accordance with the pricing standards of the Act and has been found by the Secretary to be appropriately aligned with prices in the adjacent New England markets with which Order 2 handlers compete in substantial measure for Class I sales. To the extent that handlers have not used the permissive hauling deduction provision, they have paid in excess of the amount required under the order minimum price provisions. It would be inappropriate to incorporate any of such amount in the Class I price, which would be the result of deletion of the permissive deduction provision and adoption of the proposed stop-charge.

The order modifications that proponents support would provide at best only "average equity" for Order 2 handlers in relation to other northeastern handlers in their costs for Class II milk, but no greater equity than that that results from the existing provisions. Such modifications would not reduce the existing differences among Order 2 handlers in their relative costs of Class II milk under the order since some would recover full transportation costs while others would receive only partial compensation.

In any event, the prices prescribed by the order are minimum prices, and we may not appropriately require handlers to make deductions from producer pay prices. There is therefore no basis for invoking a mandatory stop-charge. As to the proposed increased pool credit, the record fails to demonstrate any significant increase in hauling cost since the 1970 hearing on the record of which the present 10-cent per hundredweight pool credit on Class II milk was adopted. Since proponents failed to substantiate the increase in hauling cost which was the basis for the hearing call, there is no justification for increasing the pool credit for Class II milk from 10 to 15 cents, and the proposal to do so also is denied.

### Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, an offer of proof was made with respect to a ruling of the presiding officer that the statements of individual producers had become unduly repetitious and he would receive no further statements therefrom except that, if those producers present who were unrepresented desired to select one spokesman, he would hear that spokesman.

Counsel for one proponent, as an offer of proof, read into the record the names of three dairy farmers supporting the proposal, which offer of proof the Administrative Law Judge ruled was redundant. The transcript of the hearing discloses that the offer of proof was included in the record notwithstanding.

We hold that the Administrative Law Judge's decision was correct. Section 900.8(d)(1) allows the presiding officer at a promulgation hearing to "exclude evidence which is * * * unduly repetitious * * *" The testimony which counsel presented as an offer of proof was simply a further listing of producers supporting proponents' position. As the Administrative Law Judge pointed out, the hearing was being conducted to receive evidence relevant to the economic and marketing conditions affecting the proposal and was not a forum for conducting a referendum. The notice of reconvened hearing stated that evidence already received in previous sessions of the hearing would not be repeated or duplicated.

### Rulings on Exceptions

In arriving at the findings and conclusion and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of his decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

### Termination Order

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order should be and is hereby terminated.

Signed at Washington, D.C., on August 17, 1973.

James H. Lake,
*Deputy Assistant Secretary.*

[FR Doc.73-17822 Filed 8-21-73;8:45 am]

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## Agricultural Stabilization and Conservation Service

## [ 7 CFR Part 722 ]

## UPLAND COTTON

## Proposed Determinations Regarding 1974 Crop

The Secretary of Agriculture is preparing to make the following determinations with respect to the 1974 crop of upland cotton (referred to as "cotton"):

a. Amount of the national production goal.

b. Amount of the national base acreage allotment.

c. Apportionment of the national base acreage allotment to States and counties.

d. Unrestricted use sales policy.

The first three determinations listed above are to be made pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.):

(a) *National production goal.*—Section 342a of the act requires the Secretary to proclaim a national production goal for the 1974 crop by November 15, 1973. Such production goal (in terms of standard bales of 480 pounds net weight) shall be the number of bales of cotton equal to the estimated domestic consumption and estimated exports for the 1974–75 marketing year, which begins August 1, 1974, plus an allowance of not less than five percent of such estimated consumption and estimated exports for market expansion. Section 342a further provides that the Secretary shall make such adjustments in the amount of the production goal as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the 1974–75 marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 percent of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries and, in addition, to provide an adequate reserve for purposes of national security.

(b) *National base acreage allotment.*—Section 350(a) requires the Secretary to establish and announce a national base acreage allotment for the 1974 crop of cotton by November 15, 1973. Section 350(a) provides that the national base

acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, as amended, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal except that the national base acreage allotment for the 1974 through 1977 crops shall be in such amount as the Secretary determines necessary to maintain adequate supplies. The national base acreage allotment for the 1974 through 1977 crops shall not be less than eleven million acres.

(c) *Apportionment of the national base acreage allotment to States and counties.*—Sections 350 (b) and (c) provide that the national base acreage allotment for 1974 shall be apportioned to States and counties on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during 1968, 1969, and 1970, and the farm base acreage allotment during 1971 and 1972, adjusted for abnormal weather conditions or other natural disasters during such period. Section 350(c) further provides that the State committee may reserve not to exceed two percent of its State allotment to adjust county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings or for small or new farms, or to correct inequities in farm allotments and to prevent hardships.

The following determination will be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 *et seq.*):

(d) *Unrestricted use sales policy.*—Section 407 provides that the sales price cannot be less than 110 percent of the loan rate for Middling 1-inch cotton (micronaire 3.5 through 4.9), adjusted for such current market differentials reflecting grade, quality, location, and other value factors determined appropriate, plus reasonable carrying charges, except that a quantity of cotton equal to any "shortfall" (amount by which 1974 production is less than estimated requirements for domestic use and for export for the 1974–75 marketing year) must be made available at current market prices.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than August 28, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 4091, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on August 17, 1973.

GLENN A. WEIR,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.73-17820 Filed 8-17-73;4:41 pm]

## NATIONAL TRANSPORTATION SAFETY BOARD

[ 14 CFR Part 421 ]

### AIR SAFETY ENFORCEMENT PROCEEDINGS

**Extension of Comment Period**

This notice extends the period for comments to the notice published on July 18, 1973 (38 FR 19133), proposing a revision to the Board's rules of practice in Air Safety Enforcement Proceedings. The proposal provided for consideration of comments received within 30 days from the day of publication of the proposal in the FEDERAL REGISTER. Requests for an extension of time have been submitted and considered. Accordingly, it has been decided that as a result of the comprehensive nature of the revision affecting Board practice, an additional 30 days' time within which to receive comments, or until September 18, 1973, has been granted.

Adopted by the National Transportation Safety Board on August 15, 1973.

Dated August 16, 1973.

[SEAL] JOHN H. REID,
*Chairman.*

[FR Doc.73-17745 Filed 8-21-73;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 121 ]

### SMALL BUSINESS SIZE STANDARDS

**Proposed Definition of Small Business Special Trade Contractor (Construction); Extension of Comment Period**

On July 5, 1973, the Small Business Administration published in the FEDERAL REGISTER (38 FR 17850) a notice that it proposed to establish separate definitions of small business for special trade contractors for the purpose of bidding on Government procurement. In effect, the proposal would lower the size standards for these industries from average annual receipts not exceeding $7½ million to average annual receipts not exceeding $1 million or $2 million, depending on the special trade industry involved.

Interested parties were given until August 6, 1973, to submit written comments.

An association representing a large number of special trade contractors has indicated that in order to provide meaningful data, it will need more time to prepare comments.

We believe it is in the public interest to base our decision on the best available information. Accordingly, we are extending the deadline for submitting comments until September 4, 1973.

(Catalogue of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

Dated: August 13, 1973.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.73-17438 Filed 8-21-73;8:45 am]

## VETERANS ADMINISTRATION

[ 38 CFR Part 3 ]

### SERVICE-CONNECTED BURIAL BENEFIT

**Plot or Interment Allowance**

Public Law 93–43, enacted June 18, 1973, established a National Cemetery System within the Veterans Administration. This system will have jurisdiction over cemeteries under jurisdiction of the Veterans Administration on date of enactment, certain cemeteries to be transferred from the Department of the Army, and such additional cemeteries as the Administrator determines are required to be established to provide interment space for eligible veterans.

Section 5 of Public Law 93–43 amended section 903 of title 38, United States Code, to provide for payment of an amount not exceeding $150 as a plot or interment allowance when a veteran eligible for the statutory burial allowance provided by sections 902 and 903 of title 38, United States Code, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States. This allowance is payable as reimbursement for the costs of a burial plot or other costs of interment and is in addition to the $250 statutory allowance for funeral and burial expenses. The $250 statutory burial allowance is payable regardless of whether an eligible veteran is buried in a national cemetery. Section 5 also added section 907 to title 38, United States Code, which provides a larger burial allowance when the veteran's death is service-connected. Under this section, burial and funeral expenses may be paid in an amount not exceeding that provided in 5 U.S.C. 8134(a) where the death of a Federal employee is the result of injury incurred in the course of his employment. The current limitation is $800.

Section 8 of Public Law 93–43 amended section 3505 of title 38, United States Code, to specify the right to burial in a national cemetery as a benefit which will be forfeited upon conviction of subversive activities enumerated in that section.

To implement the provisions of the act relating to the plot or interment allowance, the service-connected death burial benefit and forfeiture of rights, it is proposed to amend Part 3, Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before Sept. 21, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and the above room number.

The changes pertaining to plot or interment allowance will be effective August 1, 1973, those pertaining to the service-connected burial benefit will be effective September 1, 1973, and the change pertaining to forfeiture will be effective June 18, 1973, to conform with the effective dates of the related provisions of Public Law 93–43.

1. In § 3.903, paragraph (b)(1) would be amended to read as follows:

**§ 3.903 Subversive activities.**

* * * * *

(b) *Effect on claim.*—(1) Any person who is convicted after September 1, 1959, of subversive activities shall from and after the date of commission of such offense have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Veterans Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such person.

* * * * *

2. In § 3.904, paragraph (b) and (c) would be amended to read as follows:

**§ 3.904 Effect of forfeiture after veteran's death.**

* * * * *

(b) *Treasonable acts.*—Death benefits may be authorized as provided in paragraph (a) of this section where forfeiture by reason of a treasonable act was declared before September 2, 1959. Otherwise, no award of gratuitous benefits (including the right to burial in a national cemetery) may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture (38 U.S.C. 3504(c)).

(c) *Subversive activities.*—Where the veteran was convicted of subversive activities after September 1, 1959, no award of gratuitous benefits (including the right to burial in a national cemetery) may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture unless the veteran had been granted a pardon of the offense by the President of the United States. If pardoned, his surviving dependents upon proper application may be paid pension, compensation or dependency and indemnity compensation, if otherwise eligible, and be restored to a right to burial in a national cemetery (38 U.S.C. 3505(a)).

3. In § 3.1600, paragraphs (a) and (b)(4) would be amended and paragraph (f) would be added to read as follows:

**§ 3.1600 Payment of burial expenses of deceased veterans.**

* * * * *

(a) *Wartime veterans.*—When a veteran of any war dies, an amount not to exceed $250 ($800 if he dies of a service-connected disability) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920 (38 U.S.C. 902; 907; 107(a); Public Law 93–43, 87 Stat. 75).

(b) *Peacetime veterans.*—The statutory burial allowance authorized by paragraph (a) of this section is payable based on service of a veteran rendered during other than a war period:

* * * * *

(4) If he dies of a service-connected disability (38 U.S.C. 902).

* * * * *

(f) *Plot or interment allowance.*—Where a veteran dies for whom eligibility for the burial allowance under this section is warranted and is not buried in a national cemetery or other cemetery under the jurisdiction of the United States (except where the higher rate of burial allowance is payable because of service-connected death), there may be paid an additional amount not to exceed $150 (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $75), as a plot or interment allowance for expenses actually incurred. The allowance will be payable to the person or entity who incurred the expenses (38 U.S.C. 903(b); Public Law 93–43, 87 Stat. 75).

4. Section 3.1601 would be revised to read as follows:

**§ 3.1601 Claims and evidence.**

(a) *Claims.*—Claims for reimbursement or direct payment of burial and funeral expense, transportation of the body, and plot or interment allowance, must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of his discharge from service, but after his death his discharge has been corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from date of correction of the discharge. (38 U.S.C. 904; Public Law 93–43, 87 Stat. 75).

(1) Claims for burial allowance may be executed by:

(i) The funeral director, if entire bill or any balance is unpaid (if unpaid bill is under $250 only amount of unpaid balance will be payable to the funeral director); or

(ii) The individual whose personal funds were used to pay burial, funeral, and transportation expenses; or

(iii) The executor or administrator of the estate of the veteran or the estate of the person who paid the expenses of the veteran's burial or provided such services. If no executor or administrator has been appointed then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of intestate estates in the State of the decedent's personal domicile.

(2) Claims for the plot or interment allowance may be executed by:

(i) The funeral director, if he provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (if unpaid balance is less than $150 only the amount of the unpaid balance thereof will be payable to the funeral director); or

(ii) The person(s) whose personal funds were used to defray the cost of the plot or interment expenses; or

(iii) The person or entity from whom the plot was purchased or who provided interment services if the bill for such is unpaid in whole or in part. An unpaid bill for a plot will take precedence in payment of the plot or interment allowance over an unpaid bill for other interment expenses or a claim for reimbursement for such expenses. Any remaining balance of the $150 allowance may then be applied to interment expenses; or

(iv) The executor or administrator of the estate of the veteran or the estate of the person who bore the expense of the plot or interment expenses. If no executor or administrator has been appointed, claim for the plot or interment allowance may be filed as provided in paragraph (a)(1)(iii) of this section for the burial allowance.

(3) For the purposes of the plot and interment allowance "plot" or "burial plot" means the final disposal site of the remains, whether it is a grave, mausoleum vault, columbarium niche, or other similar place. Interment expenses are those costs associated with the final disposition of the remains and are not confined to the acts done within the burial grounds but may include the removal of bodies for burial or interment.

(b) *Supporting evidence.*—Evidence required to complete a claim for the

burial allowance and the plot or interment allowance, when payable (including a reopened claim filed within the 2-year period), must be submitted within 1 year from date of the Veterans Administration's request for such evidence. In addition to the proper claim form, the claimant is required to submit:

(1) *Statement of account.*—Preferably on funeral director's or cemetery owner's billhead showing name of the deceased veteran, the plot or interment costs, and the nature and cost of services rendered, and unpaid balance.

(2) *Receipted bills.*—Must show by whom payment was made and show receipt by a person acting for the funeral director or cemetery owner.

(3) *Proof of death.*—In accordance with § 3.211.

(4) *Waivers from all other distributees.*—Where expenses of a veteran's burial, funeral, plot, interment and transportation were paid from funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, payment may be made to one heir upon unconditional written consent of all other heirs.

5. In § 3.1602, paragraphs (a), (b), and (d) would be amended to read as follows:

**§ 3.1602 Special conditions governing payments.**

(a) *Two or more persons expended funds.*—If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by him. (See § 3.1601(a)(3).)

(b) *Person who performed services.*—A person who performed burial, funeral, and transportation services or furnished the burial plot will have priority over claims of persons whose personal funds were expended.

* * * * *

(d) *Escheat.*—No payment of burial allowance or plot or interment allowance will be made where it would escheat.

6. Section 3.1603 would be revised to read as follows:

**§ 3.1603 Unclaimed bodies.**

If the body of a deceased veteran is unclaimed, there being no relatives or friends to claim the body, the amount provided for burial and plot or interment allowance will be available for the burial upon receipt of a claim accompanied by a statement showing what efforts were made to locate relatives or friends. The question of escheat of any part of such deceased veteran's estate is not a factor in such a claim. Burial allowance may be authorized for cost of disinterment and reburial of unclaimed remains originally accorded pauper burial but not for initial expenses of a burial in a potter's field. Burial in a prison cemetery is not considered a pauper burial.

7. In § 3.1604, paragraph (c) would be added to read as follows:

**§ 3.1604 Payments from non-Veterans Administration sources.**

* * * * *

(c) *Payment of plot or interment allowance by public or private organization.*—Where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, only the difference between the total amount of such expenses and the amount paid or assumed by any of these agencies or organizations, not to exceed $150, will be authorized.

8. In § 3.1605, the introductory portion preceding paragraph (a), paragraph (a), and the introductory portion of paragraph (b) would be amended to read as follows:

**§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.**

An amount may be paid not to exceed the amount payable under § 3.1600 for the funeral, burial, plot, or interment expenses of a person who dies while in a hospital, domiciliary, or nursing home to which he was properly admitted under authority of the Veterans Administration. In addition, the cost of transporting the body to the place of burial may be authorized. The amount payable under this section is subject to the limitations set forth in paragraph (b) of this section, and §§ 3.1604 and 3.1606.

(a) *Death enroute.*—When a veteran while traveling under proper prior authorization and at Veterans Administration expense to or from a specified place for the purpose of:

(1) Examination; or
(2) Treatment; or
(3) Care

dies enroute, burial, funeral, plot, interment, and transportation expenses will be allowed as though death occurred while properly hospitalized by the Veterans Administration. Hospitalization in the Philippines under 38 U.S.C. 631, 632, and 633 does not meet the requirements of this section.

(b) *Transportation.*—Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 FR 2173; 3 CFR 1950 Supp.) issued pursuant to Public Law 351, 81st Congress, and not as Veterans Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial and plot or interment allowance will be provided by the Veterans Administration where death occurs:

* * * * *

9. Section 3.1609 would be revised to read as follows:

**§ 3.1609 Forfeiture.**

(a) Forfeiture of benefits for fraud by a veteran during his lifetime will not preclude payment of burial and plot or interment allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran (38 U.S.C. 3503(c)).

(b) Burial and plot or interment allowance is not payable based on a period of service commencing prior to the date of commission of the offense where either the veteran or claimant has forfeited the right to gratuitous benefits under § 3.902 or § 3.903 by reason of a treasonable act or subversive activities, unless the offense was pardoned by the President of the United States prior to the date of the veteran's death (38 U.S.C. 3504(c)(2), 3505(a)).

By direction of the Administrator.

Approved August 10, 1973.

[SEAL] FRED B. RHODES,
*Deputy Administrator.*

[FR Doc.73-17811 Filed 8-21-73;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 STATE

### Agency for International Development

[Contracting Function 99.1.4]

### JOHN F. KEYES

### Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836), dated May 1, 1973 from the Assistant Administrator for Program and Management Services, I hereby redelegate:

A. To John F. Keyes, Overhead and Special Cost Branch, Support Division, Office of Contract Management, authority to sign or approve:

(1) U.S. Government contracts financed in whole or in part by A.I.D.

(2) Grants (other than grants to foreign governments or agencies of foreign governments) for Technical Assistance Activities.

B. Nothing herein shall be construed to derogate from the authority of the Chief, Overhead and Special Cost Branch, or Support Division or the Director, Office of Contract Management, in their discretion, at any time to exercise any of the functions herein delegated.

The authority herein redelegated may not be further redelegated.

The authority redelegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated with the Agency for International Development.

This redelegation of authority shall be effective immediately, and shall remain in effect as long as John F. Keyes is assigned to the Overhead and Special Costs Branch, unless earlier revoked.

Dated: July 19, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-17782 Filed 8-21-73;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[INT-DES 73-51]

### TRANSMISSION DIVISION, COLORADO RIVER STORAGE PROJECT; PROPOSED CURECANTI-SHIPROCK TRANSMISSION LINE

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the proposed Curecanti-Shiprock No. 2, 230-kv transmission line. This line would essentially parallel an existing 230-kv line between the Curecanti Unit powerplants in west-central Colorado and the Shiprock Substation in northwestern New Mexico. It would provide for delivery of an additional 200 mw of power to expanding markets in southwestern Colorado and Arizona.

Written comments may be submitted to the Regional Director (address below) on or before Oct. 9, 1973. Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone 202-343-9247.

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone 202-343-4991.

Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colorado 80225, Telephone 303-234-3007.

Office of the Regional Director, Bureau of Reclamation, Room 7203, Federal Bldg., 125 South State Street (Mailing address: P.O. Box 11568, Salt Lake City, Utah 84111, Telephone 801-524-5409.

CRSP Power Operations Office, Bureau of Reclamation, 1200 South Rio Grande (Mailing address: P.O. Box 1069), Montrose, Colorado 81401, Telephone 303-249-4551.

Single copies of the draft statement may be obtained by request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated August 15, 1973.

JOHN M. SEIDL,
*Deputy Assistant Secretary*
*of the Interior.*

[FR Doc.73-17434 Filed 8-21-73;8:45 am]

### Office of the Secretary

[INT FES 73-49]

### PROPOSED CHASSAHOWITZKA WILDERNESS AREA, FLA.

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement recommending that 16,900 acres of the Chassahowitzka National Wildlife Refuge, located in Citrus and Hernando Counties, Florida, be designated as wilderness within the National Wilderness Preservation System. The proposed wilderness area is located entirely within Citrus County.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Room 411, Atlanta, Georgia 30329.

Headquarters, Chassahowitzka National Wildlife Refuge, Route 1, Box 153, Homosassa, Florida 32646.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, 18th and C Streets NW., Room 2246, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

Dated August 15, 1973.

JOHN M. SEIDL,
*Deputy Assistant Secretary,*
*Program Development and Budget.*

[FR Doc.73-17433 Filed 8-21-73;8:45 am]

[INT FES 73-48]

### PROPOSED OREGON ISLANDS WILDERNESS AREA, OREG.

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement recommending that 28 undisturbed Oregon coastal islands and island groups, located in Clatsop, Tillamook, Lincoln, Lane, Coose, and Curry Counties, Oregon, be designated wilderness within the National Wilderness Preservation System. The statement further recommends that 27 additional islands, 25 in the public domain and two withdrawn as sea lion refuges, be made wilderness when withdrawal as part of the Oregon Islands National Wildlife Refuge is completed. The additional islands are located in the above listed counties, Oregon, and contain approximately 108 acres.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, Room 288, 1500 N.E. Irving Street, P.O. Box 3737, Portland, Oregon 97208.

Lane Council of Governments, 135 6th Avenue East, Eugene, Oregon 97401.
Headquarters, Oregon Islands National Wildlife Refuge, Box 208, Route 2, Corvallis, Oregon 97330.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, 18th and C Streets NW., Room 2246, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

Dated August 15, 1973.

JOHN M. SEIDL,
*Deputy Assistant Secretary, Program Development and Budget.*

[FR Doc.73-17432 Filed 8-21-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

### BOUNDARY WATERS CANOE AREA PLAN SUPERIOR NATIONAL FOREST

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and Title 8400 of the Forest Service Manual, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Boundary Waters Canoe Area Plan USDA-FS-DES (Adm) 73-97.

The environmental statement concerns a proposed Land Use Management Plan containing management objectives, direction, and policies for the administration of the 1,030,000 acre Boundary Waters Canoe Area within the Superior National Forest in Northern Minnesota.

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 Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, Superior National Forest, Federal Building, Duluth, Minnesota 55801.
USDA, Forest Service, North Central Forest Experiment Station, Folwell Avenue, St. Paul, Minnesota 55101.
USDA, Forest Service, Northeastern Area State and Private Forestry, Federal Building, 316 Roberts Street, St. Paul, Minnesota 55101.
USDA, Forest Service, Aurora Ranger District, Aurora, Minnesota 55705.
USDA, Forest Service, Gunflint Ranger District, Grand Marais, Minnesota, 55604.
USDA, Forest Service, Halfway and Kawishiwi Ranger Districts, Ely, Minnesota 55731.
USDA, Forest Service, Isabella Ranger District, Isabella, Minnesota 55607.
USDA, Forest Service, Tofte Ranger District, Tofte, Minnesota 55615.
USDA, Forest Service, Two Harbors Ranger District, Two Harbors, Minnesota 55616.
USDA, Forest Service, LaCroix Ranger District, Cook, Minnesota 55723.
USDA, Forest Service, Virginia Ranger District, Virginia, Minnesota 55792.

A limited number of single copies are available upon request to the Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

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.

Written 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.

Written comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801. Written comments must be received on or before October 15, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
*Deputy Chief, Forest Service.*

AUGUST 21, 1973.

[FR Doc.73-17441 Filed 8-21-73;8:45 am]

### FREEZEOUT ROAD N-38, OREGON

#### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Freezeout Road, N-38, Oregon USDA-FS-FES-(Adm) 73-16.

The environmental statement concerns the proposed construction of a modern standard road from the Imnaha River Road to the Hat Point area in Wallowa County, Oregon.

This final 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, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, DC 20250.
Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 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.

PHILIP L. THORNTON,
*Deputy Chief, Forest Service.*

AUGUST 21, 1973.

[FR Doc.73-17442 Filed 8-21-73;8:45 am]

### Office of the Secretary

### INTERNATIONAL COMMERCIAL EXCHANGE, INC.

#### Order Vacating the Designations as a Contract Market Under the Commodity Exchange Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designations of the International Commercial Exchange, Inc., of New York, New York, as a contract market effective immediately. The said exchange, which was designated as a contract market for cottonseed oil and soybeans on April 9, 1970, and for frozen pork bellies on May 10, 1971, has requested that such designations be vacated.

Issued this 16th day of August, 1973.

EARL L. BUTZ,
*Secretary.*

[FR Doc.73-17824 Filed 8-21-73;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### FORDHAM UNIVERSITY ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before Sept. 11, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary

Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00028-98-77065. Applicant: Fordham University, Physics Department, Bronx, New York 10458. Article: Mossbauer Spectrometer, Model AME-30. Manufacturer: Elscint, Ltd., Israel. Intended use of article: The article will be used to study the magnetic fields, electric field gradients, isomer shifts, curie temperatures, and phase transitions of materials containing iron, tin, and other Mossbauer isotopes by means of high resolution Mossbauer transmission and scattering experiments. Application received by Commissioner of Customs July 9, 1973.

Docket number: 74-00044-33-46040. Applicant: The Ohio State University, College of Medicine, Columbus, Ohio 43210. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used as part of an interdisciplinary program concerned with the study of the effect of traumatic and metabolic injuries on the ultrastructure of the spinal cord. Such factors as changes which occur that determine whether or not function of the cord can recover, nature and explanation of cellular ultrastructural changes in the cord following injury, and the role of impairment of the endothelial junctions in increased permeability and edema of the cord will be investigated. Following study of the many factors in spinal cord injury, the effect of various therapeutic procedures will be investigated. The ultimate goal will be to determine which ultrastructure alterations are preventable or at least reversible in order to restore function to the spinal cord and forestall severe and permanent paralysis. Application received by Commissioner of Customs July 26, 1973.

Docket number: 74-00045-00-46040. Applicant: Northwestern University, Purchasing Department, B605 Morton Bldg., 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Universal Camera for Elmiskop I Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope to be used primarily to make permanent photographic records of research findings resulting from such studies as the etiology of cataract, development of various parts of the nervous system, protein synthesis in developing systems, etc. Application received by Commissioner of Customs July 24, 1973.

Docket number: 74-00046-33-54500. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Goldman Perimeter, Model 950. Manufacturer: Haag-Streit AG, Switzerland. Intended use of article: The article will be used to observe visual fields in patients with suspected glaucoma in a study aimed at the earliest possible detection of the disease. Application received by Commissioner of Customs July 24, 1973.

Docket number: 74-00047-33-46040. Applicant: William Paterson College of New Jersey, 300 Pompton Road, Wayne, New Jersey 07470. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is to be used primarily for teaching undergraduate students in a course entitled Cell Ultrastructure to familiarize the uninitiated with the practical application of electron microscope in the routine of a research biologist. Application received by Commissioner of Customs July 24, 1973.

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.73-17428 Filed 8-21-73;8:45 am]

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### National Oceanic and Atmospheric Administration

### IMPORTERS OF HALIBUT FROM JAPAN

#### Undersized Fillets

Notice is hereby given to importers of halibut from Japan that inspections of several samples of recent imports contained fillets which were determined to be from undersized halibut. The National Marine Fisheries Service has reason to believe that the halibut, from which some fillets were obtained, were caught in contravention of Japanese domestic law including regulations. United States law prohibits the importation of such fillets from undersized halibut which were taken in violation of the laws or regulations of Japan.

The Japanese Government has a (66 cm) 26-inch minimum size limit on halibut caught in the North Pacific Ocean, Bering Sea, and Okhotsk Sea, inclusive, throughout the year. This minimum size limit is identical with size limits established in the eastern Bering Sea pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean.

The results of random samples taken of recent imports from Japan have shown that some fillets have come from halibut smaller than the minimum length.

Under the provisions of 16 U.S.C. 851-856, inter alia, it is unlawful for any person to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any fish, if such person knows or in the exercise of due care should know that (1) such delivery or transportation is contrary to the law of any foreign country from which such fish is found or transported, or (2) such fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported. In addition, it is unlawful to purchase or receive any fish, if such person knows, or in the exercise of due care should know, that such fish had been transported in violation of the above.

The National Marine Fisheries Service is now in the process of establishing procedures under which imports will be examined and tests conducted to determine if fillets from illegal fish are contained in the shipment.

In order to avoid a violation of this law, importers of halibut or halibut fillets are accordingly advised to notify their vendors and consignors of this Notice and to take such other measures as may be necessary to prevent the importation of undersized halibut or fillets from undersized halibut from Japan.

Issued at Washington, D.C., and dated August 17, 1973.

ROBERT M. WHITE,
*Administrator.*

[FR Doc.73-17748 Filed 8-21-73;8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

[Docket No. NFD-122; FDAA-396-DR]

### COLORADO

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Colorado, dated July 9, 1973, and published July 16, 1973 (38 FR 18918) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 6, 1973:

The County of:

Alamosa

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: August 15, 1973.

THOMAS P. DUNNE,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc.73-17816 Filed 8-21-73;8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. 73-13; Notice 2]

### AIR BRAKE SYSTEMS

#### Notice of Public Meeting

On November 7 and 8, 1973, the National Highway Traffic Safety Administration will conduct a public evaluation of the performance of vehicles conforming to the requirements of Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, especially as used in combination with older vehicles that do not conform to the standard. The evaluation will be conducted between the hours of 9:00 a.m. and 4:00 p.m. at the Transportation Research Center of Ohio, U.S. Highway 33, East Liberty, Ohio.

The evaluation is being conducted in response to a petition by the American Trucking Association for the purpose of detecting any unusual performance characteristics resulting from the intermixing

of new and old equipment. The evaluation will consist of a series of braking tests, including straight-line stops and lane-changing stops, on both wet and dry surfaces. The vehicle combinations to be tested will include new vehicles combined with new vehicles, as well as new combined with old. Particular emphasis will be placed on tests involving the secondary braking systems.

The test drivers and a representative group of older vehicles will be provided by ATA. Any person who has equipped a vehicle so that it conforms to the requirements of Standard No. 121 is invited to submit his vehicle for evaluation.

Persons who intend to submit vehicles for evaluation or who plan to attend the evaluation should advise the agency of their intent not later than September 14, 1973. All communications should be addressed to the Associate Administrator for Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

Comments are requested as to specific tests that should be included. Comments received by the Associate Administrator before September 14, 1973, will be considered in the preparation of a test agenda. The agenda will be made available to interested persons on or before October 24, 1973.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on August 16, 1973.

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

[FR Doc.73-17747 Filed 8-21-73;8:45 am]

## ATOMIC ENERGY COMMISSION

### ADVISORY COMMITTEE ON REACTORS SAFEGUARDS

#### Notice of Meeting

AUGUST 21, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on September 6-8, 1973, in Room 1046, at 1717 H Street NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) *Thursday, September 6, 1973.*—9:30 a.m.-1:00 p.m.—Rancho Seco Nuclear Generating Station Unit No. 1 (located in Sacramento County about 25 miles southeast of Sacramento, California)—Review application for an operating license. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Sacramento Municipal District and will hold discussions with these groups.

The Committee will hold closed sessions during this period, if required, under the authority of subsection 10(d) of Public Law 92-463 (the Federal Advisory Committee Act) to discuss security plans for this facility and privileged information related to fuel element design, fabrication, performance, and loss of coolant accident analysis.

(2) *Friday, September 7, 1973.*—10:30 a.m.-12:30 p.m. and 1:30 p.m.-3:30 p.m.—Atlantic Nuclear Generating Station (proposed location approximately 3 miles offshore of the southeast coast of New Jersey, approximately 11 miles northeast of Atlantic City, New Jersey.)—Preapplication site review. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Public Service Company of New Jersey and will hold discussions with these groups.

It should be noted that, in addition to the agenda items noted above, the Committee will hold Executive Sessions not open to the public under the authority of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined that it is necessary to close such Executive Sessions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee 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 items may do so by mailing 25 copies thereof, postmarked no later than August 29, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on materials related to the above agenda items, which materials are contained in the application for an operating license or preliminary site description report and related documents, on file, and available for public inspection in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and as follows:

Rancho Seco Nuclear Generating Station, Unit No. 1, librarian, Sacramento City County Library, 1930 T Street, Sacramento, California 95814.

Atlantic Nuclear Generating Station, Wallace R. Host Community Library, North School, Lafayette and Evans Avenue, Brigantine, New Jersey 08203.

(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 jusifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, 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 September 5, 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. Eastern Daylight Time.

(e) Questions may be propounded only by members of the Committee 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. 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., on or after November 7, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
*Advisory Committee*
*Management Officer.*

[FR Doc.73-17921 Filed 8-21-73;10:29 am]

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[Docket Nos. 50-416, 50-417]

### MISSISSIPPI POWER & LIGHT CO.

#### Notice of Availability of AEC Final Environmental Statement for the Grand Gulf Nuclear Station Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Grand Gulf Nuclear Station, Units 1 and 2, to be constructed by the Mississippi Power & Light Company, in Claiborne County, Mississippi, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Harriet Person Memorial Library, Municipal Building, Port Gibson, Mississippi 39150. The Final Environmental Statement is also being made available at the Office of the Coordinator, Federal State Programs, Office of the Governor, 510 Lamar Life Building, Jackson, Mississippi 39201, and the Southwest Mississippi Planning and Development District, P.O. Box 686, McComb, Mississippi 39648.

The notice of availability of the Draft Environmental Statement for the Grand Gulf Nuclear Station, Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10036). The comments received from Federal, State and local officials, and interested members of the public have been included in an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethedsa, Maryland, this 16th day of August 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
*Chief, Environmental Projects Branch No. 1, Directorate of Licensing.*

[FR Doc.73-17427 Filed 8-21-73;8:45 am]

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[Docket Nos. 50-445 and 50-446]

## TEXAS UTILITIES GENERATING CO. ET AL.

### Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tendered on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designated for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 30, 1973. The request should be filed in connection with Docket Nos. 50-445-A and 50-446-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Somervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated June 5, 1973. The report has been made available for public inspection at the aforementioned locations. The report which discusses environmental considerations related to the proposed construction of the Comanche Peak Steam Electric Station, Units 1 and 2 is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 24th day of July, 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
*Chief, Pressurized Water Reactors, Branch No. 1, Directorate of Licensing.*

[FR Doc.73-15673 Filed 7-31-73;8:45 am]

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# CIVIL AERONAUTICS BOARD

[Docket 23333, 24488; Order 73G8-80]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of August, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at Mexico City and has been assigned the above-designated C.A.B. agreement number.

The agreement would revise the IATA-agreed exchange rate for Japanese yen, set forth in Resolution 021b, from 308 yen = 1 U.S. dollar to 296 yen = 1 U.S. dollar.[1] This rate is used for conversion of specified dollar fares rates into local currency selling fares and rates in Japan, as well as for clearinghouse transactions among carriers. The subject change was necessitated by currency fluctuations resulting in undervaluation of the yen in the 021b designated parties, and will effect a reduction of approximately 3.9 percent in published yen fares and rates for transportation originating in Japan.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolution, incorporated in Agreement C.A.B. 23733 as indicated, is adverse to the public interest or in violation of the Act:

| *Agreement* | *IATA Resolution* |
|---|---|
| C.A.B. 23733 | 021b-Rates of Exchange Special Panel Meeting on Japanese Yen rates of exchange—Mexico City—28 May 1973) |

*Accordingly, it is ordered,* That:

Agreement C.A.B. 23733 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.73-17818 Filed 8-21-73;8:45 am]

[1] The yen/U.K. pound parity would also be revised, from 802.556 to 771.287=1 U.K. pound.

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# COMMISSION ON CIVIL RIGHTS

## MARYLAND STATE ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Maryland State Advisory Committee to this Commission will convene at 7:00 p.m. on August 22, 1973, in Room 3R-13 at the Social Security Administration Operations Building, 6401 Security Boulevard, Woodlawn, Maryland 21235.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss a first draft of the Lumbee Indian Report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 15, 1973.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.73-17827 Filed 8-21-73;8:45 am]

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## VIRGINIA STATE ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of

the U.S. Commission on Civil Rights that that a planning meeting of the Virginia State Advisory Committee to this Commission will convene at 7:00 p.m. on August 23, 1973, in Room 506, at the Sheraton Motor Inn, Belvedere and Franklin Streets, Richmond, Virginia 23220.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss a first report of the study on the Selection of Judges in Virginia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 15, 1973.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.73-17828 Filed 8-21-73;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### FINDING OF IMMINENT HAZARD

**Order Deeming Certain Spray Adhesives To Be Banned Hazardous Substances Due to Finding of Imminent Hazard to the Public Health**

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred to the Consumer Product Safety Commission the functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (hereinafter referred to as the "act").

Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (q)(2)) provides that where the Commission finds that the distribution for household use of a hazardous substance presents an imminent hazard to the public health, it may by order published in the FEDERAL REGISTER give notice of such finding, and thereupon such substance when intended or offered for household use, or when so packaged as to be suitable for such use, shall be deemed to be a "banned hazardous substance" pending the completion of proceedings relating to the issuance of regulations under section 2(q)(1)(B) of the act. Said section defines the term "banned hazardous substance" to include a hazardous substance which the Commission by regulation classifies as a "banned hazardous substance" on the basis of a finding that, notwithstanding such cautionary labeling as is or may be required under the act for that substance, the degree or nature of the hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of interstate commerce.

Section 2(f)(1)(A) of the act defines the term "hazardous substance" to mean, among other things, any substance or mixture of substances which is toxic. Section 2(g) of the act provides that the term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

Information submitted to the Consumer Product Safety Commission by J. Rodman Seely, M.D., Ph.D., Associate Professor of Pediatrics, Biochemistry, Molecular Biology, and Cytotechnology, of the University of Oklahoma Health Sciences Center, Oklahoma City, Oklahoma, indicates a causal connection between exposure to certain spray adhesives and chromosome damage leading to genetic birth defects. Staff members expert in this area from the Consumer Product Safety Commission, as well as the Food and Drug Administration, have reviewed Dr. Seely's research and agree that his findings strongly suggest such a causal relationship.

Three products are included in Dr. Seely's report. All are intended or packaged in a form suitable for use in the household for art, hobby, craft, and other bonding purposes. These products are:

(1) "Foil Art Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Decorator Crafts, Inc., Oklahoma City, Oklahoma).

(2) "Scotch Brand Spra-Ment Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(3) "Krylon Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio, and New York, New York.

A fourth product, "3M Brand Spray Adhesive 77", manufactured by the Minnesota Mining and Manufacturing Company, is packaged in a form suitable for use in the household but was not referred to by Dr. Seely. This product, however, has the same formulation as "Scotch Brand Spra-Ment Adhesive".

The particular chemical component or components, or combination thereof, believed to be responsible for the chromosome damage has not been identified. It is therefore possible that exposure to other similar products may produce like results. However, additional research is necessary and has been instituted to permit the Commission to make these determinations.

Although the connection between the above products and chromosome damage leading to genetic birth defects has not been positively established, the strength of the connection based on the research to date, plus the alarming potential for serious personal injury or illness to children of a parent or parents exposed to these products, leads the Commission to conclude that their distribution for household use presents an imminent hazard to the public health.

The finding by the Commission that the above spray adhesive products present an imminent hazard to the public health results in their being deemed to be "banned hazardous substances" under the Federal Hazardous Substances Act. As such, the act prohibits their introduction or delivery for introduction into interstate commerce and the sale, holding for sale, delivery, or proffered delivery thereof for pay or otherwise. Violation of any of these prohibitions is criminally punishable under section 5 of the act.

Pursuant to 21 CFR 3.73, the Consumer Product Safety Commission finds that the evidence referred to in the preceding discussion is sufficient to show that the above-mentioned spray adhesives pose a significant threat of danger to health and create a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held. The Commission considers the number of possible injuries from these products and the nature, severity, and duration of anticipated injuries to be significant.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(2), 74 Stat. 374, as amended 80 Stat. 1305; 15 U.S.C. 1261(q)(2)) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission hereby finds that the distribution for household use of the following products presents an imminent hazard to the public health and that such products are therefore deemed to be "banned hazardous substances" pending the completion of proceedings relating to the issuance of regulations for such products under section 2(q)(1)(B) of the Federal Hazardous Substances Act:

(1) "Foil Art Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Decorator Crafts, Inc., Oklahoma City, Oklahoma).

(2) "Scotch Brand Spra-Ment Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(3) "Krylon Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio, and New York, New York.

(4) "3M Brand Spray Adhesive 77" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

Dated: August 20, 1973.

SAMUEL M. HART,
*Acting Secretary, Consumer Product Safety Commission.*

[FR Doc.73-17869 Filed 8-20-73;1:59 pm]

## COST OF LIVING COUNCIL

### PROPOSED AUTOMOBILE PRICE INCREASE

**Notice of Public Hearing**

Notice is hereby given that the Cost of Living Council will hold a public hearing beginning at 9:30 a.m. on Tuesday, August 28, 1973 in the Cost of Living Council Auditorium, Room 2105, 2000 M Street, N.W., Washington, D.C. to receive comments from interested persons on price increase prenotifications filed with

the Cost of Living Council by automobile manufacturers. The hearing will examine the potential impact which the proposed price increases could have on the total economy, and will center on each company's justification for increased prices. The justification which the auto companies have used on each prenotification is based on increased costs to cover government mandated safety and environmental features. These mandated equipment changes include the ignition interlock system for lap and shoulder belts, improved energy absorbing bumpers, and improved emission systems to meet rigid environmental standards.

This public hearing will be conducted under the authority of section 207(c) of the Economic Stabilization Act of 1970, as amended, which requires that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or a proposed change in prices which have or may have a significantly large impact upon the national economy.

The Cost of Living Council is inviting public participation in the form of written submissions as well as oral presentations. The Council requests all interested persons to submit written suggestions and comments on the subject for Council consideration not later than August 29, 1973.

All written submissions should be sent to Auto Hearing, Executive Secretariat, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. All written submissions received before 5:00 p.m. e.s.t., August 29, 1973 will be made part of the official records of the hearing.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by August 29, 1973, as applicable. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Any person who has an interest in the subject of the hearings, or who is a representative of a group or class of persons which has an interest in the subject of the hearings, may request the opportunity to make an oral presentation by telephoning the Executive Secretariat of the Cost of Living Council at (202) 254-8610 before 5:00 p.m. e.s.t., Thursday, August 23, 1973. The person making the request should be prepared to describe the interest concerned; if appropriate to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through August 27, 1973. Oral presentations may be supplemented by written submissions filed with the Council not later than August 29, 1973.

The Council reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. Each presentation may be limited, based on the number of persons requesting to be heard.

Each person selected to be heard will be so notified by the Council before 5:00 p.m. e.s.t., August 24, 1973 and must send 50 copies of his statement to the Executive Secretariat before 5:00 p.m. e.s.t., August 27, 1973.

A Cost of Living Council official will be designated to preside at the hearings. They will not be judicial- or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearings will be based on all information available to the Council, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, before 5:00 p.m. e.s.t., August 27, 1973. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room 2313, 2000 M Street, N.W., Washington, D.C. between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued at Washington, D.C. on August 20, 1973.

JAMES W. MCLANE,
*Deputy Director,*
*Cost of Living Council.*

[FR Doc.73-17903 Filed 8-20-73;4:14 pm]

## PROPOSED STEEL PRICE INCREASES

### Notice of Public Hearings

Notice is hereby given that the Cost of Living Council will hold public hearings beginning at 9:30 a.m. on Thursday, August 30, 1973, and on Friday, August 31, 1973 in the Cost of Living Council Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C. to receive comments from interested persons on price increase prenotifications filed with the Cost of Living Council by steel producers. The hearings will explore facts relating to cost justification, the relationship of prices, profits, capital investment and plant capacity, and the effect of productivity and volume improvement on costs and profits.

These public hearings will be conducted under the authority of section 207(c) of the Economic Stabilization Act of 1970, as amended, which requires that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or proposed change in prices which have or may have a significantly large impact upon the national economy.

The Cost of Living Council is inviting public participation in the form of written submissions as well as oral presentations. The Council requests all interested persons to submit written suggestions and comments on the subject for Council consideration not later than September 5, 1973.

All written submissions should be sent to Steel Hearings, Executive Secretariat, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. All written submissions received before 5:00 p.m., e.s.t., September 5, 1973 will be made part of the official record of the hearings.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by September 5, 1973, as applicable. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Any person who has an interest in the subject of the hearings, or who is a representative of a group or class of persons which has an interest in the subject of the hearings, may request the opportunity to make an oral presentation by telephoning the Executive Secretariat of the Cost of Living Council at (202) 254-8610 before 5:00 p.m., e.s.t., Friday, August 24, 1973. The person making the request should be prepared to describe the interest concerned; if appropriate to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through August 27, 1973. Oral presentations may be supplemented by written submissions filed with the Council not later than September 5, 1973.

The Council reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. Each presentation may be limited, based on the number of persons requesting to be heard.

Each person selected to be heard will be so notified by the Council before 5:00 p.m., e.s.t., August 26, 1973 and must send 50 copies of his statement to the Executive Secretariat before 5:00 p.m., e.s.t., August 29, 1973.

A Cost of Living Council official will be designated to preside at the hearings. They will not be judicial- or evidentiary-type hearings. Questions may be asked

only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearings will be based on all information available to the Council, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, before 5:00 p.m., e.s.t., August 29, 1973. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room 2313, 2000 M Street, NW., Washington, D.C. between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued at Washington, D.C. on August 20, 1973.

JAMES W. MCLANE,
*Deputy Director,*
*Cost of Living Council.*

[FR Doc.73-17904 Filed 8-20-73;4:14 pm]

## FEDERAL MARITIME COMMISSION

### FARRELL LINES, INC., AND DELTA STEAMSHIP LINES, INC.

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before Sept. 11, 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:

Hans Unterwiener, Manager, Freight Documentation and Inward Freight Farrell Lines, Incorporated, One Whitehall Street, New York, New York 10004.

Agreement No. 10069, between Farrell Lines, Incorporated, and Delta Steamship Lines, Incorporated, establishes a through billing arrangement for the transportation of cargo moving in the trade from United States Gulf ports to the Liberian Port of Sinoe, with transshipment at Monrovia or Buchanan, Liberia, or in the roadstead outside the Port of Sinoe, with the actual port or point of transshipment to be determined by mutual agreement under terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission

Dated August 16, 1973.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.73-17751 Filed 8-21-73;8:45 am]

### GEORGIA PORTS AUTHORITY AND J. R. SHIPPING CO., INC.

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before Sept. 11, 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:

James I. Newsome, Jr., Director of Operations, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Agreement No. T-2833, between the Georgia Ports Authority (Port) and J. R. Shipping Company, Inc., as agents for Central Gulf Lines, Inc. (CGL), is a letter agreement whereby the Port will charge special dockage rates on CGL LASH vessels docking at the Port's LASH facility and Fleeting Area, and on CGL LASH barges loaded and unloaded at the Port's Bulk Facility and General Cargo Terminals in the Port of Savannah, Georgia. The agreement also provides for the scheduling of a minimum of 30 barges inbound and 30 barges outbound for every two calls of the mother vessels.

By Order of the Federal Maritime Commission.

Dated August 16, 1973.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.73-17752 Filed 8-21-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1270]

### TERMINAL OPERATORS INC.

#### Order of Revocation

By letter dated June 27, 1973, Terminal Operators Incorporated, 50 Terminal Street, Boston, Massachusetts 02129, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1270 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 25, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that license will be automatically revoked or suspended for failure of a licensee to maintan a valid bond on file.

Terminal Operators, Incorporated, has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04(g) (dated 5/1/72);

*It is ordered,* That Independent Ocean Freight Forwarder License No. 1270 of Terminal Operators, Incorporated, be returned to the Commission for cancellation.

*It is further ordered,* That Independent Ocean Freight Forwarder License No.

1270 be and is hereby revoked effective July 25, 1973.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon Terminal Operators, Incorporated.

AARON W. REESE,
*Managing Director.*

[FR Doc.73-17754 Filed 8-21-73;8:45 am]

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[Nos. 73-28; 73-29]

## DISCRIMINATORY RATES IN THE U.S. WEST COAST/JAPAN TRADE AND U.S. ATLANTIC AND GULF/JAPAN TRADE

### Revised Publication Procedures

These proceedings were instituted by orders to show cause requiring respondent conferences and carriers to explain by affidavits and memoranda why the Commission should not order elimination of unjust discrimination resulting from disparities in their import/export rate structures.

On June 22, 1973, the Commission indefinitely postponed the date for responding to the show cause order, pending action on request for alternative procedures submitted by respondents.

Respondents and Hearing Counsel have filed various pleadings regarding suggested procedures to be followed in this proceeding, which resulted in their agreement on a course these proceedings should follow.

We are disposed to permit proceedings in these matters to be conducted according to the agreed revised procedures with the exception that the proposed 15 month time period for resolution of the issues be reduced to 12 months.

Accordingly the following procedures are adopted in these proceedings in lieu of the previously ordered show cause procedure.

1. Three months from the date of this order, respondents shall file a report to Hearing Counsel detailing the procedure developed for resolving the issues; ten days after said report, Hearing Counsel shall report to the Commission respecting such procedure;

2. At 90 day intervals after Hearing Counsel's initial report, Hearing Counsel shall file periodic reports to the Commission setting forth their recommendation;

3. Twenty days before each Hearing Counsel report, respondents shall report to Hearing Counsel stating the steps proposed to resolve the issues;

4. All reports required herein of respondents shall be full and complete, shall include all proposals and available supporting economic and statistical data, and upon request of Hearing Counsel, shall be reasonably clarified and/or reasonably enlarged upon;

5. Unless otherwise extended, the procedure adopted herein shall terminate upon the expiration of a 12 month period from the date of this order.

By the Commission.

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

[FR Doc.73-17753 Filed 8-21-73;8:45 am]

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## FEDERAL POWER COMMISSION

[Project 2204]

### CITY AND COUNTY OF DENVER

### Application for Approval of Exhibit R

AUGUST 14, 1973.

Public notice is hereby given that application was filed on December 18, 1972, and supplemented on May 9, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the city and county of Denver (Correspondence to: Board of Water Commissioners, city and county of Denver, 144 West Colfax Avenue, Denver, Colorado 80202) for approval of Exhibit R for constructed Project No. 2204, known as the Williams Fork Project, located on the Williams River (also known as Williams Fork River) a tributary of the Colorado River, and affecting public lands of the United States in Grand County, Colorado, near the villages of Hot Sulphur Springs and Parshall.

The Exhibit R would provide for general outdoor recreation at Williams Fork Reservoir. The major recreational activity would center around fishing. Bird watching, photography, sightseeing, picnicking, boating, and duck hunting would also be available to the public. A lake fishery would be provided and the habitat improved for wildlife through the creation of several small impoundments and small open water areas.

Initially five parking lots with sanitary facilities and a boat ramp are proposed for recreational development.

Any person desiring to be heard or to make protest with reference to said application should on or before October 1, 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.73-17792 Filed 8-21-73;8:45 am]

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[Docket No. CI74-90]

## COASTAL STATES GAS PRODUCING CO.

### Notice of Application

AUGUST 15, 1973.

Take notice that on August 6, 1973, Coastal States Gas Producing Company (Applicant), P.O. Drawer 521, Corpus Christi, Texas 78403, filed in Docket No. CI74-90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Albrecht Field, Goliad County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on June 13, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of up to 2,500 Mcf of gas at 50.0 cents per Mcf at 14.65 psia. It is stated that Applicant will accept a certificate conditioned to a rate of 45.0 cents per Mcf but reserves the right to file for its full contractual entitlement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17794 Filed 8-21-73;8:45 am]

## COLORADO INTERSTATE GAS CO.

### Proposed Changes in FPC Gas Tariff

AUGUST 15, 1973.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 6, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 2. CIG states that the proposed change will effect Initial Rate Schedule X–42, which is a Gas Sales and Exchange Agreement (Exchange Agreement) between CIG and Panhandle Eastern Pipe Line Company (Panhandle), providing for CIG to receive into its pipeline system certain gas controlled by Panhandle. CIG will purchase a portion of the gas and redeliver the balance, on a thermally equivalent basis, to Panhandle, according to CIG's statement.

CIG further states that the proposed change is required to effectuate the Exchange Agreement between CIG and Panhandle as authorized by the Federal Power Commission's Order issued March 30, 1973, in Docket Nos. CP72–181 and CP73–44, as amended by FPC Order issued July 19, 1973.

CIG maintains that copies of the filing were served upon CIG's jurisdictional customers, the Colorado Public Utilities Commission, the city and county of Denver, and Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73–17793 Filed 8–21–73;8:45 am]

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[Docket No. RP73–65]

## COLUMBIA GAS TRANSMISSION CORP.

### Proposed PGA Rate Adjustment

AUGUST 14, 1973.

Take notice that Columbia Gas Transmission Corporation (Columbia), on August 3, 1973 tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that this filing amends the previous July 16, 1973, filing while preserving the effective date of September 1, 1973, proposed therein. Columbia states that the amended filing will provide a purchased gas adjustment to recover increased cost of gas purchased of $9,487,768 annually, and surcharges to recover deferred gas purchase costs of $5,396,756 which surcharges are to be effective for the six-month period September, 1973, through February, 1974.

Columbia's transmittal letter states the following reasons as support for this filing:

(1) To correct an error in the calculation of the cost of Appalachian purchases in Zone 1 resulting in a reduction in the amount originally filed for as set forth on Sheet 1 under Zone 1 tab of $285,037.

(2) To reflect the balance of $5,396,650 in Account 191 (unrecovered Purchased Gas Cost Account) as of May 31, 1973, rather than $4,244,408 included in the original filing, which represented only the deferred charges for the six-month period December, 1972, through May, 1973.

Columbia requests waiver of the Commission's Rules and Regulations under the Natural Gas Act in order to permit the tariff sheets to become effective September 1, 1973.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73–17795 Filed 8–21–73;8:45 am]

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[Project 2646]

## CONNECTICUT LIGHT AND POWER CO.

### Application for License for Constructed Project

AUGUST 14, 1973.

Public notice is hereby given that application for a major license was filed April 28, 1967, and supplemented July 14 and August 10, 1967, June 9, 1969. December 14, 1970, and January 8, May 13, July 19 and August 2, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by The Connecticut Light and Power Company (Correspondence to: Mr. Edwin L. Johnson, Vice President, The Connecticut Light and Power Company, P.O. Box 2010, Hartford, Connecticut 06101) for Stevenson Project No. 2646, located in the towns of Oxford and Southbury, New Haven County, and the towns of Monroe and Newtown, Fairfield County, Connecticut, on the Housatonic River.

The Stevenson Project, which has an installed capacity of 30,500 kw, consists of: (1) a concrete gravity dam 1,250 feet long and 124 feet high, supporting Connecticut State Highway Route No. 34, with a 630-foot overflow spill way section, topped by flashboards 3 feet high, a gated overflow spillway, a skimming gate section, a power intake section and three non-overflow sections; (2) a reservoir known as Lake Zoar 27 miles in length with a surface area of 1,063 acres, a total storage capacity of 26,900 acre-feet, and a usuable storage capacity of 5,038 acre-feet with a drawdown of five feet below the normal water surface elevation of 101.3 feet, U.S.G.S. datum; (3) an indoor powerhouse integral with the dam containing four generating units with a total capacity of 30,500 kw; and (4) all other facilities and interests appurtenant to the operation of the project.

The recreational features of the Stevenson Project include former Company land on Lake Zoar made available to the towns of Oxford, Southbury, Monroe and Newtown for town parks and to the State for Kettletown State Park, the latter providing picnicking, swimming and camping areas; a boat-launching facility and also a picnic site administered by the State Board of Fisheries and Game; a YMCA camp and privately owned waterfront homes. Applicant proposes to develop and operate a roadside rest area providing picnic sites, open shelters, sanitary facilities, parking and access, and 20 boat picnic sites at several locations along the reservoir shoreline.

Any person desiring to be heard or to make protest with reference to said application should on or before October 19, 1973, file with the Federal Power Commission, Washington, DC 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.73–17796 Filed 8–21–73;8:45 am]

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[Docket No. CP74–34]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

AUGUST 15, 1973.

Take notice that on August 7, 1973, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP74–34 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas

pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 2.5 miles of 6-inch transmission line and measuring facilities extending from the newly-discovered East Emporium Oriskany production pool (East Emporium) in Potter County, Pennsylvania, to a proposed sales delivery point at United Natural Gas Company's (United) No. F-M100 pipeline in Potter County.

The total estimated cost of the proposed facilities is $248,534 which will be financed from funds on hand and funds to be obtained from Applicant's parent, Consolidated Natural Gas Company.

The purpose of the proposed construction and operation of facilities is to augment Applicant's ability to fulfill its contract with United to deliver up to 21,500 Mcf of gas per day and up to 16,500 Mcf of gas per day during the periods from November 1 through April 30 and May 1 through October 31, respectively. Applicant estimates that the proposed pipeline will be able to deliver initially 8,500 Mcf of gas per day from East Emporium which is estimated to contain 12 million Mcf of recoverable natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17797 Filed 8-21-73;8:45 am]

[Docket No. CI73-751 etc.]

## EXXON CORP. ET AL.

### Postponement of Hearing

AUGUST 15, 1973.

In the matter of Exxon Corp., Shenandoah Oil Corp., and SOC Gas Systems, Inc. Dockets Nos. CI73-751, CI73-799, CI73-800, CI73-801.

The Commission order issued on July 23, 1973, set the above-designated matter for hearing on August 22, 1973. It now appears that calendar conflicts in the Office of Administrative Law Judges require that the hearing be postponed.

Notice is hereby given that the hearing in the above-designated matter is postponed to September 5, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17798 Filed 8-21-73;8:45 am]

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[Docket No. CP74-35]

## EXXON PIPELINE CO. OF CALIFORNIA

### Notice of Application

AUGUST 14, 1973.

Take notice that on August 7, 1973, Exxon Pipeline Company of California (Applicant), P.O. Box 2220, Houston, Texas 77001, filed in Docket No. CP74-35 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and other facilities from the Outer Continental Shelf in the Santa Barbara Channel, offshore California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 6.7 miles of offshore and approximately 1.3 miles of onshore 12-inch pipeline extending from Exxon Corporation's (Exxon) drilling platform to be constructed in the Santa Ynez Unit; Santa Barbara Area, offshore California to Applicant's proposed onshore natural gas treating and processing plant in Las Flores Canyon approximately 1 mile north of the existing Capitan Oil Field and Marine Terminal in Santa Barbara County. The nominal capacity of the proposed pipeline is 90,000 Mcf of gas per day.

The total estimated cost of the proposed pipeline and gas treating and processing plant is $5,800,000 which will be initially financed by Exxon Pipeline Company through the purchase of Applicant's common stock and short-term notes.

It is stated that Exxon is currently developing certain offshore oil and gas leases in the Hondo Field Area of offshore California. After completion of 32 exploratory wells in said area, Exxon is said to estimate that approximately 170 to 240 million Mcf of recoverable gas reserves are in the area initially proposed to be developed.

The purpose of the proposed construction and operation of facilities is to transport for 30 years the volumes of natural gas, up to 90,000 Mcf per day, made available to Applicant by Exxon from the said leases in the Hondo Field Area. It is estimated that the proposed pipeline will carry an average of 10,100 Mcf of gas per day at the end of the platform, in excess of 26,000 Mcf of gas per day during the second year and upon completion of Exxon's offshore drilling platform, in excess of 26,00 Mcf of gas per day in the third year. Following treatment of the gas and extraction of the liquefiable hydrocarbon at the proposed plant, Applicant will deliver residue gas to Exxon at the plant's tailgate, estimated to be approximately 21,000 to 25,000 Mcf per day in the third year. Applicant is advised that Exxon intends to sell said gas to a California purchaser.

Applicant proposes to charge Exxon a flat annual rate of $575,000 per year upon completion of the pipeline facilities and $1,200,000 per year upon completion of the treating and processing plant herein.

Applicant state that a draft environmental statement concerning, among other things, the proposals in the instant application has been prepared and distributed by the United States Geological Survey of the Department of the Interior. Notice of a public hearing for the purpose of receiving comments relating to the draft statement was published in the FEDERAL REGISTER on July 27, 1973 (38 20112).

Any person desiring to be heard or to make any protest with references to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17799 Filed 8-21-73;8:45 am]

## FLORIDA GAS TRANSMISSION CO.

### Proposed Changes in FPC Gas Tariff

AUGUST 15, 1973.

Take notice that on August 6, 1973, Florida Gas Transmission Company (Florida Gas) tendered for filing First Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1. Florida Gas states that the revision changes the time period for the retention of certain records regarding gas measurement to conform such period of retention to the Commission's Regulations related thereto and that this change applies to section 5 of the General Terms and Conditions of the Tariff. Florida Gas requests that the effective date of the change be made September 5, 1973.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17800 Filed 8-21-73;8:45 am]

[Docket No. CI72-832]

## MONSANTO CO. (OPERATOR), ET AL.

### Petition To Amend

AUGUST 15, 1973.

Take notice that on August 7, 1973, Monsanto Company (Petitioner), 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77027, filed in Docket No. CI72-832 a petition to amend the order in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued sale for resale and delivery of natural gas in interstate commerce to United Gas Pipeline Company (United) from the Bryceland Field, Bienville Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner, as successor to Harvey Broyles, was authorized by the order issued August 1, 1972, as amended June 25, 1973, in said docket to sell average daily volumes of 2,500 Mcf of gas at 35.0 cents per Mcf at 15.025 p.s.i.a. for one year ending August 7, 1973, pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Petitioner now proposes to continue said sale for an additional one year to United at an increased rate of 45.0 cents per Mcf of gas at 15.025 p.s.i.a. within the contemplation of § 2.70.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protest and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or to protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17801 Filed 8-21-73;8:45 am]

## NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY CONVERSION RESEARCH

### Notice of Meeting

For a meeting of the Technical Advisory Committee on Research and Development Task Force on Energy Conversion Research, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., August 28, 1973, 9:30 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Approval of minutes of previous meeting.

3. Objectives and Purposes of meeting.

A. Review status of editing reports on energy conversion technologies.

B. Review summary of members' priority assessments of the various technologies.

C. Review draft of Task Force report to the TAC on Research and Development.

D. Assignment of responsibilities for presentation of Task Force results and conclusions at September meeting of the TAC.

E. Other business.

F. Dates for future meetings.

4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17791 Filed 8-21-73;8:45 am]

[Docket No. RP72-132]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Notice of Filing Revised Tariff Sheets To Reflect Reduction in Advance Payment Tracking Filing

AUGUST 14, 1973.

Take notice that on August 6, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing revised tariff sheets to be effective August 1, 1973, reflecting a reduction in an Advance Payment tracking adjustment filed June 15, 1973, as revised July 27, 1973, to comply with Commission Order of July 18, 1973.

Natural states that the current revision in the advance payment tracking filing reflects receipt on August 3, 1973, of $21,985,000 from Trunkline Gas Company in connection with assignment to Trunkline of the right to acquire a portion of the reserves which may become available as a result of certain advance payments which Natural had previously made and which were reflected in the tracking filing.

Natural requests that the applicable regulations and orders of the Commission be waived to the extent necessary to permit the withdrawal of Second and Third Substitute Ninth Revised Sheets No. 5, effective August 1, and September 1, 1973 respectively, and substitution of the revised sheets reflecting the lower rates.

Natural states that copies of this filing have been mailed to Natural's customers and all interested parties to Docket No. RP72-132.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17755 Filed 8-21-73;8:45 am]

[Docket No. CI74-89]

## PHILLIPS PETROLEUM CO.

### Notice of Application

AUGUST 15, 1973.

Take notice that on August 6, 1973, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed

in Docket No. CI74-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of residue natural gas in interstate commerce to Panhandle Eastern Pipe Line Company at its Cimarron Plant in Woodward County, Oklahoma, from production in Major County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on August 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17756 Filed 8-21-73;8:45 am]

[Docket No. CI73-350]

## G. PHIL ROBERTS & GLYNN D. BUIE

### Amendment to Application

AUGUST 15, 1973.

Take notice that on July 19, 1973, G. Phil Roberts and Glynn D. Buie (Applicants) (Successors to Anadarko Production Company), 861 The Main Building, Houston, Texas 77002, filed in Docket No. CI73-350 an amendment to their application in said docket filed pursuant to section 7(b) of the Natural Gas Act by requesting authorization to continue sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) at a new price pursuant to section 7(c) of the Natural Gas Act and § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76),[1] all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

Anadarko Production Company (Anadarko) was issued a certificate of public convenience and necessity in Docket No. CI70-624 authorizing the sale of natural gas to Texas Eastern from acreage in the Skull Creek Field, Colorado County, Texas. Applicants purchased these properties from Anadarko and on November 9, 1972, filed their application in this docket for permission and approval to abandon this sale because the subject well was no longer capable of producing gas in commercial quantities.

Applicants now by the instant amendment to their application request authorization to continue the sale of gas to Texas Eastern from the Skull Creek Field at 45.0 cents per Mcf at 14.65 p.s.i.a. in lieu of the original contract rate of 17.8 cents per Mcf. Applicants state that this increase in price above the area rate will provide the funds necessary to produce the gas and a cash flow sufficient to drill for additional volumes of gas while maintaining operational expenses. Applicants assert that if this special relief is not granted, then they will have to abandon the subject acreage with approximately 2 million Mcf of gas reserves lying thereunder.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it on determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] Commission Order No. 481 Docket No. R-458, Policy With Respect to Sales Where Reduced Pressures, Need for Reconditioning; Deeper Drilling Or Other Factors Make Further Production Uneconomical at Existing Prices, order issued April 12, 1973 (49 FPC ——).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17802 Filed 8-21-73;8:45 am]

[Docket No. G-12671]

## RESERVE OIL AND GAS CO.

### Amendment to Petition To Amend

AUGUST 15, 1973.

Take notice that on July 30, 1973, Reserve Oil and Gas Company (Petitioner), 1806 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. G-12671 an amendment to its petition to amend filed on May 15, 1973, pursuant to section 7(c) of the Natural Gas Act to amend the order of December 5, 1963, issuing a certificate of public convenience and necessity in said docket so as to authorize the sale for resale and delivery of additional volumes of gas to Natural Gas Pipeline Company of America (Natural) from the LaGloria Field, Brooks and Jim Wells Counties, Texas, all as more fully set forth in the amendment to the petition which is on file with the Commission and open to public inspection.

In its petition to amend filed on May 15, 1973, Petitioner requests authorization to sell gas formerly dedicated to Transcontinental Gas Pipe Line Corporation (Transco) to Natural at a rate of 19.0 cents per Mcf, subject to downward Btu adjustment. Deliveries are estimated at approximately 65,000 Mcf per month. Concurrently, Petitioner filed in Docket No. CI73-808 an application for permission to abandon sales to Transco from the La Gloria Field.

Petitioner now proposes in its amendment filed on July 30, 1973, to sell approximately 65,000 Mcf of gas per month to Natural from the reserves formerly dedicated to Transco, plus other additional volumes, at a rate of 24.0 cents per Mcf, subject to downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17803 Filed 8-21-73;8:45 am]

[Docket No. RP73-47]

## SEA ROBIN PIPELINE CO.

### Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 15, 1973.

On August 10, 1973, Sea Robin Pipeline Company filed a motion for a further extension of time to file testimony and to reset the hearing dates as fixed by notice issued July 25, 1973, in the above-designated matter. The motion states that neither staff counsel nor interveners have any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, September 5, 1973.
Sea Robin Rebuttal Evidence, September 7, 1973.
Hearing, September 18, 1973 (10:00 a.m., EDT).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17804 Filed 8-21-73;8:45 am]

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[Docket Nos. CP73-27, etc.]

## STINGRAY PIPELINE CO. ET AL.

### Postponement of Prehearing Conference

AUGUST 15, 1973.

In the matter of Stingray Pipeline Co., Sun Oil Co., and Pennzoil Offshore Transmission Co. Dockets Nos. CP73-27, CI73-878, CI73-879, CI73-880, CP72-292.

The Commission order issued on July 13, 1973, set the above-designated matter for hearing, commencing with a prehearing conference on August 28, 1973. It now appears that calendar conflicts in the Office of Administrative Law Judges require that the prehearing conference be postponed.

Notice is hereby given that the prehearing conference in the above-designated matter is postponed to September 4, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17805 Filed 8-21-73;8:45 am]

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[Docket No. CP72-182]

## TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS GAS TRANSMISSION CORP.

### Petition To Amend

AUGUST 16, 1973.

Take notice that on August 8, 1973, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP72-182 a petition to amend the order in said docket so as to authorize the additional exchange of gas between the applicants, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued June 27, in said docket (47 FPC 1621), Transco and Texas Gas were authorized, among other things, to exchange up to 15,000 Mcf of gas per day at points of interconnection in the Simon Pass Field, St. Martin Parish, and in the Dog Lake Field, Terrebonne Parish, Louisiana. It is now proposed that, for 20 years, Transco deliver or cause to be delivered up to 20,000 Mcf of gas per day to Texas Gas at the existing delivery point in Simon Pass Field and up to 2,000 Mcf of gas per day at the Church Point Field, Acadia Parish, Louisiana, and that Texas Gas simultaneously redeliver to Transco up to 2,000 Mcf of gas per day at Transco's pipeline in Block 100, Eugene Island Area, offshore Louisiana, and redeliver equivalent volumes of the remainder of the gas delivered to Texas Gas at the Dog Lake Field delivery point. Any imbalances in monthly deliveries will be adjusted in the following month. Transco proposes to charge Texas Gas 1.5 cents per Mcf for transportation of all gas delivered at the Block 100 delivery point.

The stated purpose of the increased exchange of gas is to assist each Applicant to receive additional gas production to which it is entitled but not connected without construction of costly additional facilities.

Any person desiring to be heard or to make any protest with references to said petition to amend should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17806 Filed 8-21-73;8:45 am]

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[Docket No. CP74-33]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

AUGUST 14, 1973.

Take notice that on August 6, 1973, Transcontinental Gas Pipeline Corporation (Applicant), P.O. Box 1396 Houston, Texas 77001, filed in Docket No. CP74-33 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the Cockfield "D" reservoir in Washington Field, St. Landry Parish, Louisiana as a storage reservoir and the construction and operation of certain facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Washington Field contains gas producing wells connected to its system and that it has contracted with Sohio Petroleum Company and Gulf Oil Corporation to acquire their leasehold interests in the Cockfield "B" and "D" reservoirs and certain of their facilities. It is estimated that on January 1, 1974, the remaining reserves in the Cockfield "B" reservoir will be 3.2 million Mcf of gas which Applicant will transfer to the Cockfield "D" reservoir which is estimated to contain on that date 22 million Mcf of gas. Applicant proposes to develop the Cockfield "D" reservoir as a storage reservoir so as to contain a total inventory of 120 million Mcf of gas which 60,000 million Mcf will be base gas and the other 60 million Mcf will be top storage gas. The field will have a design deliverability of approximately 667,000 Mcf of gas per day when 80 percent of the top storage gas has been withdrawn.

To develop the Cockfield "D" reservoir Applicant proposes to drill an additional 59 wells and construct and operate additional field pipeline facilities and a 44,000 horsepower compressor station.

The total estimated cost of the proposal is $78,500,000 which will be financed initially from temporary bank loans and company funds, with permanent financing to be arranged as part of an overall financing program.

Applicant states that the proposed storage reservoir will be used to provide protection for high priority markets of its customers in the winter seasons; but as supplemental supplies of gas are received and it has additional mainline capacity, the storage field may be used to offer supplemental storage service to its customers to attach new high winter loads.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20436, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission wil be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure,

a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-17807 Filed 8-21-73;8:45 am]

## FEDERAL RESERVE SYSTEM

### BANKAMERICA CORP.

#### Order Granting Request for Reconsideration and Approving Acquisition of GAC Finance, Inc.

BankAmerica Corporation, San Francisco, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under sections 4 (c) (8) and (13) of the Act and § 225.4 (b) (2) of the Board's Regulation Y, to acquire voting shares of GAC Finance, Inc., Allentown, Pennsylvania. GAC Finance, Inc., through its subsidiaries, engages in the activities of making direct loans to consumers; purchasing sales finance paper; financing inventory of distributors of, and dealers in, various consumer durable goods through agreements with manufacturers in the case of distributors and with distributors in the case of dealers; servicing manufacturer-funded receivables arising from inventory financing by certain manufacturers of consumer durable goods; rediscount financing for non-affiliated consumer sales finance companies; and sale to its direct consumer borrowers of credit life and credit health and accident insurance and of insurance coverage against damage to personal property securing extensions of credit made by the subsidiary to its direct consumer borrowers. 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).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 6103). The time for filing comments and views has expired, and the Board has considered all comments received, including those of the Department of Justice, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

By Order dated July 27, 1973, the Board denied the application, the statement of reasons therefore to be issued at a later date.[1] On August 3, 1973, Applicant filed a request for reconsideration of the Board's Order of denial, predicated upon more current information with respect to the financial condition of Finance and upon commitments to divest substantially more assets and offices of Finance than originally proposed.

Reconsideration was granted pursuant to § 262.3(f)(6) of the Board's rules of procedure (12 CFR 262.3(f)(6)) and the Board's Order of July 27, 1973, is hereby vacated.

During the course of its initial consideration of this application, the Board received adverse comments and a request for a formal hearing from a member of the public. The request for hearing was denied by the Board, based on its conclusion that Protestant had failed to allege the existence of material factual issues particular to the application and for other reasons communicated to Protestant. An invitation was extended to Protestant to submit further written comments on the application for the Board's consideration, but Protestant failed to respond. Subsequent to the Board's action denying the application, and while Applicant's request for reconsideration was pending, Protestant again wrote to the Board urging that it either reaffirm its denial or grant a formal hearing on the application. This request for hearing, in the Board's view, did not present any relevant facts or considerations not presented in earlier correspondence from this Protestant. Accordingly, the request was denied.

After reconsideration of the entire record in this matter and for the reasons summarized in the Board's Statement of this date, the section 4(c)(8) application is hereby approved on condition that Applicant cause Finance to accomplish the following plan of divestiture at the earliest practicable time and, in any event, within the time periods set forth below:

1. Finance will cause to be liquidated and paid, on the date of consummation of the proposed transaction, all receivables from GAC Corporation and its retained subsidiaries.

2. Finance will sell within one year, as going concerns, all of its consumer loan offices located in the States of California, Oregon, Washington, Arizona, New Mexico, Montana, Wyoming, Idaho, North Dakota, South Dakota, Colorado, and Texas and will not reenter the consumer loan business in any of these States until such withdrawal from all has been fully consummated. Any such reentry would require the Board's prior approval pursuant to section 4(c)(8) of the Bank Holding Company Act.

3. Finance will sell within one year, as a going concern, its business of rediscounting receivables of smaller finance companies.

4. Finance will sell, within one year, the business and receivables of its Albuquerque, New Mexico, sales finance office and will close this office.

5. Finance will, within 18 months, dispose of an additional $25 million in sales finance receivables.

6. Finance will sell or otherwise dispose of, within two years, the business and assets of Trailer Industries, Inc., and all of the receivables of Finance's Business Finance and Lease Division.

7. Finance will segregate on its books as soon as possible after consummation of this proposal all of the receivables subject to disposition in paragraphs 4, 5, and 6.

8. Finance will file a written report with the Board not later than six months following consummation of this proposal and further written reports at not more than six months intervals thereafter, setting forth all dispositions accomplished during the proceeding period and dispositions then under negotiation.

The acquisition shall not be consummated later than three months after the effective date of this Order, unless such period is extended for good cause by the Board. This approval is subject further to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. Applicant's application to acquire the foreign offices of Finance under section 4(c)(13) and § 225.4(f) of Regulation Y is also approved subject to the condition that its subsidiaries shall confine their activities to international or foreign banking and other international or foreign financial operations.

By order of the Board of Governors,[2] effective August 14, 1973.

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

STATEMENT[3]

BankAmerica Corporation, San Francisco, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under sections 4(c) (8) and (13) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire voting shares of GAC Finance, Inc., Allentown, Pennsylvania (Finance). Finance, through its subsidiaries, engages in the activities described in the Board's Order of this date, which 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).

Notice of the application, affording opportunity for interested persons to submit

[1] Voting for that action: Chairman Burns, and Governors Brimmer, Bucher, and Holland. Voting against that action: Governors Mitchell, Daane, and Sheehan.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[3] A Concurring Statement of Governor Sheehan will be issued shortly and will be available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of San Francisco.

comments and views on the public interest factors, has been duly published (38 FR 6103) and the time for filing comments and views has expired.

In its Order of July 27, 1973, the Board denied Applicant's application to acquire Finance and stated that its reasons for the denial would be set forth in a Statement to be issued at a later date. Subsequently, on August 3, 1973, prior to issuance of the Statement, Applicant filed a request for reconsideration by the Board of its application to acquire Finance, proposing a plan of divestiture of certain additional assets and businesses of Finance within stated time periods if the application, on reconsideration, was approved by the Board. On August 8, 1973, the Board granted Applicant's request for reconsideration and vacated its Order of July 27 denying Applicant's proposed acquisition of Finance. The Board has reconsidered this application, all original and supplementary materials received in connection therewith, and all comments received, including those of the Department of Justice, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a one-bank holding company controlling the largest commercial bank in the world, Bank of America N.T. & S.A., San Francisco, California (Bank). As of December 31, 1972, Bank had total domestic deposits of $23.4 billion, representing 36.6 per cent of the total deposits in commercial banks in California, and an additional $12 billion in foreign deposits. Applicant currently has nonbanking subsidiaries engaged principally in computer services, software and leasing activities, investment advisory services, issuance and sale of travelers checks, and mortgage banking. Applicant does not currently have a consumer finance subsidiary. Finance had total assets of more than $719 million as of December 31, 1972, and operates 459 offices in 41 States and four offices in Canada. As measured by total assets, Finance is the eleventh largest independent finance company in the United States.

In connection with its analysis of the original proposal, the Board had taken into account comments received from the United States Department of Justice concerning the proposed transaction. In its comments, Justice concluded that, even considering Finance's proposed divestiture of its California consumer loan offices, discussed below, the transaction would have an adverse effect on existing competition in the State of California. The Justice Department further found that the proposal would have possible adverse effects on potential competition between Finance and Bank in the consumer finance field. Additionally, the Department viewed the proposal with concern as to its effects on concentration of resources. In its analysis, the Department found that these adverse effects were not outweighed by an affirmative showing of positive public benefits.

It appears that Applicant and Finance engage in only a minimal amount of direct competition outside the State of California. With the exception of Applicant's recently established de novo mortgage banking subsidiaries in Colorado and Texas, Applicant does not presently engage, to any significant extent, in consumer oriented financing at locations outside the State of California. Applicant does, however, have five Edge Corporations scattered throughout the country. Within California, Finance operates 36 consumer loan offices and two sales finance offices. In its original proposal, Applicant committed Finance to divest the 36 consumer loan offices to an outside party promptly after consummation of the proposal. Applicant proposed, however, to acquire and retain the two California sales finance offices offering dealer floor plan financing. The Department of Justice, in commenting on the application, stated that in its opinion, the proposal could have an adverse effect on competition in California, even assuming the divestiture, because a sale of such offices to a substantial bank or nonbank competitor could lead to similar competitive problems. Divestiture to a smaller nonbank or banking organization might decrease the competitive presence of Finance's offices in California. The Board concluded that the proposed initial divestiture would eliminate most of the adverse competitive consequences of the initial proposal in the consumer finance product market. The two California "private brands" sales finance offices of Finance compete to a very limited extent with Applicant's banking subsidiary in making floor plan loans to finance household items. This is due to the fact that the private brand contracts entered into by these two offices are generally on a nationwide basis and thus only a very small volume of the California receivables represents direct competition between Applicant and such offices.

The Board next considered the question whether consummation of the original proposal would eliminate any significant competition in the future between Applicant, its subsidiaries, and Finance. As indicated above, Finance is one of the nation's significant competitors in the consumer finance industry, having a competitive presence in 41 States. Applicant has recently established a presence in home mortgage lending outside the State of California in the States of Colorado and Texas. Moreover, Bank has a long tradition of significant innovation in the consumer credit field in California. An analysis of its deposits and loans shows that, among United States banks, it is more heavily consumer oriented than any other bank with over $10 billion in assets. It thus appears quite possible in the light of its traditional service emphasis as well as its size and competitive ability, that Applicant would, absent this proposal, commence an expansion into other States in the consumer lending field, either through establishment of consumer finance offices *de novo* or through means of foothold entry. Moreover, the likelihood would seem to be greatest in the western part of the United States, in those States in close proximity to California. The Board concluded that consummation of the initial proposal would have eliminated a substantial possibility that Applicant, its subsidiaries, and Finance would compete in various markets outside California in the future. The Board further concluded that this constituted a possible adverse effect to be considered under section 4(c)(8). However, with respect to any individual market, the Board cannot determine that such entry is probable or that the market is sufficiently concentrated that the elimination of the possibility of such entry would have substantially adverse effects. Further, the Board does not regard the consumer finance industry as so lacking in competition across the nation that it supports the judgment that any acquisition can be presumed per se to affect competition adversely.

In addition to the above possible adverse effects of the original proposal, the Board was deeply concerned with the question of whether an undue concentration of resources would result from approval of this application. The Conference Report accompanying the 1970 Amendments, in discussing this factor, states:

> The danger of undue concentration of economic resources and power is one of the factors which led to the enactment of this legislation, and constitutes a significant threat to the continued healthy evolution of our free economy. American trade has always operated on the principle that relationships between businessmen, large and small, should be founded on economic merit rather than monopoly power. Our national policies of limited governmental regulation and interference in trade and commerce, however, do make it possible for undue concentrations of resources and economic power to override fundamental fairness and economic merit when responding to the profit motive. This possibility is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy * * *. The dangers of undue concentration of resources include, but are not limited to, specific competitive effects, which are themselves relevant factors under the Act. It should be clear that this legislation directs the Board to consider all reasonable ramifications of the concentration of resources in fulfilling its responsibilities under section 4.[3]

Congress did not provide specific criteria with respect to the size of acquisitions which should be disallowed to avoid an undue resources concentration. Rather, it has pointed to the dangers involved, particularly those involving concentration of power relating to money and credit, and has directed the Board to consider "all reasonable ramifications" in applying the standard of section 4(c)(8). It was the Board's judgment that approval of the original application, involving acquisition by the nation's largest bank holding company of a major consumer finance company with a nationwide network of offices, although a close question, raised issues of concentration in credit-granting resources that were inconsistent with the intent of Congress in enacting the 1970 Amendments. The expression of legislative intent contained in the Conference Report, measured against the facts of record in the case, warranted the conclusion that the concentration of resources in this instance weighed against approval of the original application.

In support of the application, Applicant contended that consummation of the proposal would produce public benefits in the form of significant improvements to Finance's consumer credit services. Among such public benefits would be an overall strengthening and revitalization of Finance as a consumer lending institution resulting in an increase in competition in that market. Because of the financial strength of Applicant, a proposed expansion of Finance's lending services could be expected in such areas as small business loans, loans to municipalities, financial counseling, and loans to professionals and students. Other stated public benefits include possible reduction in certain loan rates, due to Applicant's easier access to funds, probably at lower cost. Information reaching the Board suggested that Finance was in serious financial difficulties, and that its ability to continue operations was in some question if it were not to become affiliated with a financially strong organization. The Board judged that while

[3] H.R. Report No. 91-1747, p. 17.

most of the benefits cited would affirmatively serve the public interest, the same benefits should be achieved through a proposal which did not evidence the possible adverse effects inherent in the original proposal. The Board concluded, applying the balancing test of section 4(c)(8), that Applicant's showing of public benefits had not outweighed the possible adverse effects of the proposed acquisition and that, therefore, the application should be denied.

Subsequent to the issuance of the Board's Order and prior to release of the Statement, Applicant petitioned the Board for reconsideration of its original Order. Applicant submitted a plan it believed to be more acceptable to the Board, proposing divestiture of certain assets, offices, and businesses of Finance substantially beyond that in the initial proposal. The plan contemplates a divestiture by Finance within the time periods following consummation as set forth below:

1. Finance will cause to be liquidated and paid, on the date of consummation of the proposed transaction, all receivables from GAC Corporation and its retained subsidiaries.

2. Finance will sell within one year, as going concerns, all of its consumer loan offices located in the States of California, Oregon, Washington, Arizona, New Mexico, Montana, Wyoming, Idaho, North Dakota, and South Dakota and will not reenter the consumer loan business in any of these States until such withdrawal has been fully consummated.

3. Finance will sell within one year, as going concerns, 15 of its 31 consumer loan offices located in the State of Texas and 8 of its 16 consumer loan offices located in the State of Colorado, the offices to be divested in each State to be selected so as to assure that the receivables being divested represent not less than one-half of the receivables of all of Finance's consumer loan offices in each State as of June 30, 1973.

4. Finance will sell within one year, as a going concern, its business of rediscounting receivables of smaller finance companies.

5. Finance will sell within one year the business and receivables of its Albuquerque, New Mexico, sales finance office and will close this office.

6. Finance will, within 18 months, dispose of an additional $25 million in sales finance receivables.

7. Finance will sell or otherwise dispose of within two years the business and assets of Trailer Industries, Inc., and all of the receivables of Finance's Business Finance and Lease Division.

8. Finance will segregate on its books as soon as possible after consummation of this proposal all of the receivables subject to disposition in paragraphs 5, 6, and 7.

9. Finance will file a written report with the Board not later than six months following consummation of this proposal and further written reports at not more than six month intervals thereafter setting forth all dispositions accomplished during the preceding period and dispositions then under negotiation.

Applicant has requested that its petition for reconsideration be taken up by the Board on an emergency basis because of the exigent financial condition of Finance. In responding to the comments of the Department of Justice, Applicant pointed to the fact that Finance's position in the consumer loan industry has seriously eroded in recent years, with the company experiencing substantial declines in assets, net income, and shareholders' equity during the period from 1970 to 1972. More recent data confirm that the trend has continued to the present, as earnings for the first five months of 1973, compared to the same period in 1972, are down sharply. Of greater immediate consequence has been the downgrading of credit ratings on debt issues of Finance by two national credit-rating agencies since the Board's denial of the original application. The credit rating of Finance's senior debentures was lowered by one agency because of inadequate earnings protection for bond holders and lack of financial flexibility while, in a separate action, a second agency withdrew its "prime" rating for commercial paper issued by Finance. The latter action is of particular significance to the financial condition of Finance since many corporate and municipal investors either cannot or will not purchase commercial paper not carrying a prime rating. Finance's financial condition and its ability to meet its near term obligations is further impaired by excessive lending to its parent organization in an attempt to ameliorate the parent's cash flow problems. This sequence of events, together with other financial information brought to the Board's attention concerning Finance and its parent organization, evidences the fact that Finance must be sold for cash, and sold promptly, to a buyer of considerable financial strength to avoid the collapse of Finance and its parent, and possibly serious financial repercussions of a more general nature. The Board regards these circumstances to be of a sufficiently serious nature as to warrant immediate consideration of Applicant's revised proposal. The Board therefore granted reconsideration under § 262.3(f)(6) of its rules of procedure.

To aid in its analysis and determination on the revised proposal, the Board asked the Department of Justice for its comments. The Department continued to oppose the proposal, submitting that it involves potential adverse competitive and concentration of resources considerations and is lacking in significant public benefits. However, it appears that the Department was not fully aware of the immediate financial emergency confronting Finance and its possible consequences.

Applicant's proposal to sell within one year all consumer loan offices of Finance in nine western States besides California and one-half of Finance's consumer loan offices in the States of Colorado and Texas in large measure eliminates the Board's earlier expressed concern over the question of probable future competition between Applicant, its subsidiaries, and Finance. Applicant must be regarded as a likely entrant into the consumer finance industry and this is particularly true in those States closest to California where the competitive presence of Applicant's banking subsidiary is most keenly felt. While this proposal substantially diminishes the Board's concerns regarding adverse competitive effects, retention of any offices in Colorado or Texas would continue to raise competitive problems due to Applicant's present competitive presence in those States exemplified by Applicant's present mortgage subsidiaries in those States. Divestiture of all consumer loan offices held by Finance in California and in all 11 western States closest to California, including all such offices in Colorado and Texas, would achieve a significant geographic separation between Applicant and the office facilities of the company to be acquired. Therefore, consummation of the proposal on condition that a divestiture of this nature takes place would reduce substantially the possible adverse effect on probable future competition as a factor to be considered under section 4(c)(8). Furthermore, the Board believes that such a divestiture is practical as finance company offices and their assets are more readily marketable than banks, for example.

In its consideration of the original proposal, the Board was also concerned with the question of undue concentration of resources. The initial proposal, if approved, would have permitted affiliation of Applicant's banking subsidiary, which operates more than 1,000 branches in California, with a company retaining 423 consumer loan offices in 40 States from coast to coast. The instant proposal constitutes a substantial reduction in the resources to be acquired by Applicant; it will accomplish significant geographic separation of office facilities and significant reductions in both assets and offices acquired by Applicant. As conditioned by the Board's Order of this date, Applicant must sell, as going concerns, all of Finance's 128 consumer loan offices in 12 western States and must close its sales finance offices in New Mexico. In addition, Applicant will be required to sell, as a going concern, the entire rediscount business of Finance and to divest an additional $25 million in sales finance receivables and approximately $77 million in commercial financing receivables. As a consequence of these actions, Finance's total net receivables, using June 30, 1973, data, will be reduced from $575.7 million to $296 million and its national rank, in terms of total net receivables, among all independent finance companies would drop from eleventh to twentieth position. In light of the extensive divestitures to be accomplished by Applicant in this case, the possible dangers of an undue concentration of resources are significantly lessened and the Board no longer views this factor as warranting the degree of adverse weight initially assigned.

The public benefits reasonably expected to result from approval of the revised proposal remain essentially the same as when first considered by the Board with the exception of those related to the condition of Finance and its parent. Developments in the intervening days have demonstrated the validity of the previously expressed fears as to the fragility of the structure of borrowed funds relied upon by Finance. It is imperative that Finance be sold immediately to avoid possible severe economic consequences and to insure its continuation as a viable competitor. Acquisition and subsequent partial divestiture by Applicant will insure that survival as well as preserve the existing number of possible competitors in the western United States. Additionally, entry of Applicant with its record of innovation in the consumer field should produce public benefits in the eastern United States. The Board concludes that the reasonably expected public benefits from this revised proposal outweigh possible adverse effects.

This statement is published by order of the Board of Governors, August 14, 1973.

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

[FR Doc.73-17429 Filed 8-21-73;8:45 am]

## CENTRAL MORTGAGE CO., INC.

### Order Granting Determination Under Bank Holding Company Act

In the matter of the request by Central Mortgage Co., Inc. (Central), Springfield, Missouri, for a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)).

Central, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act (12 U.S.C. 1841(a)) on the basis of its own-

ership of voting shares of Citizens Bank of Warrensburg, Warrensburg, Missouri,[1] seeks a determination that Central will not, in fact, be capable of controlling Mr. Adrian Harmon, to whom Central proposes to transfer shares of a subsidiary corporation to be formed, the assets of which will be comprised of the present farming assets of Central. Mr. Harmon is president and a director of Central and will be a director of the farming corporation to be formed.

Notice of an opportunity for hearing with respect to Central's request for a determination pursuant to section 2(g)(3) was published in the FEDERAL REGISTER on April 5, 1973 (38 FR 8692). The time provided for requesting a hearing has expired and no such request has been received by the Board, nor has any evidence been received to show that Central is in fact capable of controlling Mr. Harmon.

It is hereby determined that Central is not, in fact, capable of controlling Mr. Harmon. This determination is based upon the evidence of record in this matter, including (1) the applications of Central Mortgage Co. to acquire 50 per cent or more of the voting shares of Farmers Bank of Stover, Stover, Missouri, and Jackson County State Bank, Kansas City, Missouri, and to merge with Harmon Oil Company, Warrensburg, Missouri, and (2) an affidavit of April 17, 1973, of Mr. Harmon stating that he and his wife, as of that date, own all of the shares of Central, and that Central Mortgage will not be capable of controlling the farming assets which will be solely controlled by Mr. Harmon and his wife.

*Accordingly it is ordered*, That the request of Central Mortgage Co. for a determination pursuant to section 2(g)(3) be and hereby is granted.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2), August 14, 1973.

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

[FR Doc.73-17430 Filed 8-21-73;8:45 am]

## MARINE BANCORPORATION

### Order Approving Acquisition of Certain Assets of Triway Finance Co.

Marine Bancorporation, Seattle, Washington, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly certain assets of Triway Finance Co. (Triway), Portland, Oregon, through Applicant's wholly-owned subsidiary, Commerce Credit Company, Seattle, Washington. Applicant's subsidiary would acquire the small loan business of Triway and, operating under the name of Commerce Finance Company, would thereby engage in the activity of making small secured and unsecured loans not in excess of $5,000, subject to the restrictions and limitations specified in the Oregon Consumer Finance Act (Oregon Revised Statutes, Chap. 725). Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 16677). The time for filing comments and views has expired, and none has been timely received.

Applicant, the largest bank holding company in the State, has one subsidiary bank, The National Bank of Commerce of Seattle, Seattle, Washington, which is the second largest bank in Washington with approximately $1.4 billion in deposits, representing 20.2 per cent of total deposits in commercial banks in the State.[1]

Triway has total assets of $457,000, and operates a small loan and accounts receivable financing business in the Portland, Oregon, area. Applicant proposes to acquire approximately 90 per cent of the portfolio of small loan accounts originated by Triway, together with the furniture and fixtures located at Triway's single office. The accounts receivable financing business will be retained by the present owners of Triway Finance Co.

In its small loan activities, Triway competes with over 30 consumer finance companies, many of which are national corporations, and with other lenders which make consumer-type loans in the Portland area. The overall market for consumer credit in Portland appears to be reasonably competitive, and it is unlikely that the proposed acquisition would have any significant adverse effect on competition or on existing competitors in the market.

Applicant's subsidiary, Commerce Credit Company (CCC), operates two small loan businesses in the State of Washington both of which were recently established de novo. In addition, Applicant has received approval for CCC to establish two de novo offices in the Portland, Oregon, area that will engage in making and acquiring loans and other extensions of credit and in leasing personal property. These offices will not be licensed to engage in the small loan business under the Oregon Consumer Finance Act (ORS Chap. 725), while Triway's business is confined to that of making small loans under the Oregon Consumer Finance Act. Since the de novo offices are not and will not be licensed to engage in the small loan business, the proposed acquisition would not appear to eliminate any existing or future competition. The Board concludes that competitive considerations are consistent with approval of the application.

It is anticipated that by providing access to the greater financial and managerial resources of Applicant, Applicant's acquisition of Triway's small loan business will result in a greater availability of credit than can be provided by the present owners of Triway. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective August 14, 1973.

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

[FR Doc.73-17431 Filed 8-21-73;8:45 am]

## GENERAL SERVICES ADMINISTRATION

### AMBULANCE, SEDANS AND STATION WAGONS

### Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following specifications and standard:

Federal Specification KKK-A-1822, Ambulance.
Federal Specification KKK-A-811M, Automobiles, Sedans.
Federal Specification KKK-A-850K, Automobile, Station Wagons.
Federal Standard No. 122N, Automobiles, Sedans and Station Wagons.

The purpose of the conference is to provide a forum for considerations of suggestions, ideas, or ways and means to improve the specifications to: (1) Promote mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) enhance the

[1] On May 3, 1973, the Board announced approval of the applications of Central Mortgage Co. to acquire voting shares of Farmers Bank of Stover, Stover, Missouri, and Jackson County State Bank, Kansas City, Missouri. The Board also approved Central's application to merge with Harmon Oil Company, Warrensburg, Missouri, thereby acquiring voting shares of Barton County State Bank, Lamar, Missouri (38 FR 12256).

[1] All banking data are as of December 31, 1972.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

quality of the products shipped to the Government. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also invited to send their representatives.

The conference will be held October 2 through 4, 1973, at 10 a.m., Room 508, Building 3, Crystal Mall, 1931 Jefferson Davis Highway, Arlington, Virginia. Anyone who wants to attend or desires further information, should contact Mr. Carl M. Medved, General Services Administration, Federal Supply Service, at telephone number (Area Code 703) 557-7874 or write General Services Administration, Federal Supply Service (FMA), Washington, D.C. 20406.

Issued in Washington, D.C. on August 15, 1973.

M. J. TIMBERS,
*Commissioner.*

[FR Doc.73-17783 Filed 8-21-73;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-62]

### NASA SOUNDING ROCKETS PROGRAM

#### Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the NASA Sounding Rockets Program.

Comments on the draft Environmental Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of April 21, 1971.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Office of Management and Budget, and the Environmental Protection Agency.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Ave. S.W., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Building, Administration, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

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

By direction of the Administrator.

HOMER E. NEWELL,
*Associate Administrator, National Aeronautics and Space Administration.*

[FR Doc.73-17425 Filed 8-21-73;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5372]

### DELMARVA POWER & LIGHT CO.

#### Proposed Issue and Sale of Short-Term Notes

AUGUST 17, 1973.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) and 50(a)(5)(C) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 28, 1971 (Holding Company Act Release No. 17412), the Commission authorized Delmarva to make bank borrowings (on unsecured short-term notes) and to issue and sell commercial paper, through December 31, 1973, in an aggregate principal amount at any one time outstanding not to exceed $40,000,000. This order was later amended on July 24, 1972 (Holding Company Act Release No. 17655), at which time Delmarva was temporarily authorized to increase its sales of commercial paper to an aggregate principal amount at any one time outstanding not to exceed $50,000,000, until such time as the $30,000,000 First Mortgage and Collateral Trust Bonds, 7½ percent Series, due August 1, 2002, were successfully sold and the proceeds thereof made available to Delmarva. The order was further amended on March 20, 1973 (Holding Company Act Release No. 17910), at which time Delmarva was authorized to increase through July 31, 1974 its borrowings on notes up to an aggregate principal amount at any time not to exceed $56,000,000, with the notes issued and sold to banks aggregating not in excess of $16,500,000 outstanding at any one time.

Delmarva states that at its annual meeting of stockholders, held on April 17, 1973, it obtained the required consent of the holders of preferred stock and common stock, each group voting separately as a class, to amend Delmarva's Certificate of Incorporation to liberalize the unsecured debt limitation to permit issuance, without further consent of preferred stockholders, of up to 20 percent of capitalization as long as no more than 10 percent of such indebtedness has maturities of less than ten years. At the same meeting Delmarva obtained the consent of preferred stockholders to waive the 10 percent limitation on indebtedness with maturities of less than ten years, provided the total unsecured debt does not exceed 20 percent of capitalization.

Delmarva now proposes to issue, from time to time until December 31, 1974, short-term securities in an aggregate principal amount not to exceed $75,000,000 outstanding at any one time and to increase the portion of such notes which may be issued to banks and outstanding at any one time from $16,500,000 to $43,000,000. Such securities will be in the form of short-term notes issued to banks, or commercial paper issued to a dealer in such securities or issued directly to investors in commercial paper. Issues of commercial paper will be limited only to the extent that, when added to short-term notes to banks actually outstanding on the date of issuance, the total will not exceed $75,000,000. Delmarva requests that, for the period commencing on September 10, 1973 and ending on December 13, 1974, the exemptions from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) thereof, relating to the sale of short-term notes, be increased from 5 percent to approximately 16.5 percent of the principal amount and par value of the other securities of Delmarva at the time outstanding.

Delmarva expects to borrow from the following banks up to the maximum amounts listed:

| | |
|---|---|
| Irving Trust Company, New York, N.Y. | $5,000,000 |
| Wilmington Trust Company, Wilmington, Delaware | 5,400,000 |
| Bank of Delaware, Wilmington, Delaware | 3,500,000 |
| Farmers Bank of the State of Delaware, Wilmington, Delaware | 2,000,000 |
| Delaware Trust Company, Wilmington, Delaware | 1,800,000 |
| First National Bank of Maryland, Salisbury and Baltimore, Maryland | 5,300,000 |
| Total | $23,000,000 |

Delmarva will maintain average daily operating balances with each of the above banks, in the aggregate averaging approximately $2,000,000. These balances are part of Delmarva's normal operating funds. If such balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such bank lines of credit when fully utilized, assuming a 9 percent prime rate, would be 9.86 percent per annum. The proposed bank notes will be in the form of unsecured promissory notes bearing

interest at the prime rate in effect at the lending bank at the date of issue and adjusted from time to time depending upon the requirements of the lender and subject to prepayment at Delmarva's option without premium or penalty.

Although no firm arrangements have yet been made, Delmarva plans to establish additional bank lines aggregating $20,000,000 with certain major banks in New York, Philadelphia and Chicago (as set forth below), which bank lines will be administered by Wilmington Trust Company for Delmarva. While it is not expected that a problem in refinancing will occur, Delmarva states that establishment of these lines would be evidence of sound financial management and would tend to support the top credit rating presently assigned to Delmarva's commercial paper.

Delmarva is contemplating establishing the following additional bank lines of credit:

| | |
|---|---|
| Manufacturers Hanover Trust Company, New York, N.Y. | $8,000,000 |
| Bankers Trust Company, New York, N.Y. | 3,000,000 |
| Chemical Bank, New York, N.Y. | 3,000,000 |
| Philadelphia National Bank, Philadelphia, Pennsylvania | 3,000,000 |
| Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois | 3,000,000 |
| Total | $20,000,000 |

Since Delmarva will not maintain operating balances in any of the banks referred to above, it will be required to pay a commitment fee of ½ of 1 percent per year on the unused amount of the bank lines per bank. When a bank line is in use, the commitment fee will be discontinued and Delmarva will pay 1 percent over the prime rate in effect at the lending bank. At the time a bank note is issued, Delmarva will not be required to maintain compensating balances with the lending bank. Since Delmarva states it does not anticipate use of these lines of credit, a commitment fee amounting to $100,000 per year will be incurred and charged to the operating expenses of Delmarva. Delmarva feels the additional cost is justified by the flexibility in financing obtained through establishment of this alternative source of credit. In the event the lines are used, the effective interest rate on the borrowings under this arrangement, assuming a 9 percent prime rate, could range from 10 percent when 100 percent of the lines are in use to approximately 11 percent when 25 percent of the lines are in use.

These arrangements with banks, totalling up to $43,000,000 in bank lines of credit, can be used to provide an alternative source of credit for somewhat in excess of 50 percent of Delmarva's total commercial paper at any one time outstanding. All of the bank loans will be evidenced by notes maturing not more than 180 days from the date of issuance and will bear interest at the rates described above in effect as of the dates the notes are executed. The notes may be prepaid at any time without penalty except that Delmarva may not prepay any note in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. Repayment of bank loans may also be made out of the proceeds from the issuance and sale of short-term commercial paper.

Delmarva further proposes to issue and sell, from time to time, commercial paper (in the form of short-term promissory notes payable to bearer and to mature not later than December 31, 1974), in the aggregate principal amount not to exceed $75,000,000 outstanding at any one time, to A. G. Becker & Co., Incorporated ("Becker"), a dealer in commercial paper. Such commercial paper will have varying maturities of not more than 270 days after date of issue and will be issued and sold in varying denominations of not less than $50,000 nor more than $1,000,000 directly to Becker, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities sold to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Delmarva could borrow from banks. No commission or fee will be payable in connection with the issue and sale of such notes. Becker, as principal, will reoffer such notes at a discount not to exceed ⅛ of 1 percent per annum less than the prevailing discount rate available to Delmarva and in such manner as not to constitute a public offering. Such notes will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by Becker and furnished to the Commission either by Delmarva or directly by Becker. However, since the list consists initially of less than 200 customers, additions but no deletions may be made to the list upon approval of the Commission so long as the customers designated in the list do not exceed 200 in number. It is anticipated that the commercial paper will be held by customers to maturity. However, if any commercial paper is repurchased by Becker pursuant to a verbal repurchase agreement, such paper will be reoffered only to others in the group of not more than 200 customers. Delmarva desires the flexibility of using commercial paper borrowings to supplement its bank borrowings. In accordance with the customary practices in the commercial paper market, commercial paper issued and sold by Delmarva will not be payable prior to maturity. However, prior to the final retirement of commercial paper borrowings, certain of the notes having maturities earlier than December 31, 1974, the termination date of the effective period requested by this application, may be repaid at maturity through the application of proceeds from the issuance and sale of other commercial paper notes.

Delmarva intends to appoint Irving Trust Company, New York, New York, agent for the purpose of holding in its custody short-term promissory notes of Delmarva, signing such notes and delivering them to Becker in connection with the issuance and sale thereof by Delmarva.

In addition, Delmarva desires the privilege of placing its commercial paper directly with investors in commercial paper, without the assistance of a broker, in order to take advantage of special investment situations which may be available to it due to Delmarva's broadly based activities in the financial community. These "direct placements" could be with the trust departments of large commercial banks or with the investment departments of large insurance companies and would be in accordance with the terms and conditions of a "master note" agreement. Historically, the effective interest cost to the issuer of commercial paper placed directly has been lower than that placed through a dealer. Delmarva is requesting permission to place commercial paper directly not as a replacement of, but as a supplement to, its normal outlets and it feels substantial interest costs could be saved for its customers and stockholders if it were authorized to do so.

It is stated the borrowings on unsecured bank loans and/or commercial paper, aggregating up to $75,000,000, will be used to finance, in part, Delmarva's construction program for the remainder of 1973 and all of 1974 (approximately $213,408,000). Delmarva proposes to repay such borrowings from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to December 31, 1974, a subject of future filings with this Commission.

Delmarva requests exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraphs (a)(5) and (a)(5)(C) thereof because: (i) The commercial paper to be issued thereunder will consist of short-term maturities of nine months or less; (ii) such commercial paper having a maturity of more than 90 days will not be sold except at effective interest costs which will not exceed the cost of borrowings from commercial banks; (iii) current rates for commercial paper for such prime borrowers as Delmarva are published daily in financial publications; and (iv) it is not practical to invite competitive bids for commercial paper. Delmarva also requests authority to file certificates of notification under Rule 24 with respect to the issue and sale of commercial paper within 30 days after the end of each calendar quarter.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $10,500, including counsel fees of $2,000.

Notice is further given that any interested person may, not later than September 10, 1973, request in writing that

a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.73-17808 Filed 8-21-73;8:45 am]

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[812-3483]

## duPONT-WALSTON INCORPORATED

### Filing of Application

AUGUST 17, 1973.

Notice is hereby given that duPont-Walston Incorporated ("Applicant"), 833 Wilshire Boulevard, Los Angeles, California 90017, a registered broker-dealer, in connection with a proposed public offering of shares of Common Stock (the "Shares") of Ameribond Shares, Inc. (the "Company"), a newly registered, closed-end, diversified management investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant and its co-underwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") with respect to their transactions incidental to the distribution of the Company's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is the prospective representative ("Representative") of a group of underwriters ("Underwriters") to be formed in connection with the proposed public offering. Applicant contemplates that each underwriter, including the Representative, will execute an Agreement Among Underwriters and that the Representative, acting both for itself and as Representative of the several Underwriters, will execute an Underwriting Agreement with the Company, Financial Programs, Inc., the Company's investment adviser ("Adviser") and The Gates Rubber Company, the Adviser's parent.

The application also states that on July 5, 1973 the Company filed with the Commission a Registration Statement on Form S-4 under the Securities Act of 1933 ("Registration Statement") covering the Shares. The proposed public offering price of the Shares is $25.00 per share with underwriting discounts of $2.00 per share.

Applicant states that it is not possible to determine until just prior to the effective date of the Registration Statement the exact number of Shares to be offered by the underwriting group and by each Underwriter. Although 1,000,000 Shares have been included for registration in the Registration Statement, the actual number of Shares which may be the subject of the proposed public offering may be increased or decreased by the Representative and the Company, because of market conditions or otherwise, shortly before the effective date of the Registration Statement and the proposed public offering, and thereafter depending upon the exercise of an over-allotment option granted to the Underwriters. In addition to purchases of Shares from the Company and sales of Shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of Shares purchased in stabilization.

Applicant also states that it is possible that the Underwriter Commitment of any one or more of the Underwriters, including the Representative, will exceed 10 percent of the aggregate number of shares of the Company's Common Stock. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act, such Underwriter or Underwriters would become subject to the filing requirements of Section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b). Applicant states that the purpose of the purchase of the Shares by the Underwriters will be for resale in connection with the initial distribution of the Shares. Applicant also states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant further states that although it is anticipated that the requirements of Rule 16b-2(a)(1) and (2) will be met, one or more of the Underwriters, through their participation in the distribution of the Shares of the Company, may not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act. The requirements in Rule 16b-2(a)(3) that the aggregate participation of Underwriters not within section 16(b) of the Exchange Act be at least equal to the participation of Underwriters exempted therefrom under Rule 16b-2 may not be met because it is possible that one or more of the Underwriters may purchase more than 10 percent of the aggregate number of the Shares of the Company's Common Stock to be outstanding after the closing, as a result of obligations to purchase additional Shares due to defaults by other Underwriters. Moreover, one or more of the Underwriters who are obligated through the Underwriting Agreement to purchase more than 10 percent of the aggregate number of Shares of the Company's Common Stock to be outstanding after the closing, may, as Underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of Shares being offered. Such a distribution would not meet the requirement of Rule 16b-2(a)(3).

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the Shares, will have no assets other than cash and certain contract rights described in the preliminary prospectus, or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the Shares will be offered and sold. No partner, director or officer of Applicant is a director or officer of either the Company or the Adviser or The Gates Rubber Company, and Applicant states that it is not anticipated that any partner, director or officer of any other Underwriter will be a director or officer of the Company, the Adviser or The Gates Rubber Company.

Applicant maintains that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It further asserts that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act and Rules and Regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the 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 O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in 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.73-17810 Filed 8-21-73;8:45 am]

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[812-3452]

## NATIONAL HOUSING PARTNERSHIP-II ET AL.

### Filing of Application

AUGUST 16, 1973.

Notice is hereby given that The National Housing Partnership-II (NHP-II), a District of Columbia limited partnership, and its general partners, National Corporation for Housing Partnerships ("Corporation"), a District of Columbia corporation, and The National Housing Partnership ("NHP-I"), 1133-15th Street, NW., Washington, D.C. 20006, a District of Columbia limited partnership (collectively referred to hereinafter as "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting NHP-II from all provisions of the Act and the Rules and Regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission, as amended, for a statement of the representations therein which are summarized below.

NHP-II's principal activity will be to purchase from NHP-1 a substantial portion of NHP-I's equity interests in governmentally assisted rental housing projects which are being, or are about to be, constructed pursuant to section 221 (d) (3), section 221(d) (4), or section 236 of the National Housing Act, and administered by the Federal Housing Administration ("FHA"), or pursuant to comparable state housing programs.

Corporation and NHP-I, which are the general partners of NHP-II, were formed pursuant to Title IX of the Housing and Urban Development Act of 1968 ("Title IX") in order to carry out the purpose of Title IX that private investors be provided a means to acquire equity interests in, and thereby provide equity financing for, governmentally assisted low and moderate income housing projects. Three of the Corporation's fifteen directors are appointed by the President of the United States, and the Corporation is required to report to the President annually.

Investment Units in Corporation and NHP-I have previously been offered at a price of $50,000 per Unit. Each Unit consisted of 250 shares of stock of Corporation (for $2,500) and a $47,000 limited partnership interest in NHP-I. The minimum investment was two Units, and subscriptions were accepted only from corporations and other organizations having substantial assets, but not from individuals. In connection with this offering, NHP-I applied for and was granted complete exemption from the Act. Subscriptions were received from 268 investors for Units aggregating $42,050,000. Of each $100,000 investment, $25,000 was paid in cash upon subscription, the balance to be subject to call. Since that time, two additional installments of $6,250 each per $10,000 minimum subscription have been paid in so that a total of $15,768,750 of the $42,050,000 total commitment has been paid in cash to Corporation and NHP-I. NHP-I investors were originally obligated until December 31, 1974, to contribute the balance, $26,281,250, upon call. After it was determined that NHP-II should be created, this date was extended to December 31, 1979. Unless programs established by the governments of the states and of the United States to stimulate the production of low and moderate income housing are modified so as to virtually eliminate investment incentives, NHP-I will require its investors to contribute the balance of their subscriptions.

Since its formation, NHP-I has committed investment funds to 122 housing projects for families and individuals of low and moderate income. During the summer of 1972, the point was rapidly being reached at which all of NHP-I's available capital would be committed to projects and there would be no capital available to pay for the services of the Corporation in overseeing the projects, or to enable NHP-I to stand ready with cash to assist local partnerships that encounter difficulties during the development stage. NHP-II was created for the purpose of serving as a medium to obtain new capital from individual public investors to be used in the enterprise in which Corporation and NHP-I were engaged.

NHP-II has filed a registration statement under the Securities Act of 1933 covering the sale of up to 6,000 "Units," each consisting of two limited partnership interests ("1973 LPI's") and rights to purchase three additional limited partnership interests ("1974 LPI's"). These interests are to be sold only to qualified investors with a minimum subscription of five Units per investor (ten in Texas and 20 in Michigan and Wisconsin). Units are to be offered at a maximum price of $1,000 per Unit, and rights are to be exercisable at a maximum price of $500 per right. The proceeds to NHP-II of the sale of all the Units registered will be $5,550,000, and the proceeds to NHP-II, if all rights are exercised, will be $8,325,000, for a total of $13,875,000. The minimum investment, assuming exercise of all rights, is $12,500. NHP-I will at all times have a 5% general partnership interest in NHP-II, and NHP-I will acquire its interest for cash at the same price as the public, net of selling commissions. NHP-I will also purchase any 1974 LPI's covered by unexercised rights.

Units will be sold only to a person who represents in writing, among other things that (1) he has a net worth of at least $50,000 ($100,000 in California, Illinois, or Michigan and $200,000 in Pennsylvania) exclusive of the value of homes, furnishings, and personal automobiles, (2) he anticipates that during his current tax year he will have income a portion of which will be subject to federal income taxation at a rate not less than 50 percent (48 percent in the case of a corporation) after taking into account losses from his investments in Units, and (3) he recognizes that he may not be able to sell or dispose of his investment. The prospectus describing the Units states that they are suitable only for persons who have adequate financial means and substantial taxable income and who have no need for liquidity with respect to their investment. The prospectus also states that Units should be purchased only as a long-term investment primarily for tax benefits and not in anticipation of cash distributions or capital appreciation.

NHP-II, like NHP-I, was organized as a limited partnership because applicable legislation limits the cash return to investors in subsidized projects to an amount less than can be had in other investments. The principal advantages to investors, therefore, are operating losses which only a partnership can pass through to investors as an offset against taxable income. A limited partnership structure is necessary in order to provide the centralization of management necessary for a publicly held partnership, and to insure that public investors are protected from personal liability for any obligations of NHP-II.

NHP-II will invest in the housing projects by becoming a limited partner in a subsidiary partnership ("local partnership") in which the sponsor or developer of the project will, along with NHP-I (or,

in one case, Corporation), be general partners. NHP–II will acquire its interests in local partnerships from NHP–I. NHP–II will usually have a majority and frequently 70 percent-80 percent interest in the local partnership. Each local partnership will own the entire equity interest in the project, but neither it nor any partner will be liable for the mortgage loan on the project, which will in each case be a non-recourse loan. The Corporation and NHP–I have agreed to retain their remaining interests in each local partnership in which NHP–II invests for as long as NHP–II retains an interest in such local partnership, and to sell or otherwise dispose of their interests only on terms no more favorable than those on which NHP–II disposes of its interest.

To the extent of its available capital, NHP–II will invest in all of NHP–I's projects, in the order in which they reach the start of construction, except projects that were partially or wholly occupied on February 1, 1973, projects that had not, as of June 1, 1973, received letters of feasibility or similar assurances from FHA or a state agency, and projects in which neither the Corporation nor NHP–I is a general partner. NHP–II may invest only up to 10 percent of its available funds in projects that are not identified in the prospectus of NHP–II if NHP–I acquires additional projects that meet the criteria for NHP–II investment before the projects identified in the prospectus have done so.

In purchasing interests from NHP–I, NHP–II will pay a base price that is either equal to NHP–I's cost for the interest being sold or (where this cost cannot be calculated because NHP–I bears certain risks) a figure (which may be more than cost) established by a formula in lieu of actual cost. In addition, NHP–II will pay a markup equal to 5 percent of the base price.

In addition to the amount payable to NHP–I as the purchase price for interests in local partnerships, NHP–II will pay the following three fees to Corporation: a Development Supervisory Fee, a Management Fee, and a Disposition Fee. For the period from September 1, 1973 through December 31, 1975, NHP–II will pay the Corporation a Development Supervisory Fee of $600,000, payable $240,000 on September 1, 1973, $240,000 on August 1, 1974, and $120,000 on August 1, 1975. For the period from September 1, 1973 through December 31, 1975, NHP–II will pay the Corporation a Management Fee of $900,000. This fee will be paid in three installments: $360,000 on September 1, 1973, $360,000 on August 1, 1974, and $180,000 on August 1, 1975. To the extent that fewer than the 6,000 Units being offered by NHP–II are sold, the Development Supervisory Fee and the Management Fee will be reduced proportionately. Beginning with the year 1976, NHP–II will normally pay the Corporation an annual Management Fee equal to one-half of NHP–II's net cash flow for the year from local partnerships, subject to a maximum of $15 per rental unit and a maximum of 2 percent of NHP–II's allocable share of stated equity in projects.

If the Corporation is able to arrange the sale or refinancing of a project on terms that enable NHP–II to recover cash in addition to the amount needed to permit investors in NHP–II to pay the income taxes they incur on the transaction, NHP–II will pay Corporation a Disposition Fee equal to 30 percent of the net cash proceeds of the sale of refinancing of a project after deducting such taxes.

With respect to each sale by NHP–I to NHP–II of a portion of NHP–I's interest in a project, NHP–I will undertake to assure that the local partnership will receive a certificate from the appropriate authority to the effect that construction is substantially complete and in compliance with applicable regulations, that the project is at least partially occupied by a specified date, and that all of the local partnership's obligations incurred during the two years following the completion of construction are met. Beginning at the end of this two year period, NHP–II may be required, along with NHP–I, to lend funds to the project if it incurs an operating deficit and if Corporation, acting as the general partner of NHP–I, concludes that such funds should be lent. NHP–II will make such loans only out of the operating revenues from its projects, and if NHP–I does not have sufficient funds to make any loan that may be required, NHP–I will advance to NHP–II sufficient funds to make the loan.

Without conceding that NHP–II is an investment company, Applicants request that NHP–II be exempted from the provisions of the Act pursuant to section 6(c) of the Act. Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the exemption of NHP–II from the provisions of the Act is both necessary and appropriate in the public interest because the form of organization of NHP–II, i.e., a limited partnership, which is necessary to provide private investors with certain tax advantages without which investment in subsidized low and moderate income housing would not be attractive, is not compatible with the Act. For example, the Act requires annual approval by investors of investment advisory agreements, election of directors and other action by investors that might, if applicable to investors who are limited partners, cause such partners to incur general liability.

Applicants contend that to defeat the limited partnership arrangement by application of the Act would be to eliminate the only available means of attracting private equity capital into government assisted housing and would frustrate the national policy declared by Congress to encourage the widest possible participation by private enterprise in the provision of housing for low and moderate income families.

Applicants also contend that the exemption would be consistent with the protection of investors and the purposes and policies underlying the Act because interests in NHP–II are being sold only to sophisticated investors and also because the investments in which NHP–II will participate, and the terms under which NHP–II will acquire such investments, are fully stated in the prospectus and are not subject to the discretion of management. Furthermore, Applicants state that NHP–II's investments will be governed by policies which may not be changed except by the vote of the holders of at least a majority of its outstanding interests, and that the limited partner investors in NHP–II will have voting rights with respect to, among other things, the dissolution of NHP–II, amendments to NHP–II's Limited Partnership Agreement and the Management Contract, and, under certain circumstances, the withdrawal of the general partners.

Applicants also state that the Corporation is required, as a general partner of both NHP–I and NHP–II, to act in a fiduciary capacity with respect to both NHP–I and NHP–II, and that while NHP–II or the local partnerships may engage in transactions with persons or entities affiliated with the general partners, or their directors, officers, employees or the limited partners in NHP–I, no significant transaction with any such person or entity is currently contemplated and any such transaction would be made only if the Corporation, as a fiduciary for NHP–II, has determined that the terms are reasonable and fair and consistent with the policies and purposes of NHP–II, do not involve overreaching on the part of any party, and are no less favorable to NHP–II than those offered by others in the same vicinity. NHP–II will have the right to terminate any contract with any such affiliated person or entity without penalty on 60 days' notice.

Notice is hereby given that any interested person may, not later than September 4, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate)

shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application therein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-17809 Filed 8-21-73;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5165]

### SOUTHWEST URBAN VENTURES, INC.

#### Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Southwest Urban Ventures, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Bernard E. Brooks, President, Director, General Manager, 6666 Chetwood No. 265, Houston, Texas 77036.

James D. Crow, Vice President, Treasurer, Director, 720 Expressway Tower, Dallas, Texas 75206.

Melvin L. Rice, Secretary, Director, 6010 Elm, Apt. 1039, Houston, Texas 77036.

The applicant, a Texas corporation, with its principal place of business located at 4801 Richmond, Houston, Texas 77027, will begin operations with $500,000 of paid-in capital consisting of 2,000 shares of common stock of which 1,700 shares were sold to James D. Crow and 300 shares sold to Bernard E. Brooks, at $250 per share.

Applicant will not concentrate its investments in any particular industry. As an applicant for a license pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, on or before, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Houston, Texas.

Dated August 13, 1973.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.73-17439 Filed 8-21-73;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

[Ex Parte No. 241; Seventh Revised Exemption No. 43]

#### Exemption Under the Mandatory Car Service Rules

AUGUST 16, 1973.

TO: The Atchison, Topeka and Santa Fe Railway Co., Burlington Northern Inc., Chicago and North Western Transportation Co., Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co., Illinois Central Gulf Railroad Co., Missouri Pacific Railroad Co., Norfolk and Western Railway Co., Soo Line Railroad Co., Union Pacific Railroad Co.

It appearing, that there are massive movements of grain in progress in the states of Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

*It is ordered,* That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

*Exception:* This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., August 15, 1973.

Expires 11:59 p.m., August 31, 1973.

Issued at Washington, D.C., August 13, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-17762 Filed 8-21-73;8:45 am]

[Notice 325]

### ASSIGNMENT OF HEARINGS

AUGUST 17, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-8073, Piggy-Back Service Co. and C. L. "Bill" Shupe—Investigation of Operations and Practices, now assigned September 24, 1973; MC 113678 Sub 484, Curtis, Inc., now assigned September 25, 1973; MC 125433 Sub 42, F-B Truck Line Company, now assigned September 26, 1973, will be held in Room 504, Post Office Building, 350 S. Main St., Salt Lake City, Utah.

MC 27500 Sub 6, Mishak Truck Line, Inc., now being assigned hearing October 31, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 21455 Sub 31, Gene Mitchell Co., now being assigned hearing October 29, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 119656 Sub 13, North Express, Inc., now being assigned hearing October 26, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 109172 Sub 10, National Transfer, Inc., now assigned September 19, 1973, at Olympia, Washington, will be held in the Highway Licenses Bldg., 6th Floor, 12th and Washington Streets.

MC 128648 Sub 3, Trans-United, Inc., now assigned September 24, 1973, will be held in Room 705, 610 S. Canal Street, Chicago, Ill.

MC 111375 Sub 67, Pirkle Refrigerated Freight Lines, Inc., now assigned September 26, 1973, will be held in Room 705, 610 S. Canal Street, Chicago, Illinois.

MC 118959 Sub 100, Jerry Lipps, Inc., now assigned October 1, 1973, will be held in Room 705, 610 S. Canal St., Chicago, Ill.

MCC 3048, Forlow Travel Bureau, Inc., -V- Mrs. Leland (Romine) Hostetler and Mrs. Hugh (Orpha) Easterday, DBA Wana Go Club, Et Al, now assigned September 25, 1973, will be held in Room 705, 610 S. Canal Street, Chicago, Illinois.

MC 133316 Sub 7, Frank R. Givigliano, Dba Givigliano Transport, now assigned September 10, 1973, at Denver, Colo., will be held in Room 571, Court Bldg., 1929 Stout Street.

MC-133276 Sub 7, Berry Transport, Inc., now assigned September 10, 1973, will be held on 6th Floor, Highway Licenses Bldg., 12th and Washington Street, Olympia, Washington.

W-1266, Marine Exploration Company, Inc., now assigned August 28, 1973, at Washington, D.C., is postponed to November 5, 1973, at Miami, Fla., in a hearing room to be later designated.

MC-105566 Sub 90, Sam Tanksley Trucking, Inc., now assigned September 24, 1973, will be held in Room 448, 210 North 12th Street, St. Louis, Mo.

MC-112822 Sub 256, Bray Lines, Incorporated, now assigned September 26, 1973, will be held in Room 448, 210 North 12th Street, St. Louis, Mo.

MC-115331 Sub 342, Truck Transport, Inc., now assigned September 27, 1973, will be held in Room 448, 210 North 12th Street, St. Louis, Mo.

MC-71459 Sub 30, O. N. C. Freight Systems, now assigned October 1, 1973, at Salt Lake City, Utah, is cancelled and application dismissed.

MC-72442, Sub 39, Akers Motor Lines, Inc., now assigned September 24, 1973, will be held in Hrg. Room, North West Office Bldg., Capital & Foster Street, Harrisburg, Pa.

MC-F-11784, Coastal Industries, Inc.—Control—P. B. Mutrie Motor Transportation, Inc., FD 27401, Coastal Industries, Inc., now assigned September 17, 1973, at Boston, Mass., will be held in Room 402, Boston-Statler Hotel, Park Square, instead of Room 1112, John F. Kennedy Building, Government Center.

I&S 8875, Increased Fares, Port Authority Trans-Hudson Corporation, now being assigned hearing September 24, 1973 (1 week), at New York, New York, in a hearing room to be later designated.

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

[FR Doc.73-17770 Filed 8-21-73;8:45 am]

## FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 17, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54219, filed August 2, 1973. Applicant: FRANK'S TRUCKING, 2575 Williams Street, San Leandro, Calif. 94577. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks, and buses, viz, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz, bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; and (9) Commodities of unusual or extraordinary value. Between all points and places in the San Francisco Territory, as described hereafter, and all points within ten miles of any point therein; Between all points on and within ten miles of the points on the following routes:

(a) Interstate Highway 680, between Mission San Jose and Martinez, inclusive; (b) Interstate Highway 80, between San Francisco and Vallejo, inclusive; (c) State Highway 4, between Pinole and Stockton, inclusive; (d) State Highway 24, between Oakland and Antioch, inclusive; and (e) U.S. Highway 50, between Oakland and Stockton, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

Missouri Docket No. T-32,708, filed August 9, 1973. Applicant: DADSON, INC., Anderson, Mo. 64831. Applicant's representative: Richard M. Webster, 112 N. Webb Street, Webb City, Mo. 64870. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* except the following, to-wit: Explosives, chemicals in bulk, fertilizer in bulk, motor fuel in bulk, and any other commodity or product in bulk, and household furishings from residential property to residential property. Applicant proposes to serve all points within each of the following counties and all points between each of the following counties, to-wit: Jasper, Newton, McDonald, Barry, Lawrence, Dade, Barton, Stone, and Christian, Mo. Applicant seeks authority to accept property for transportation between points on the routes of

existing regular route common carriers and between points on the routes of any two or more regular route common carriers where through or joint service has been authorized or established. Intrastate, interstate, and foreign commerce authority sought.

HEARING: September 26, 1973, at the Circuit Court Room, McDonald County Court House, Pineville, Mo., at 10:00 A.M. Requests for procedural information should be addressed to the Missouri Public Service Commission, Jefferson City, Mo. 65101, and should *not* be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 21834 (Sub-No. 4), filed July 31, 1973. Applicant: MAURICE SMITH AUSLEY II, doing business as AUSLEY MOTOR FREIGHT, 1911 NW. 1st Street, Oklahoma, Okla. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, restricted against the transportation of commodities in tank trucks, over the following routes: (1) between Ft. Cobb and Verden, Okla., via State Highway 9, serving no intermediate points not presently authorized to be served by applicant; (2) between Anadarko and Richards Spur, Okla., via State Highway 8, to its intersection with U.S. Highway 277 at Cyril, Okla., thence south on U.S. Highway 277 to Richards Spur, Okla., serving the intermediate points of Cyril, Fletcher and Elgin, and the off-route point of Cement, Okla.; (3) between Richards Spur and Anadarko, Okla., via U.S. Highway 62, serving the intermediate point of Apache, Okla.; (4) between Apache and Cyril, Okla., via State Highway 19; (5) between Gotebo and Snyder, Okla., via State Highway 9 to its intersection with State Highway 30, west of Vinson, Okla., thence south on State Highway 30 to its intersection with U.S. Highway 62, at Hollis, Okla., thence east on U.S. Highway 62 to Snyder, Okla., serving the intermediate points of Lone Wolf, Granite, Hollis, Duke, and Altus, Okla., and the off-route points of Hobart, Mangum, Olustee, and Eldorado, Okla.; (6) between Gotebo and Frederick, Okla., via State Highway 9 to its intersection with U.S. Highway 183, west of Gotebo, thence south on U.S. Highway 183 to Frederick, Okla., serving the intermediate points of Babbs, Roosevelt, Mountain Park, and Snyder, in addition to those points presently authorized to be served; (7) between Mangum and Duke, Okla., via State Highway 34; (8) between Lone Wolf and Altus, Okla., via State Highway 44, serving the intermediate points of Blair and Lugert, Okla.; (9) as an alternate route, for operating convenience only, between Oklahoma City and Elgin, Okla., via U.S. Highway 62 to its intersection with the H. E. Bailey Turnpike, thence south on the H. E. Bailey Turnpike to its intersection with U.S. Highway 277, thence via U.S. Highway 277 to Elgin, Okla., serving no intermediate points; (10) as an alternate route, for operating convenience only, between Oklahoma City and Altus, Okla., via U.S. Highway 62, to its intersection with the H. E. Bailey Turnpike thence south on the H. E. Bailey Turnpike to its intersection with State Highway 36 north of Geronimo, Okla., thence west on State Highway 36 to its intersection with State Highway 5, south of Chattanooga, Okla., thence west on State Highway 5, to its intersection with U.S. Highway 283, south of Altus, thence north on U.S. Highway 283 to Altus, Okla., serving no intermediate points. Applicant requests authority to conduct operations in both intrastate and interstate and foreign commerce over the above routes and to serve the points set forth on the above routes. Applicant requests his entire authority including the above routes be unitized to allow a complete service between the points requested to be served on the above routes, and all points on the routes which applicant is presently authorized to serve. Intrastate, interstate, and foreign commerce authority sought.

HEARING: September 17, 1973, at the Jim Thorpe Office Bldg., Oklahoma City, Okla., at 9:00 A.M. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.73-17764 Filed 8-21-73;8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 17, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 42734—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. WEE-2), for itself and interested rail carriers. Rates on general commodities between rail carriers' terminals in Beaumont and Houston, Texas, and ports in Europe as named in the application.

Grounds for relief—Water competition.

Tariffs—Seatrain tariffs I.C.C. Nos. 9, 10, 11, 12, 13, and 14. Rates are published to become effective on September 16, 1973.

By the Commission.

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

[FR Doc.73-17765 Filed 8-21-73;8:45 am]

[Notice 29]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 17, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIER OF PROPERTY

No. MC-128319 (Deviation No. 1), DOWDA MOTOR FREIGHT, INC., P.O. Box 204, Centre, Alabama 35960, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Centre, Ala., over U.S. Highway 411 to junction approximately 2 miles south of Rome, Ga., with Georgia Highway 344 (U.S. Highway 411—applicant's presently authorized service route), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Centre, Ala., over Alabama Highway 9 to the Alabama-Georgia State line, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, serving all intermediate points between Centre, Ala., and Rome, Ga.

By the Commission.

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

[FR Doc.73-17766 Filed 8-21-73;8:45 am]

[Notice 65]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 17, 1973.

The following publications (except as otherwise specifically noted, each

applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice published in the Federal Register, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

NOTICE OF FILING OF PETITIONS

No. MC-C-8133 (NOTICE OF FILING OF PETITION FOR RELIEF FROM THE PROVISIONS OF 49 CFR 1090.5 (a) TO PERMIT PARTICIPATION IN JOINT INTERMODAL TOFC SERVICE), filed August 3, 1973. Petitioner: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Petitioner's representative: Eldon E. Bresee (same address as petitioner). Petitioner seeks to participate in joint intermodal TOFC Service which is to be provided in lieu of its line-haul transportation over its authorized service route between Los Angeles, Calif., and Salt Lake City, Utah. If the distance from origin to destination over the route including the TOFC movement is less than 85 percent of the distance between such points over a motor carrier's authorized service route, participation in such intermodal TOFC service is not permitted under the provisions of 49 CFR 1090.5 (a). Petitioner states that the distance of its proposed intermodal TOFC service is less than 85 percent of the distance over its authorized service route and therefore seeks relief from the provisions of 49 CFR 1090.5(a). Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before Aug. 22, 1973.

No. MC 118288 (Sub-No. 30) (NOTICE OF FILING OF PETITION FOR ELIMINATION OF GATEWAYS), filed July 24, 1973. Petitioner: STEPHEN F. FROST, 14750 Boyle Avenue, Fontana, Calif. 92335. Petitioner presently holds a motor *common carrier* certificate in No. MC 118288 (Sub-No. 30), issued August 22, 1972, authorizing transportation, over irregular routes, of (1) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except fertilizer and salt), and *equipment, materials, and supplies* used in the conduct of such business; and (2) *fertilizer and salt*, when moving in mixed loads with the commodities described in (1) above, (A) from Burley, Idaho, Salina, Utah, and points in California and Washington, to points in Carbon and Valley Counties, Mont., and points in Big Horn, Campbell, Fremont, Hot Springs, Johnson, Sheridan Park, Washakie, and Weston Counties, Wyo.; and (B) from points in Idaho (except Burley), Utah (except Salina), and Oregon, to Glasgow, Mont. By tacking the authority described above with the authority contained in its Sub-No. 33 Certificate issued June 8, 1971, authorizing transportation of the same commodities between points in Montana, petitioner can serve all points in Montana, using points in Carbon or Valley Counties, Mont., and Glasgow, Mont., as gateways. By the instant petition, petitioner seeks to eliminate the gateways of Carbon and Valley Counties, Mont., and Glasgow, Mont., in its Sub-No. 30 Certificate and substitute in lieu thereof, all points in Montana. Any interested person or persons desiring to participate may file an original and six copies of his wrtten representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE TO BE PROCESSED CONCURRENTLY WITH THE APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59728 (Sub-No. 25), filed June 27, 1973. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 Jenkins Boulevard, Akron, Ohio 44306. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle over regular or irregular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Ohio as off-route points in connection with applicant's regular-route operations, or, in the alternative, applicant requests irregular route authority between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. NOTE.—The instant application is a matter directly related to MC-F-11919 published in the FR issue of July 11, 1973. Inasmuch as applicant has requested regular *or* irregular route authority protests should be directed accordingly. Applicant states that the requested authority can be tacked with its existing authority at Cleveland, Ohio, to serve points in Illinois, Indiana, Kansas, Missouri, New York, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11490. (Petition for Modification) (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE—POOLING—SILVER WHEEL FREIGHTLINES, INC.), published in the March 29, 1972, issue of the FEDERAL REGISTER. By petition filed May 24, 1973, Garrett Freightlines, Inc., seeks modification of the order of February 12, 1973, as modified by order of February 15, 1973, which approved the pooling agreement in the above-entitled proceeding, in order to permit Garrett to join in the pooling arrangement for all points involved therein except the points of Adams, Athena, Baker, Milton-Freewater, Pendleton, and Weston, Oreg., which Garrett would continue to serve direct. Garrett would participate under the same terms and conditions that applies to Consolidated Freightways.

No. MC-F-11882 (Correction) (CLARK TRANSFER, INC.—PURCHASE (PORTION)—ROBERTS CARTAGE COMPANY), published in the May 31, 1973, issue of the FEDERAL REGISTER on page 14324. Prior notice should be modified to include *store, restaurant, and bar fixtures and equipment, when moving as displays and display materials to and from conventions, shows, expositions, exhibitions, and similar gatherings for exhibition purposes*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, all points in the United States.

No. MC-F-11953. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021, of the operating rights of DEERFIELD MOTOR EXPRESS, INC., P.O. Box 31, Aurora, IL 60507. Applicant's attorney: Carl L. Steiner, 39 S. La Salle St., Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120884 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Florida, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Alabama, Ohio, Delaware, Illinois, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-2253 (Sub-No. 60), is a matter directly related.

No. MC-F-11954. Authority sought for purchase by ALL-AMERICAN, INC., 900 W. Delaware Ave., Sioux Falls, SD 57101, of a portion of the operating rights of MIDWEST COAST TRANSPORT, INC., and for acquisition by ALL-

AMERICAN TRANSPORT, INC., both of 900 W. Delaware Ave., Sioux Falls, SD 57101, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Lakefield, Minn., and points within 25 miles thereof, on the one hand, and, on the other, Sioux Falls, S. Dak., and points in Iowa and Minnesota, between Sioux Falls, S. Dak., on the one hand, and, on the other, Ocheyedan, Iowa, and points within ten miles thereof, between Ocheyedan, Iowa, and points within ten miles thereof, on the one hand, and, on the other, points in Minnesota within 25 miles of Ocheyedan; *livestock*, between Reading, Minn., and points within ten miles thereof, on the one hand, and, on the other, Sioux City, Iowa, and Sioux Falls, S. Dak., between Ocheyedan, Iowa, and points within ten miles thereof, on the one hand, and, on the other, Sioux Falls, S. Dak.; *farm machinery*, from Sioux Falls, S. Dak., to points in the territory specified above; *farm machinery and hardware*, between Reading, Minn., and points within ten miles thereof, on the one hand, and, on the other, Sioux City, Iowa; *lumber, laths, shingles, fencing material, millwork, brick, cement, plaster, paint, linseed oil, roofing, roofing and building paper, and builders hardware*, between Reading, Minn., on the one hand, and, on the other, Brookings, Howard, and Colman, S. Dak. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11955. Authority sought for control by O.N.C. FREIGHT SYSTEMS, 2800 W. Bayshore Rd., Palo Alto, CA 94303, of (1) C–B TRUCK LINES, INC., 1401 E. Brady St., P.O. Box 1774, Clovis NM 88101, and (2) C.B. MOTOR FREIGHT COMPANY, 122 Eddie St., P.O. Box 71, Lovington, NM 88260, and for acquisition by ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, and DIANE G. ROUSH, all of 2800 W. Bayshore Rd., Palo Alto, CA 94303, of control of C–B TRUCK LINES, INC., and C.B. MOTOR FREIGHT COMPANY, through the acquisition by O. N. C. FREIGHT SYSTEMS. Applicants' attorneys: Roland Rice, 111 E St. NW., Suite 618, Washington, DC 20004, and Edwin Piper, 1115 Simms Bldg., Albuquerque, NM 87101. Operating rights sought to be controlled: (1) *Livestock, stock and poultry feed, grain, baled cotton, cotton seed, agricultural machinery and equipment*, and *building materials*, as a *common carrier* over irregular routes, from El Paso, Tex., and points in Gaines, Reeves, Culberson and Dawson Counties, Tex., to points in Eddy, Lea, Chaves, Curry, Roosevelt, and Otero Counties, N. Mex.; *livestock*, from points in Eddy, Lea, Chaves, Curry, Roosevelt, and Otero Counties, N. Mex., to points in Reeves, Culberson and Dawson Counties, Tex.; *malt beverages*, in kegs, bottles and cans, from Golden, Colo., to El Paso, Tex.; *animal feed and feedstuffs*, from El Paso, Tex., to points in Colorado and New Mexico (except points in Eddy, Lea, Chaves, Curry, and Otero Counties, N. Mex.); *manganese ore*, in bulk, from Deming, N. Mex., to El Paso, Tex.; *general commodities*, between points in Grant, Hidalgo, and Catron Counties, N. Mex.; *commodities in bulk*, except in tank or hopper-type vehicle, over regular routes, between Silver City, N. Mex., and El Paso, Tex., serving various intermediate and off-route points, between Silver City, N. Mex., and Santa Rita, N. Mex., serving various intermediate and off-route points; *commodities in bulk*, between Silver City, N. Mex., and Lordsburg, N. Mex.; serving all intermediate points, between Silver City, N. Mex., and Reserve, N. Mex., serving all intermediate points, and the off-route points of Mogollon, N. Mex.; (2) *General commodities*, with exceptions, as a *common carrier* over irregular routes, between points in Lea and Eddy Counties, N. Mex. (except service is not authorized to or from potash mine located approximately 16 miles east of Carlsbad, N. Mex., nor is service authorized between Carlsbad and Hobbs, N. Mex.). O.N.C. FREIGHT SYSTEMS is authorized to operate as a *common carrier* in Arizona, California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11956. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, P.O. Box 102, Gerald, MO 63037, of the operating rights of ABEL'S TRANSFER SERVICE, INC., P.O. Box W, Belle, MO 65013, and for acquisition by OLIN FLOTTMANN, AND JOHN H. MEYER, also of Gerald, MO 63037, of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 6914 Conservation Dr., Springfield, VA 22153. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Belle, Mo., and St. Louis, Mo., serving various intermediate points, between Belle, Mo., and the plant site of the Kingsford Charcoal Company located approximately six miles southwest of Belle, serving no intermediate points; *fresh meats and packing-house products*, from East St. Louis, Ill., to Meta, Mo., serving all intermediate points between Union and Meta, Mo., including Union, from Meta, Mo., to East St. Louis, Ill., serving all intermediate points between Meta and Belle, Mo., including Belle; *livestock*, over irregular routes, between Belle, Mo., and points within 15 miles of Belle, on the one hand, and, on the other, National Stock Yards, Ill.; *mixed feed and fertilizer*, from East St. Louis, Ill., to Belle, Mo., and points within 15 miles of Belle; *charcoal*, in bulk, from points in a defined area of Osage, Maries, Gasconade, Phelps, Dent, Reynolds, Carter, Texas, and Shannon Counties, Mo., to the plant site of Cumberland Corporation near Burnside, Ky., from points in Osage, Maries, and Gasconade Counties, Mo., to the plant site of Cumberland Corporation near Burnside, Ky. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Lousiana, Texas, Georgia, Wisconsin, Minnesota, Colorado, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11957. Authority sought for purchase by GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, P.O. Box 851, LaCrosse, WI 54601, of the operating rights of COURTESY EXPRESS, INC., 1040 Fifth Avenue, P.O. Box 1243, Aurora, IL 60507. Applicant's attorneys and representative: Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603, Joseph E. Ludden, 455 Park Plaza Drive, LaCrosse, WI 54601, and Joseph Zefran, 1040 Fifth Ave., Aurora, IL 60507. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99026 (Sub-No. 2), covering the transportation in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Iowa, Wisconsin, Minnesota, Ohio, Indiana, Pennsylvania, West Virginia, Florida, Georgia, Tennessee, Kentucky, Alabama, New York, New Jersey, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11958. MACHISE INTERSTATE TRANSPORTATION CO., 500 N. Egg Harbor Rd., Hammonton, NJ 08037, of a portion of the operating rights of MACHISE EXPRESS COMPANY, INC., and for acquisition by ANTHONY BUCCI, and JOSEPH INGEMI, all of Hammonton, NJ 08037, of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Duck Island, N.J., to Pendell, Pa. Vendee is authorized to operate as a *common carrier* in Delaware, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTICE

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, 139 West Van Buren Street, Chicago, Illinois 60605, represented by Mr. James E. Skyes of the above address, on July 23, 1973, filed an application under Section 5(2)(a)(ii) to acquire trackage rights over 45.46 miles of the main line of the Burlington Northern, Inc., between Kansas City and Rushville, Missouri. On the same date, applicant filed

an application under Section 1(18) of the act, to construct a 543 foot connection at Rushville, Buchanan County, Missouri, between the aforementioned main line of the Burlington Northern, Inc., and the applicant's branch line. The trackage rights application has been assigned Finance Docket No. 27453 and the construction application is docketed Finance Docket No. 27454. The trackage rights sought by the applicant are for the purpose of the continuation of its service to St. Joseph, Missouri, in conjunction with the exercise of permission granted to the applicant by the Commission in Finance Docket No. 26593 to abandon its branch line between Jamesport and St. Joseph, Missouri.

In the opinion of applicant, the relief sought herein is not a major federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act*, 1969, 340, I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1) (5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

LAKE SUPERIOR & ISHPEMING RAILROAD COMPANY, 105 E. Washington Street, Marquette, Michigan 49855, by its attorney, Mr. L. B. Coleman, Lake Superior & Ishpeming Railroad Company, 105 East Washington Street, Marquette, Michigan 49855, hereby gives notice that on the 22nd day of June, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application for authority to acquire trackage rights over Soo Line Railroad Company tracks east of Marquette, Michigan, from approximately Mile Post 50.23 to Mile Post 47.83, a distance of approximately 2.40 miles. The line for which the application has been filed includes no stations and the closest agency station is Marquette. This application has been assigned Finance Docket No. 27428. In the opinion of the applicant, the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)–(5), 340 I.C.C. 431, 461. Any person opposed to this application should advise the Commission promptly, with an original and six copies, identifying the docket number, and send a copy to the above-cited attorney. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. All protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

LAKE SUPERIOR & ISHPEMING RAILROAD COMPANY

NOTICE

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, 400 West Madison Street, Chicago, Illinois 60606, represented by Mr. George H. Brant of the same address, hereby gives notice that on the 8th day of August 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application seeking approval and authorizaiton for the CNW to lease all of the property and facilities of the Minneapolis Industrial Railway Company, and, particularly all of the lines of railroad which the MIR now operates upon, that being, rail lines extending approximately 11.7 miles from Minneapolis to Golden Valley, Hennepin County, Minnesota, consisting of approximately 3.1 miles of trackage rights over the Burlington Northern, Inc., 0.7 miles of trackage rights over the Minneapolis, Northfield and Southern Railway Company; and approximately 7.9 miles over the MIR from Milepost 3.1 (beginning of line) to Milepost 11.0 (end of line).

MIR is wholly-owned by CNW and the railroads have common officers and directors. CNW alleges that no shippers or receivers will be adversely affected by the proposed lease. CNW further alleges that the Commission's approval of the lease will not constitute a major federal action and, in any event, will not have any impact upon nor adversely affect the quality of the human environment. This application has been assigned Finance Docket No. 27464. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

By the Commission.

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

[FR Doc.73-17767 Filed 8-21-73;8:45 am]

[Notice 338]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 11, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74518. By order of August 15, 1973, the Motor Carrier Board approved the transfer to State Moving and Storage, Inc., Fayetteville, N.C., of a portion of the operating rights in Certificate No. MC-134257 (Sub-No. 1) issued to Carroll's Transfer, Inc., Dublin, N.C., authorizing the transportation of: Household goods as defined by the Commission, between Lumberton, N.C., and points in Virginia, North Carolina, and South Carolina, in a radial movement—Vaughan S. Winborne, Attorney, 1108 Capitol Club Bldg., Raleigh, N.C. 27601.

No. MC-FC-74535. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Syracuse Rigging Company, Inc., Syracuse, N.Y., of Certificate No. MC-4426 issued April 16, 1965, to James L. Ryan Machinery Moving Corp., Syracuse, N.Y., authorizing the transportation of: Machinery, telephone and telegraph equipment, and contractors' equipment, between Syracuse, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York—Herbert M. Canter, Attorney, 201 E. Jefferson St., Syracuse, N.Y. 13202.

No. MC-FC-74587. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Guelph Transportation Commission, Guelph, Ontario,

Canada, of the operating rights in Certificate No. MC-136333 issued December 1, 1972, to Georgetown Transportation, Limited, Georgetown, Ontario, Canada, authorizing the transportation of passengers and their baggage, in charter and special operations, in sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada Boundary line and extending to points in the United States (including Alaska but excluding Hawaii)—S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, Attorney for applicants.

No. MC-FC-74621. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Kramer Trucking Co., Inc., Elizabeth, N.J., of the operating rights in Certificate No. MC-83322 issued August 4, 1970, to Links Trucking, Inc., Brooklyn, N.Y., authorizing the transportation of various commodities between specified points and areas in Alabama, Connecticut, Delaware, Georgia, Illinois, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Vermont—Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, Representative for applicants.

No. MC-FC-74635. By order entered August 16, 1973, the Motor Carrier Board approved the transfer to Barre Granite Transfer, Inc., Barre, Vt., of the operating rights set forth in Certificate No. MC-2032 issued December 8, 1953, to Lawrence Andrew LaFountain, doing business as Barre Granite Transfer, Barre, Vt., authorizing the transportation of granite from Barre, Vt., and points in Vermont within 22 miles of Barre, to points in New York and New Jersey—John P. Monte, Box 568, Barre, VT 05641, attorney for applicants.

No. MC-FC-74629. By order of August 15, 1973, the Motor Carrier Board approved the transfer to Wee Haul Express, Inc., Van Wert, Ohio, of the operating rights in Permit No. MC-128606 (Sub-No. 3) issued February 12, 1968, to Wilma F. Gehron, doing business as Frosty's Delivery Service, Celina, Ohio, authorizing the transportation of business and accounting records and forms between specified points and areas in Ohio, New Jersey, Illinois, Georgia, Texas, Pennsylvania, Indiana, Kentucky, and Michigan—David L. Pemberton, 50 West Broad St., Columbus, Ohio 43215, attorney for applicants.

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

[FR Doc.73-17771 Filed 8-21-73;8:45 am]

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[Notice 112]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 15, 1973.

The following are notices of filing of application (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before Sept. 6, 1973. One copy of such protests must be served on the applicant or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub-No. 62 TA), filed August 7, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, N.C. Highway 150 East, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate flake*, in bulk, from Celriver, S.C., to Amcelle, Md., for 180 days. SUPPORTING SHIPPER: Celanese Corporation, New York, N.Y. SEND PROTESTS TO: District Supervisor Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 16903 (Sub-No. 36 TA), filed August 6, 1973. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Wiliam E. Benckart (same address as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite slabs and granite quarry blocks*, from Mifflintown, Pa., to points in Washington County, Vt., for 180 days. SUPPORTING SHIPPER: Walter Quarries Company, Main & Bridge Streets, Mifflintown-Pa. 17059. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 27817 (Sub-No. 108 TA), filed August 6, 1973. Applicant: H. C. GABLER, INC., P.O. Box 220, R.D. #3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Salem, N.J., and Mechanicsburg and Chambersburg, Pa., to the distribution facility of Heinz U.S.A. at Greenville, S.C., and (2) from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 30844 (Sub-No. 471 TA) (CORRECTION), filed July 25, 1973, published in the FEDERAL REGISTER issue of August 10, 1973, and republished as corrected this issue. Applicant: HROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant).

NOTE.—The purpose of this partial republication is to add Kansas as a destination state which was omitted in previous publication. The rest of the application remains the same.

No. MC-44875 (Sub-No. 2 TA), filed August 3, 1973. Applicant: KNIGHT'S EXPRESS & WAREHOUSE, INC., 7 Ninigret Avenue, Providence, R.I. 02907. Applicant's representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Mass. 02645. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* which is dealt in by retail department stores and mail order houses, in retail delivery service, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, for 180 days. SUPPORTING SHIPPER: Jordan Marsh Co., 500 Commander Shea Blvd., Quincy, Mass. 02171. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster St., Providence, R.I. 02903.

No. MC-52704 (Sub-No. 103 TA), filed August 6, 1973. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Opelika Highway, Lafayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Laurens, S.C. and Henderson, N.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Laurens Glass Company, P.O. Drawer 9, Laurens, S.C. 29360. SEND PROTESTS

TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC–74695 (Sub-No. 12 TA), filed August 3, 1973. Applicant: SOUTHERN TRUCKING COMPANY, Route 169 Greenville Station, P. O. Box 5008, Jersey City, N. J. 07305. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed industrial gases*, in gas cylinders and tube trailers, under a continuing contract with Industrial Gases Division of Chemtron Corporation and *empty cylinders and tube trailers* on return, from Linden and Newark, N. J., to points in Connecticut, for 180 days. SUPPORTING SHIPPER: Industrial Gases Division of Chemetron Corporation, 111 East Wacker Drive, Chicago, Ill. 60601. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N. J. 07102.

No. MC–94570 (Sub-No. 4 TA), filed August 6, 1973. Applicant: DEAN RESLER, P.O. Box 309, Sterling, Colo. 80751. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, between points in Colorado, on the one hand, and points in Nebraska and Kansas, on the other, for 180 days. SUPPORTING SHIPPER: Gulf Oil Co., U.S.P.O. Box 10, Commerce City, Colo. 80022; Colorado Petroleum Marketers Association, 328 Majestic Building, Denver, Colo. 80202; Plains Oil and Gas Co., Inc., Box 230, Sterling, Colo. 80751; and Harpel Oil Company, Denver, Colo. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC–97830 (Sub-No. 3 TA), filed August 1, 1973. Applicant: BOWEN TRUCKING CO., INC., 319 E. 4th South, Vernal, Utah 84078. Applicant's representative: William S. Richards, 900 Walker Bank Bldg., P. O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery and equipment and parts and accessories* when moving with the equipment or machinery which will utilize the parts and accessories, between points in Duchesne, Uintah, Grand, and San Juan Counties, Utah, on the one hand, and points in Colorado and Wyoming, on the other hand, for 180 days. SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D. C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC–111045 (Sub-No. 104 TA), filed August 2, 1973. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste liquor*, in bulk, in tank vehicles, between the plantsite of Union Camp Corporation at or near Montgomery, Ala., on the one hand, and, on the other, Panama City, Fla., Cedar Springs, Ga., and Moss Point, Miss., for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, N. J. 07470. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 S. W. 17th St., Room 105, Miami, Fla. 33155.

No. MC–115022 (Sub-No. 25 TA), filed August 1, 1973. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Bernard J. Hasson, Jr., 927 15th St., NW., Suite 306, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semitrailers*, low-bed, equipped with pintle hooks on fifth wheel, from points in Gloucester County, N.J., to points in the United States (except Hawaii), for 180 days. SUPPORTING SHIPPER: General Engines Co., Inc., Route 130, Thorofare, N.J. 08086. SEND PROTESTS TO: David J. Kiernan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, Conn. 06101.

No. MC–115215 (Sub-No. 21 TA), filed August 6, 1973. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Highway 27 South, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plant site of Abitibi Corporation, Blountstown, Fla., to points in Alabama, North Carolina, and Georgia, for 180 days. SUPPORTING SHIPPER: Abitibi Corporation, 1400 N. Woodward Ave., Birmingham, Miss. 48011. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC–119777 (Sub-No. 262 TA), filed July 30, 1973. Applicant: LIGON SPECIALIZED HAULERS, INC., P.O. Drawer L, Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, from the plantsite of Can-Tex Industries at Sparta, Tenn., to points in New Mexico and points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments originating at the named origin and destined to indicated destinations, for 180 days. SUPPORTING SHIPPER: Willard Hutchings, Traffic Manager, Can-Tex Industries, P.O. Box 426, Sparta, Tenn. 38583. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC–123314 (Sub-No. 18 TA), filed August 6, 1973. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, Pa. 17241. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Toledo, Bowling Green, Geneva, and Fremont, Ohio; Mechanicsburg, Chambersburg, Leetsdale, and Pittsburgh, Pa.; and Salem, N.J., to the distribution facility of Heinz U.S.A. at Greenville, S.C. and (2) from the distribution facility of Heinz U.S.A. at Greenville, SC., to points in Georgia, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC–123405 (Sub-No. 32 TA), filed August 6, 1973. Applicant: FOOD TRANSPORT, INC., 1100 Lafayette Street, P.O. Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Salem, N.J.; Toledo, Bowling Green and Fremont, Ohio; and Chambersburg, Mechanicsburg, Leetsdale, and Pittsburgh, Pa., to the distribution facility of Heinz U.S.A. at Greenville, S.C. and (2) from the distribution facility of Heinz, U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orleans, La. Commercial Zone, restricted to traffic originating at and destined to the points and territories shown, for 180 days. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC–124078 (Sub-No. 556 TA), filed August 6, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill waste, liquid*, in bulk, between the plant site of Union Camp Corporation at or near Montgomery, Ala., on the one hand, and, on the other, Jesup and Savannah, Ga. and Fernandina Beach, Fla., for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470 (Roger L. Schoening, Manager, Truck Traffic). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC–124813 (Sub-No. 107 TA), filed August 1, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Lime and limestone products*, from the facilities of Rockwell Lime Company in Manitowoc County, Wis., to points in Franklin, Jefferson, St. Charles, and St. Louis Counties, Mo. and points in Madison, St. Clair, Champaign, Montgomery, Logan, McLean, Peoria, Tazewell, Sangamon, and McDonough Counties, Ill., for 180 days. SUPPORTING SHIPPER: Rockwell Lime Company, Route 4, Manitowoc, Wis. 54220. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC–126600 (Sub-No. 8 TA), filed August 6, 1973. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 820 Quincy, Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *transformers, electrical, used*, having value only for reconditioning or salvage and allied line equipment and (B) *transformers, electrical, or parts thereof*, reconditioned and allied line equipment, between Solomon, Kans., on the one hand, and all points within the states of Indiana, Illinois, Iowa, Virginia, California, Arizona, Texas, Colorado, Oklahoma, Kansas, Missouri, Wyoming, Nebraska, and Montana, on the other hand, for 180 days. SUPPORTING SHIPPER: Solomon Electric Supply, Inc., Solomon, Kans. 67480. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC–129480 (Sub-No. 7 TA), filed August 1, 1973. Applicant: TRI-LINE EXPRESSWAYS LTD., 550 71st Avenue SE., P.O. Box 5245, Station A, Calgary, Alberta, Canada. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap*, from points in North Dakota, South Dakota, Wyoming, and Montana, to the International Boundary line between the United States and Canada situated in Montana and North Dakota, for 180 days. SUPPORTING SHIPPER: Interprovincial Steel and Pipe Corporation, Ltd., P.O. Box 1670, Regina, Saskatchewan, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC–129510 (Sub-No. 8 TA), filed August 6, 1973. Applicant: ENGLUND EQUIPMENT COMPANY, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal tar dyes*, (except in bulk) from Branchburg, N.J., to Akron, Ohio; Elk Grove Village, and Chicago, Ill.; St. Louis, Mo.; Texas City and Kennedy, Tex.; and North Hollywood, Calif.; (2) *dye intermediates* (except in bulk), from Branchburg, N.J., to Elk Grove Village and Chicago, Ill.; and North Hollywood, Calif.; (3) *chemicals* (except in bulk), from Branchburg, N.J., to Chicago and Elk Grove Village, Ill.; Texas City and Kennedy, Tex.; North Hollywood, Los Angeles and San Leandro, Calif.; and (4) *plastics, plastic film or sheeting* (except in bulk), from Branchburg, N.J., to Menasha and New London, Wis.; Des Moines, Iowa; Rockford, Elk Grove Village, and Chicago, Ill.; North Hollywood, Los Angeles, Visalia, and San Leandro, Calif.; (5) *printing plates*, from Branchburg, N.J., to Chicago and Elk Grove Village, Ill.; North Hollywood, Los Angeles, and San Leandro, Calif.; (6) *food preservatives* (except in bulk), from Branchburg, N.J., to North Hollywood, Calif.; and (7) *reproduction paper*, from Branchburg, N.J., to Elk Grove Village and Chicago, Ill.; Los Angeles and San Leandro, Calif., for 180 days. RESTRICTION: Service shall be rendered for the account of American Hoechst Corporation and its affiliates. SUPPORTING SHIPPER: American Hoechst Corporation, Route 202–206 North, Somerville, N.J. 08876. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC–129870 (Sub-No. 12 TA), filed August 1, 1973. Applicant: GAS INCORPORATED, 95 East Merrimack St., Lowell, Mass. 01853. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas* (LNG), from Philadelphia, Pa., to Easton, Ludlow, Boston, Tewksbury, and Marshfield, Mass., for 180 days. SUPPORTING SHIPPERS: Springfield Gas Light Co. and Brockton Taunton Gas Co., 25 High Street, Boston, Mass. SEND PROTESTS TO: District Supervisor Darrell W. Hammons, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC–133796 (Sub-No. 18 TA), filed August 2, 1973. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings*, together with *materials and accessories* used in the installation thereof, from Nazareth, Pa., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, North Carolina, Virginia, West Virginia, Pennsylvania, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Carlon Division, Indian Head Inc., 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC–135007 (Sub-No. 33 TA), filed August 2, 1973. Applicant: AMERICAN TRANSPORT, INC., Off: 7850 F Street, Omaha, Nebr. 68127, and P.O. Box 37406, Millard, Nebr. 68137.

Applicant's representative: Frederick J. Coffman, 521 So. 14 Street (P.O. Box 81849), Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding, materials and supplies* used in the installation thereof, from Waterbury, Conn., to points in Iowa, Missouri, Arkansas, South Dakota, Louisiana, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Oregon, Washington, Nevada, and California, under continuing contract with William Volker & Company, for 180 days. SUPPORTING SHIPPER: William Volker & Company, W. Paul Tarter, Vice Pres., Transportation, 945 California Drive, Burlingame, Calif. 94010. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC–135874 (Sub-No. 21 TA), filed July 31, 1973. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets. Mlg: P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Bill White (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* requiring refrigeration, from New Prague,

Menn., to points in Nebraska, South Dakota, and Iowa, for 180 days. SUPPORTING SHIPPER: Ingredient Supply Company, Bruce M. Dvorak, President, New Prague, Minn. 56071. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC-135874 (Sub-No. 22 TA), filed July 31, 1973. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets. Mlg: P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* requiring refrigeration, from Kansas City, Kans., Kansas City, Mo. and their commercial zones, to points in Iowa, Nebraska, Minnesota, Wisconsin, and South Dakota, for 180 days. SUPPORTING SHIPPER: Boyle's Famous Corned Beef Company, Tommy L. Stratton, Traffic Mgr., 416 E. 3rd St., Kansas City, Mo. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC-136232 (Sub-No. 2 TA), filed August 6, 1973. Applicant: FRALEY'S INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Duffield, Va., on the one hand, and, on the other, Birmingham, Decatur, and Dora, Ala., for 180 days. SUPPORTING SHIPPER: Virginia Birmingham Bolt, Inc., Drawer CC, Big Stone Gap, Va. 24219. SEND PROTESTS TO: Clatin H. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC-136318 (Sub-No. 11 TA), filed August 7, 1973. Applicant: COYOTE TRUCK LINE, INC., 395½ West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, Shelby, Statesville, and Troutman, N.C., to points in California, for 180 days. SUPPORTING SHIPPER: Bernhardt Industries, Inc., Lenoir, N.C. SEND PROTESTS TO: District Supervisor Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC-136474 (Sub-No. 3 TA), filed August 6, 1973. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., P.O. Box 40017, Nashville, Tenn. 37203. Applicant's representative: Lloyd Ledsinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixtures, or parts thereof*, between points in Alabama, Kentucky, Mississippi, and Tennessee, for 180 days. SUPPORTING SHIPPER: The Lawrin Company, P.O. Box 728, Kosciusko, Miss. 39090. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC-138685 (Sub-No. 2 TA), filed August 2, 1973. Applicant: DOUDELL TRUCKING COMPANY, 545 Queen's Row, P.O. Box 842, San Jose, Calif. 95106. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from points in California, on the one hand, to the Mescalero Indian Reservation, Mescalero, N. Mex., on the other, for 180 days. SUPPORTING SHIPPER: Mescalero Apache Tribe, Mescalero Indian Reservation, Mescalero, N. Mex. SEND PROTESTS TO: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIERS OF PASSENGERS

No. MC-138915 (Sub-No. 1 TA), filed August 2, 1973. Applicant: TAXI, INC., 118 West Main Street, White Sulphur Springs, W. Va. 24986. Applicant's representative: Erwin S. Solomon, P.O. Box R, Hot Springs, Va. 24445. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, using airport limousine type buses, between White Sulphur Springs, W. Va. and Clifton Forge, Va., serving no intermediate points, for 180 days. SUPPORTING SHIPPER: Burlington Industries, Inc., 3330 West Friendly Avenue, Greensboro, N.C., Attention: Mr. Arthur E. Weiner. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

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

[FR Doc.73-17768 Filed 8-21-73;8:45 am]

[Notice 113]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 16, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before September 6, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 87 TA), filed August 8, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, 201 West Park, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Dave Kemp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, from the plant site and warehouse facility of Monsanto Company near Muscatine, Iowa, to the port of entry on the United States and Canadian order in Montana, North Dakota, and Minnesota, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 30887 (Sub-No. 193 TA), filed August 8, 1973. Applicant: SHIPLEY TRANSFER, INC., P.O. Box 55, Reisterstown, Md. 21136. Applicant's representative: Theodore Polydoroff 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Neal, W. Va., to Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Thomas G. Damron, Novamont Corporation, P.O. Box 189, Kenova, W. Va. 25530. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 92068 (Sub-No. 9 TA), filed August 8, 1973. Applicant: MUTUAL TRANSPORTATION, INCORPORATED, President and Fleet Sts., Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such*

*commodities* as are dealt in or used by discount department stores, from the facilities of Mutual Transportation, Incorporated, at Baltimore, Md., to the Store and Facilities of Zayre Corp., in Prince William County, Va., near the intersection of the Fairfax County and Prince William County Boundary near Interstate 95, for 180 days. SUPPORTING SHIPPER: Anthony M. Guerino, Traffic Manager, Zayre Corp., Framingham, Mass. 01701. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 106117 (Sub-No. 17 TA), filed August 8, 1973. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee St., Tecumseh, Mich. 49286. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the off-route points of Addison, Camden, Litchfield, Montgomery, Moscow, North Adams, Somerset, and Waldron, Mich., in connection with authorized service at Hillsdale, Mich., for 60 days.

NOTE.—Interline service is proposed to be offered at Toledo, Ohio, for further transportation to interstate points, or for subsequent transportation at Toledo, Ohio from interstate points.

SUPPORTED BY: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 116763 (Sub-No. 263 TA), filed August 8, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the plant or warehouse facilities of Heinz U.S.A. at Holland, Mich.; Iowa City and Muscatine, Iowa; Salem, N.J.; Toledo, Bowling Green, and Fremont, Ohio; Mechanicsburg, Leetsdale, Chambersburg, and Pittsburgh, Pa.; and Henderson, N.C., to the distribution facility of Heinz U.S.A. at Greenville, S.C., and (2) from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orleans, La., Commercial Zone, for 180 days. RESTRICTION: Restricted to traffic originating at and destined to the points and territories named. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117344 (Sub-No. 226 TA), filed August 6, 1973. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds*, in bulk, in rubber-lined tank vehicles, from Cincinnati, Ohio, to Mechanicsburg, Pa., for 180 days. SUPPORTING SHIPPER: Herbert-Verkamp-Calvert Chemical Company, 300 Murray Road (St. Bernard), Cincinnati, Ohio 45217. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118831 (Sub-No. 106 TA), filed August 8, 1973. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044 (Box zip 2726), Unharrie Road, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Spartanburg County, S.C., to points in North Carolina, for 180 days. SUPPORTING SHIPPER: Chrislon Corporation, P.O. Box 1143, Asheboro, N.C. 27203. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 119789 (Sub-No. 175 TA), filed August 7, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James R. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, other than in bulk, in mechanically refrigerated trailers, from the plant site and storage facilities of Monsanto Company, at or near Texas City, Tex., to points in California, Louisiana, Missouri, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, and New York, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123067 (Sub-No. 121 TA), filed August 9, 1973. Applicant: M & M TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, from Savannah, Ga., to points in Florida, for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., P.O. Box 6098, Charleston, S.C. 29405. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 124878 (Sub-No. 6 TA), filed August 8, 1973. Applicant: LAPADULA AIR FREIGHT TRANSFER, INC., 149–04 New York Boulevard, Jamaica, N.Y. 11434. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk, in tank vehicles), between J. F. K. International Airport at New York, N.Y.; Logan International Airport, at Boston, Mass.; Atlanta Municipal Airport, at Atlanta, Ga.; Douglas Municipal Airport, at Charlotte, N.C.; Greensboro/High Point/Winston-Salem Airport, at or near Greensboro, N.C., and Orangeburg, S.C.; Dayton Municipal Airport, Montgomery County, Ohio; Columbus Municipal Airport, Franklin County, Ohio; Greater Cincinnati Airport, Boone County, Ky.; Cleveland Hopkins International Airport, Coyahoga County, Ohio; Youngstown Municipal Airport, Trumbull County, Ohio; Akron-Canton Airport, Summit County, Ohio; Detroit Metropolitan Airport, Detroit, Mich.; Willow Run Airport, Wayne County, Mich.; Detroit City Airport, Detroit, Mich.; and Chicago-O'Hare International Airport, Chicago, Ill., for 180 days. RESTRICTION: Restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air. SUPPORTING SHIPPER: Sebena Belgian World Airlines, Cargo Bldg. No. 82, J. F. K. International Airport, Jamaica, N.Y. 11430. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128345 (Sub-No. 2 TA), filed August 7, 1973. Applicant: OTTO SCOTT, doing business as OTTO SCOTT TRUCKING CO., 517 Tenn Avenue, Chickasha, Okla. 73018. Applicant's representative: Otto Scott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *TOFC Trailers*, having prior or subsequent movement by rail, between El Reno, Okla., and Weatherford, Okla., for 180 days. SUPPORTING SHIPPER: Rock Island Railroad, L. W. Kirtley, Dist. Mgr., 2000 Classen Center, Suite 116 East, Oklahoma City, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old Post Office Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 129600 (Sub-No. 14 TA), filed August 8, 1973. Applicant: POLAR TRANSPORT, INC., 176 King Street, P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Central Soya Company, Inc., of Fort Wayne, Ind. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Fort Wayne National Bank Bldg., Fort Wayne, Ind. 46802. SEND PROTESTS TO: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 134280 (Sub-No. 2 TA), filed August 7, 1973. Applicant: YOUNG'S EXPRESS, INC., 1217 Lexington, Baltimore, Md. 21223. Applicant's representative: Charles McD. Gillan, 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses (except commodities in bulk, in tank vehicles), as described in Section A of Appendix I to the report of the I.C.C. in *Descriptions in Motor Carrier Certificates*, 67 M.C.C. 209 and 766, *seasonings or spices, advertising matter, forms, racks, signs, and store displays, and commodities* used in the manufacture, sale, or distribution of meats and packinghouse products, as described above, between Baltimore, Md., and Wilmington, N.C., restricted to a transportation service to be performed under a continuing contract or contracts with H. G. Parks, Inc., for 180 days. SUPPORTING SHIPPER: H. G. Parks, Inc., 501 W. Hamburg Street, Baltimore, Md. 21230. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 134501 (Sub-No. 7 TA), filed August 8, 1973. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 906, 618 Belt Line Road, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures*, from the plantsite of St. Charles Manufacturing Co., near Sanford, N.C., to points in the United States east of the Mississippi River, excluding Louisiana and Minnesota, for 180 days. SUPPORTING SHIPPER: St. Charles Manufacturing Company, 1611 East Main Street, St. Charles, Ill. 60174. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 135895 (Sub-No. 3 TA), filed August 7, 1973. Applicant: DON RAY BOYD AND JACKIE ROGERS, doing business as B & R DRAYAGE COMPANY, 525 Julienne Street, Jackson, Miss. 39204. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, sand products, commercial technical, and industrial sands, and mineral fillers*, in bags and in containers, and in bulk, from the plant sites, warehouse, and shipping points of Mississippi Valley Silica Company, in St. Tammany Parish, La., to points in Mississippi, Alabama, and Florida, for 180 days. SUPPORTING SHIPPER: F. B. Bogran, President, Harvest Silica, Inc., d.b.a. Mississippi Valley Silica Company, Covington, La. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 136285 (Sub-No. 5 TA), filed August 8, 1973. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 137 Fair Street, P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged clay*, in cargo containers, from points in Gadsden County, Fla., to Savannah, Ga., restricted to the transportation of traffic having a subsequent movement by water; and (2) *empty cargo containers* to be used in the transportation of bagged clay, from Savannah, Ga., to points in Gadsden County, Fla., for 180 days. SUPPORTING SHIPPER: Floridin Company, 3 Penn Center, Pittsburgh, Pa. 15235. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 136384 (Sub-No. 4 TA), filed August 8, 1973. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, Ga. 31402. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails, screws, and fasteners*, from Savannah, Ga., to points in Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Alabama, Kentucky, and West Virginia, for 180 days. SUPPORTING SHIPPER: Wilmod Company, Inc., 3147 Boxwood Drive, Atlanta, Ga. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 138375 (Sub-No. 6 TA), filed July 23, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, printed matter, and advertising and displays*, from the plant site and warehouse facilities utilized by Triangle Publications, Inc., at or near Philadelphia, Pa., to points in California, Washington, Oregon, Idaho, Nevada, Wyoming, and Montana, for 180 days. SUPPORTING SHIPPER: Triangle Publications, Inc., Philadelphia, Pa. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 138919 (Sub-No. 1 TA), filed August 6, 1973. Applicant: SPRING & TOUSAND TRANSPORTATION, INC., 11055 Airline Highway, Baton Rouge, La. 70816. Applicant's representative: Frank Simoneaux, P.O. Box 3197, Baton Rouge, La. 70821. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and concrete building products and related accessories* when transported in the same vehicle, between points in Texas and Louisiana, restricted to a transportation service to be performed under a continuing contract with the supporting shipper, for 180 days. SUPPORTING SHIPPER: Acme Brick Co./Lacrete, Inc., a Division of Justin Industries, Inc., P.O. Box 425, Fort Worth, Tex. 76101, Mr. Roy M. Delao, Traffic Manager. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 138926 (Sub-No. 1 TA), filed August 7, 1973. Applicant: GENCOM, INC., R.R. #4, Marshall, Mo. 65340. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *inedible animal fat*, in bulk, between points in Saline County, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Texas, Kentucky, and Wisconsin and (b) *dry meat and bone meal*, in bulk, between points in Carroll County, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas,

Texas, Kentucky, and Wisconsin, all under a continuing contract with Alvin Hahn and Bill Phillips, doing business as Hahn & Phillips Grease Co. of Marshall, Mo. 65340, for 180 days. SUPPORTING SHIPPER: Alvin Hahn and Bill Phillips, doing business as Hahn & Phillips Grease Co., Marshall, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138927 (Sub-No. 1 TA), filed August 8, 1973. Applicant: TRI-CEE TRANSPORTATION, INC., 434 Cindy Jo Avenue, Huntley, Ill. 60142. Applicant's representative: Frank J. Belline, McDonald's Plaza, Suite S304, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, non-alcoholic (including those packaged in polyethylene containers) and *materials, equipment, and supplies* related thereto, from the plantsites of the shipper located within a 750-mile radius of Chicago, Ill., for 180 days. SUPPORTING SHIPPER: William F. O'Rourke, Executive Vice President, Chicago Seven-Up Bottling Co., 4544 West Carroll Avenue, Chicago, Ill. 60624. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138950, TA filed August 1, 1973. Applicant: FOR-TRUCKS, INC., P.O. Box 297, Henniker, N.H. 03242.. Applicant's representative: Francis P. Barrett, P.O. Box 238, Milton (Boston), Mass. 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated lumber, treated and untreated wooden poles, treated and untreated ties, treated and untreated wooden piling, and crossarms and related forest products and contractors supplies*, from N. Billerica, Mass., to points in Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and points in Orange, Rockland, Putnam, Westchester, Bronx, Kings, Queens, Manhattan, and Nassau Counties, N.Y., and Bergen, Hudson, Union, and Essex Counties N.J., for 180 days. SUPPORTING SHIPPER: Tek Division, George McQuestem Co. Inc., Iron Horse Park, N. Billerica, Mass. 01862. SEND PROTESTS TO: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Bldg., Concord, N.H. 03301.

No. MC 138959 TA, filed August 6, 1973. Applicant: TROY SULLIVAN, Rt. 1, Box 160, Ardmore, Okla. 73401. Applicant's representative: Troy Sullivan (same adress as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Non-Alcoholic beverages*, in cans and non-returnable bottles, from Dallas and Ft. Worth, Tex., to Ardmore, Okla., over Interstate Highway 35, for 180 days. SUPPORTING SHIPPER: Dr. Pepper Bottling Co. of So. Okla., Inc., Ben E. Mobley, President, 21 W. Broadway, Ardmore, Okla. 73401. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 138963 TA, filed August 7, 1973. Applicant: RAY ROZELL, doing business as, ROZELL TRUCK LINES, 1003 Cedar, Minco, Okla. 73059. Applicant's representative: R. H. Lawson, 2400 NW 23d, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable cattle feeders*, on wheels, and *component parts* for portable cattle feeders, from points in Canadian and Grady Counties, Okla., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Kansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Dale's Mfg. Co., James C. Bass, V.P., Box 868, El Reno, Okla. 73036. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 138966 TA, filed August 6, 1973. Applicant: SUTCO, INC., 680 N. Main Avenue Scranton, Pa. 18504. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut buildings, materials, and hardware* used in the erection of precut buildings, from Scranton, Pa., and Schererville, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Lindal Cedar Homes, P.O. Box 120, West Station, Scranton, Pa. 18504. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

MOTOR CARRIERS OF PASSENGERS

No. MC 138962 TA, filed August 7, 1973. Applicant: CHESAPEAKE TRANSIT, INC., 113 Rear Second Avenue, Chesapeake, Ohio 45619. Applicant's representative: John Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Pasengers and their baggage*, between a point one mile west of the city limits of the village of South Point, Ohio, and the eastern city limits of the village of Rome, Ohio, serving all intermediate points: (1) From a point one mile west of South Point, over old U.S. Highway 52, to Chesapeake, Ohio; (2) from Chesapeake over Ohio Routes 7 and 243, to Rome, Ohio; and (3) from Chesapeake over U.S. Highway 52 over the Sixth Street bridge across the Ohio River to Huntington, W. Va., and return over the same route, for 180 days. SUPPORTING SHIPPERS: Robert M. Templeton, Mayor, Village of Chesapeake, 623 Second Avenue, Chesapeake, Ohio; Chester Null, Mayor, Village of Proctorville, Ohio, 211 Wilgus Street, Proctorville, Ohio; and William L. Fitzpatrick, Mayor, Village of South Point, Ohio, Route 3, Box 233, South Point, Ohio 45680. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., Charleston, W. Va. 25301.

No. MC 138964 TA, filed August 8, 1973. Applicant: PROFESSIONAL SPORTSMAN CLUB, INC., 1016 Dean Place, Oklahoma City, Okla. 73117. Applicant's representative: Louis D. Jenkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (including private members of the Professional Sportsman Club, Inc., and charter service for special private groups such as churches, clubs, and civic organizations), in special and charter operations, (1) between Oklahoma City and Tulsa, Okla.; St. Louis and Kansas City, Mo.; and Houston and Dallas, Tex.; and (2) between points in the United States, under contract with the above-indicated private groups, for 180 days. SUPPORTING SHIPPERS: There are approximatey 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240, Old P.O. Bldg., Oklahoma City, Okla. 73102.

By the Commission.

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

[FR Doc.73-17769 Filed 8-21-73;8:45 am]

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[Drought Order 69 (Sub. No. 2)]

## MONTANA AND IDAHO

### Transportation of Hay by Rail

AUGUST 16, 1973.

In the matter of Relief under section 22 of the Interstate Commerce Act.

It appearing, that by reasons of drought conditions existing in certain portions of the States of Montana and Idaho, hereinafter referred to as the disaster area, the Deputy Assistant Secretary of the United States Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

*It is ordered*, That carriers by railroad participating in the transportation of hay to the counties of:

| | |
|---|---|
| Deer Lodge | Meagher |
| Flathead | Mineral |
| Glacier | Missoula |
| Granite | Pondera |
| Jefferson | Powell |
| Lake | Sanders |
| Lewis and Clark | Silver Bow |
| Liberty | Teton |
| Lincoln | Toole |
| Madison | Wheatland |

all located in the State of Montana; and

Idaho

located in the State of Idaho, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until October 31, 1973, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in Section 6 of the Interstate Commerce Act except that they may be effective one day after publication and filing instead of thirty.

*It is further ordered,* That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drought.

*It is further ordered,* That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of the order.

*It is further ordered,* That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered,* That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

*And it is further ordered,* That, tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 69 of August 8, 1973.

*And it is further ordered,* That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, New York; the Chairman of the Southern Freight Association, Atlanta, Georgia; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Illinois; the Vice President and Director, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

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

By the Commission, Vice Chairman Brewer.

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

[FR Doc.73-17761 Filed 8-21-73;8:45 am]

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[Ex Parte No. 299]

## FREIGHT RATES AND CHARGES—1973

### Increase to Offset Retirement Tax Increases

AUGUST 16, 1973.

Petition by railroads to permit increases to offset retirement taxes effective October 1, 1973, and January 1, 1974. By petition filed on August 15, 1973, the Nation's railroads, in accordance with the amendments to the Interstate Commerce Act effected by the Railroad Rate Adjustment Act of 1973, and the requirements and procedures promulgated thereunder in Ex Parte No. 298 (49 CFR 1107), request the Commission to permit the filing of a proposed tariff and the establishment of interim increases in freight rates and charges to offset increases in taxes under the Railroad Retirement Act, as amended. The increases in taxes become effective on October 1, 1973, and on January 1, 1974. The increases in rates and charges sought to offset those tax increases are 2 percent and 2.7 percent, respectively, to become effective on the same dates, the latter to be applied in lieu of the former beginning January 1, 1974. The petition was accompanied by verified statements intended to provide the data and information required in Ex Parte No. 298.

Rates and charges for services which are generally excluded from proposed general increases would be exempt, except that charges for lighterage and protective services would be increased since employees performing those services are covered by railroad retirement provisions. Certain other specific exceptions are made, generally involving unit-train, trainload, and annual volume rates of a quasi-contractural nature which, the railroads state, will be adjusted to reflect the same increase when renewed.

In accordance with the provisions of section 15a(4)(a) and (b) of the Interstate Commerce Act, added by the recent statute, the order required to be issued within 30 days will be based solely on the Commission's analysis and verification of the data and information submitted by the railroads in accordance with Ex Parte No. 298. However, that order will be published in the FEDERAL REGISTER and will provide for notification to the Commission by all persons who are interested in participating in the subsequent hearings to be held under the provisions of section 15a(4)(c).

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

[FR Doc.73-17763 Filed 8-21-73;8:45 am]

# CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

**The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.**

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federal register

WEDNESDAY, AUGUST 22, 1973

Volume 38 ■ Number 162

PART II

# ENVIRONMENTAL PROTECTION AGENCY

■

## EFFLUENT LIMITATION GUIDELINES AND STANDARDS

### Insulation Fiberglass Manufacturing, and Beet Sugar Processing Industries

## ENVIRONMENTAL PROTECTION AGENCY

### [ 40 CFR Parts 401, 426 ]

### GLASS MANUFACTURING POINT SOURCE CATEGORY; INSULATION FIBERGLASS MANUFACTURING SUBCATEGORY

### Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines for existing sources and, standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by Environmental Protection Agency ("EPA") for the insulation fiberglass manufacturing subcategory pursuant to sections 304(b), 306(b) and 307 (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1314, 1316(b) and 1317(c), 86 Stat. 816 et seq.; P.L. 92-500) (the "Act"). Insulation fiberglass manufacturing is a subcategory of the glass manufacturing category of point sources. In addition to the specific proposed regulations concerning the insulation fiberglass subcategory, proposed regulations are set forth below providing generally applicable definitions and describing the legal authorities for all regulations subsequently to be issued under Parts 402 to 699, 40 CFR concerning effluent limitations guidelines, standards of performance and pretreatment standards for new sources pursuant to sections 304(b), 306 and 307(c) of the Act.

1. *Legal Authority.* a. *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the insulation fiberglass manufacturing subcategory of the glass manufacturing point source category.

b. *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(A) of the Act requires the Administrator to propose regulations establishing Federal standards of performances for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the glass manufacturing source category. The regulations proposed herein set forth the standards of performance applicable to new sources within the insulation fiberglass manufacturing subcategory of the glass manufacturing source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 426.15 proposed below provides pretreatment standards for new sources within the insulation fiberglass subcategory.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The report referred to below provides, pursuant to section 304(c) of the Act, preliminary information on such processes, procedures or operating methods.

2. Summary and basis of proposed effluent limitations guidelines, standards of performance and pretreatment standards for new sources.

a. *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

Next, the control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact was identified, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires the application

of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, Section 426.15 below amends § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

b. *Summary of conclusions with respect to insulation fiberglass manufacturing subcategory.* A draft report entitled the "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards—Insulation Fiberglass Manufacturing Segment of the Glass Manufacturing Point Source Category" which details the analysis undertaken in support of the regulations being proposed herein is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C.; at all EPA regional offices; and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

The following summarizes the principal conclusions of the above listed draft report.

The insulation fiberglass manufacturing segment of the glass manufacturing industry serves as a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. Factors such as age, size of plant, process employed, waste water constituents and waste control technologies substantiate this determination.

The known significant pollutants, characteristics or properties of waste waters resulting from the insulation fiberglass manufacturing process include phenols, biochemical oxygen demand, chemical oxygen demand, dissolved solids, suspended solids, oil and grease, ammonia, pH, color, turbidity, and heat.

Because of the large amounts of water required in the manufacturing process, the insulation fiberglass industry has employed recirculation systems. Historically, highly caustic chain wash water, the primary source of pollutants, was difficult to recirculate and treat. Technological changes and improvements allowed the change from a caustic chain wash solution to a high pressure spray chain wash. Waste chain wash waters could then be filtered or similarly treated and reused as chain wash water. Because of the accumulation of solids, however, a blowdown from this system was necessary. Biological treatment of the blowdown from these recirculation systems has at one plant achieved in excess of 90 percent removal of phenol, suspended solids, chemical oxygen demand and biochemical oxygen demand. Despite the high removal efficiencies, however, high concentrations of phenol, chemical oxygen demand and color were still present in the effluent.

Additional tertiary treatment of effluent from the process described above by carbon adsorption was investigated. It was found that the costs of such treatment exceeded that for a total recirculation system in which the process water blowdown is reused in the process as binder dilution water or overspray. The total recirculation system eliminates pollutants in the blowdown by fixing them in the product when the water evaporates in the curing ovens.

The non-water quality environmental impacts from total recirculation systems consist of increased sludges resulting from increased waste water treatment and increased noise levels due to the addition of high energy pumps. Technology exists to properly dispose of the solid wastes, and the small incremental increase in noise due to high energy pumps does not affect the hearing protection measures already practiced in the high level noise areas of an insulation fiberglass plant. The industry will require an additional 38.6 million kilowatt hours of power annually to operate recycling systems. This is less than a 5 percent increase relative to estimated current industry power requirements for furnaces and processing equipment. The solid waste generated by total recirculation is no greater than if alternate waste water treatment technologies were applied.

The total capital investment for the industry to achieve no discharge of process waste water pollutants is estimated to be less than $7,000,000. These costs could increase the capital investment for a given plant by 1.2 to 3.8 percent. Annual operating costs are estimated at $3,700,000 for the industry, increasing the manufacturing costs for a given plant by 0.6 to 3.8 percent relative to selling price. Smaller plants will pay more per unit of production than large plants. However, the economic viability of any plant in the industry is not threatened.

Total recirculation of process waste water is being successfully accomplished at 6 of the total of 19 plants in the industry. The study of the insulation fiberglass subcategory of point sources concluded that the best practicable technology currently available for this category of sources is total recirculation of process waste waters. The degree of effluent reduction attainable through the application of this technology is no discharge of process waste water pollutants to navigable waters.

3. *Summary of Public Participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the insulation fiberglass manufacturing subcategory. The draft report on insulation fiberglass manufacturing referred to above includes, as a supplement, a description of consultations and other participation by the public which has taken place and the nature and disposition of the comments received. The following are the principal agencies and groups consulted: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); All State and U.S. Territory Pollution Control Agencies; Ohio River Valley Sanitation Commission; New England Interstate Water Pollution Control Commission; Delaware River Basin Commission; Hudson River Sloop Restoration, Inc.; Conservation Foundation; Businessmen for the Public Interest; Environmental Defense Fund, Inc.; Natural Resources Defense Council; The American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; The American Society of Mechanical Engineers; U.S. Department of Commerce; Water Resources Council; U.S. Department of the Interior; Certain-Teed Products Corporation; Johns-Manville Corporation; and Owens-Corning Fiberglas Corporation.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

1. The Effluent Standards and Water Quality Information Advisory Committee questioned whether it is appropriate to establish 1985 standards (no discharge of pollutants national goal) by 1977. EPA has reached the conclusion that in the case of the insulation fiberglass subcategory, the best practicable control technology currently available constitutes total recirculation of process waste waters. In section 101(a)(2) of the Federal Water Pollution Control Act Amendments of 1972, Congress established as a national goal the elimination of the discharge of pollutants into navigable waters by 1985. However, Congress also set requirements for technology based standards in sections 301, 304(b) and 306 which require the maximum degree of reduction of pollutant discharges prior to 1985, which is consistent with the technical and economic factors to be taken into account under sections 304(b) and 306 of the Act (notably, standards are to be set for 1977 and 1983 compliance, but no regulations are to be promulgated for 1985). Currently 6 of 19 plants achieve no discharge of process waste water pollutants. It has been determined that this technology costs less than equivalent or nearly equivalent end-of-process treatment technologies. The Agency will require the effluent reduction attainable

by the best practicable control technology when establishing regulations under section 304(b) of the Act, whether that reduction is down to "no discharge" or to some greater degree of permitted discharge. For the insulation fiberglass subcategory, the degree of effluent reduction attainable through the application of the best practicable control technology currently available is no discharge of process waste waters pollutants.

2. The Effluent Standards and Water Quality Information Advisory Committee also questioned whether disposal of blowdown on the hot fiberglass would increase air emissions because of the presence of volatile matter. The binder solution, which contains orders of magnitude more of the same volatile matter, is applied at the same time as the blowdown. No measurable increase in air emissions has been noted. The blowdown will not affect emission control devices used to control binder volatilization.

3. Industry was concerned that regulations requiring no discharge of process waste water pollutants would be applied to insulation plants where some textile products are also made. Insulation fiberglass is a separate subcategory from textile fiberglass. The regulations proposed herein apply only to the insulation fiberglass manufacturing subcategory.

4. The State of Nebraska expressed concern that ground water contamination could result from infiltration where evaporation ponds are used. The proposed limitations and standards can be achieved without use of evaporation or seepage ponds.

5. Some industry representatives requested that noncontact cooling waters be omitted from the no discharge requirements. The regulations call for no discharge of process waste water pollutants, not waters. If the industry can treat waste waters, such as to remove all process waste water pollutants, a discharge will be permitted. Existing exemplary facilities incorporate noncontact cooling waters into the total recirculation systems, demonstrating its feasibility. Six plants presently achieve no discharge of process waste water pollutants, including noncontact cooling water and in EPA's judgment, elimination of such discharge is within the scope of the best practicable control technology currently available.

6. Industry requested that provisions be allowed for emergency discharges during system upsets. Due to the nature of the waste waters, discharge of untreated waste waters cannot be allowed.

7. Industry requested that boiler blowdown and water softening backwash be omitted from the no discharge of pollutants requirement. It is not technologically feasible to totally recycle these nonprocess waste waters in all cases because of chemical interference problems with the phenolic resin. Therefore, EPA has excluded boiler blowdown and water softening backwash from the requirement of no discharge. Plants in this industy currently discharge these wastes to publicly owned treatment works and no reported treatability problems have been encountered. Boiler blowdown and water softening backwasn will be covered under the categories of steam supply and water supply respectively.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. All comments received not later than September 21, 1973, will be considered.

Dated August 15, 1973.

JOHN QUARLES,
*Acting Administrator.*

Part 401 is proposed to read as follows:

## PART 401—GENERAL PROVISIONS

Sec.
401.10 Scope and purpose.
401.11 General definition.
401.12 Law authorizing establishment of effluent limitations guidelines, standards of performance and pretreatment standards for new sources.
401.13 Test procedures for measurement.

### § 401.10 Scope and purpose.

Regulations promulgated under Parts 402 to 699 of this subchapter prescribe guidances for effluent limitations, standards of performance for new sources and pretreatment standards for new sources pursuant to sections 301, 304(b), 306 and 307(c) of the Federal Water Pollution Control Act, as amended, ("the Act", 33 U.S.C. 1251, 1311, 1314(b), 1316 and 1317 (c); 86 Stat. 816; Pub. L. 92–500). Point sources of discharges of pollutants are required to comply with these regulations, where applicable, and permits issued by States or the Environmental Protection Agency ("EPA") pursuant to section 402 of the Act must be conditioned upon under the National Pollutant Discharge Elimination System ("NPDES") established pursuant to section 402 of the Act must be conditioned upon compliance with applicable requirements of section 301 and 306 (as well as certain other requirements). This Part 401 sets forth the legal authority and general definitions which will apply to all regulations issued concerning specific classes and categories of point sources under Parts 402 through 699 which follow. In certain instances the regulations applicable to a particular source category will contain more specialized definitions. In the case of any conflict between regulations issued under this Part 401 and regulations issued under Parts 402 through 699, the latter more specific regulations will prevail.

### § 401.11 General definitions.

For the purposes of Parts 402 through 699:

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., 86 Stat. 816, P.L. 92–500.

(b) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(c) The term "Environmental Protection Agency" means the United States Environmental Protection Agency.

(d) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(e) The term "new source" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 306 of the Act which will be applicable to such source if such standard is thereafter promulgated in accordance with section 306 of the Act.

(f) The term "pollutant" means dredged spoil, solid waste, incinerated residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. It does not mean (1) sewage from vessels or (2) water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well, used either to facilitate production or for disposal purposes, is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in degradation of ground or surface water resources.

(g) The term "pollution" means the man made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

(h) The term "discharge of a pollutant" and the term "discharge of pollutants" each means (1) any addition of any pollutant to navigable waters from any point source and (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source, other than from a vessel or other floating craft. The term "discharge's includes a discharge of a pollutant and a discharge of pollutants.

(i) The term "effluent limitation" means any restriction established by the Administrator on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources, other than new sources, into navigable waters, the waters of the contiguous zone, or the ocean. The term "effluent limitations guidelines" means a regulation issued by the Administrator pursuant to section 304(b) of the Act.

(j) The term "standard of performance" means any restriction established

by the Administrator pursuant to section 306 of the Act on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are or may be discharged from new sources into navigable waters, the waters of the contiguous zone or the ocean.

(k) The term "navigable waters" includes: all navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(l) The terms "state water pollution control agency", "interstate agency", "State," "municipality," "person," "territorial seas," "contiguous zone," "biological monitoring," "schedule of compliance," and "industrial user," shall be defined in accordance with section 502 of the Act unless the context otherwise requires.

**§ 401.12 Law authorizing effluent limitations guidelines, standards of performance and pretreatment standards for new sources.**

(a) Section 301(a) of the Act provides that "except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

(b) Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of the Act.

(c) Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(d) Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives.

(e) Section 306(b)(1)(B) of the Act requires the Administrator, after a category of sources is includes in a list published pursuant to section 306(b)(1)(A) of the Act, to propose regulations establishing Federal standards of performances for new sources within such category. Standards of performance are to provide for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable a standard permitting no discharge of pollutants.

(f) Section 307(c) of the Act provides that the Administrator shall promulgate pretreatment standards for sources which would be "new sources" under section 306 (if they were to discharge pollutants directly to navigable waters) at the same time standards of performance for the equivalent category of new sources are promulgated.

(g) Section 402(a)(1) of the Act provides that the Administrator may issue permits for the discharge of any pollutant upon condition that such discharge will meet all applicable requirements under sections 301, 302, 306, 307, and 403 of this Act. In addition, section 402(b)(1)(A) of the Act requires that permits issued by States under the National Pollutant Discharge Elimination System ("NPDES") established by the Act must insure compliance with any applicable requirements of sections 301, 302, 306, 307 and 403 of the Act.

**§ 401.13 Test procedures for measurement.**

The test procedures for measurement which are prescribed in Part 130, 40 CFR shall apply to expressions of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance set forth in Parts 402 through 699, 40 CFR, unless otherwise specifically noted.

Part 426 is proposed to read as follows:

## PART 426—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE GLASS MANUFACTURING SOURCE CATEGORY

**Subpart A—Insulation Fiberglass Subcategory**

Sec.


### Subpart A—Insulation Fiberglass Subcategory

**§ 426.10 Applicability; description of insulation fiberglass manufacturing subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which molten glass is either directly or indirectly made, continuously fiberized and chemically bonded with phenolic resins into a wool-like material.

**§ 426.11 Specialized definitions.**

For the purposes of this Subpart:

(a) The term "process waste water" shall mean (1) any water which comes into contact with any glass, fiberglass, phenolic binder solution, or any other raw material, intermediate or final material or product used in, or resulting from, the manufacture of insulation fiberglass and (2) non-contact cooling water.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

**§ 426.12 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best practicable control technology currently available.**

(a) The effluent limitation representing the degree of effluent reduction obtainable by the application of the best practicable control technology currently available is no discharge of process waste water pollutants.

(b) Application of the factors listed in section 304(b)(1)(B) does not require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation.

**§ 426.13 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable.**

(a) The effluent limitation representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable is no discharge of process waste water pollutants.

(b) Application of the factors listed in section 304(b)(2)(B) does not require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation.

**§ 426.14 Standards of performance for new sources.**

(a) The standard of performance representing the degree of effluent reduction obtainable by the application of the best available demonstrated control technology, processes, operating methods, or other alternatives is no discharge of process waste water pollutants.

(b) Application of the factors listed in Section 306 does not require variation from the standard of performance set forth in this section for any point source subject to such standard of performance.

**§ 426.15 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act, for a source within the insulation fiberglass manufacturing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 426.14, 40 CFR Part 426; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

[FR Doc.73-17414 Filed 8-21-73;8:45 am]

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## [ 40 CFR Part 409 ]

## SUGAR PROCESSING CATEGORY; BEET SUGAR PROCESSING SUBCATEGORY

### Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency ("EPA") for the beet sugar processing subcategory of the sugar processing category pursuant to sections 304(b), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1314, 1316(b) and 1317(c), 86 Stat. 816 et seq.; P.L. 92-500) (the "Act").

a. Legal authority. 1. Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the beet sugar processing category.

2. *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(A) of the Act requires the Administrator to propose regulations establishing Federal standards of performances for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the sugar processing category. The regulations proposed herein set forth the standards of performance applicable to new sources within the beet sugar processing subcategory of the sugar processing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 409.15 proposed below provides pretreatment standards for new sources within the beet sugar processing subcategory of the sugar processing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report referred to below provides, pursuant to section 304(c) of the Act, preliminary information on such processes, procedures or operating methods.

b. *Summary and Basis of Proposed Effluent Limitations Guidelines, Standards of Performance and Pretreatment Standards for New Sources.* 1. *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

Next, the control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problem, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved, from such

application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources" under section 306 if they were to discharge pollutants directly to navigable waters except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, Section 409.15 below amends § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to beet sugar processing subcategory of the sugar processing category.

The beet sugar processing segment of the sugar processing industry serves as a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. Factors such as age, size of plant, process employed, waste water constituents and waste control technologies substantiate this determination.

The known significant pollutant properties or constituents of waste water resulting from beet sugar processing include biochemical oxygen demand, chemical oxygen demand, suspended solids, dissolved solids, coliform bacteria, ammonia, pH and heat.

The control and treatment technologies which are available include in-plant control measures and techniques and end-of-process treatment techniques. In-plant control measures include minimization of the intake of water by reuse of the waste waters in the process. The principal treatment methods include screening to remove solid material, coagulation, and sedimentation with ultimate disposal of excess waste water in holding ponds, waste stabilization lagoons, or by irrigation.

The three major sources of waste water resulting from beet sugar processing plants include lime mud slurry, flume (beet transport) water, and barometric condenser water. Lime mud slurry resulting from the clarification of impure sugar solutions is disposed of without discharge to navigable water by all plants in the beet sugar processing subcategory. A total pollutant reduction of 28.6 kg BOD5/kkg refined sugar (28.6 lb BOD5/1000 lb) results. Flume (beet transport) water originates from beet fluming, washing, and miscellaneous plant uses. A total of 44 plants presently employ extensive recycling of flume waters, 6 employ partial recycling, and 2 employ no recycling of flume (beet transport) waters. Thirty-two plants presently accomplish no discharge of flume (beet transport) waters with excess waste water discharged to navigable waters. All beet sugar processing plants presently practice, have planned, or propose extensive recycling of flume (beet transport) waters with land disposal of the excess waste water within several years. Cumulative pollutant reduction by no discharge of lime mud slurry and flume (beet transport) water is 48.48 kg BOD5/kkg refined sugar (48.48 lb BOD/5 1000 lb) (a cumulative reduction of 94 percent of BOD5). Barometric condenser water results from the process of evaporation and crystallization of sugar solution at reduced temperature. A total of 16 plants employ recycling and reuse of barometric condenser water, and 19 employ partial recycling and reuse of barometric condenser waters.

Complete land disposal of all excess process waste water without discharge to navigable waters is practiced at 11 beet sugar processing plants. Partial land disposal of condenser water is accomplished by a total of 22 plants with excess waste water discharged to navigable waters. Thirty-two of the 52 plants employ cooling devices for cooling of barometric condenser water either prior to reuse, land disposal, or discharge to navigable waters. Cumulative pollutant reduction by zero discharge of lime mud slury, flume (beet transport) water, and barometric condenser water is 50.6 kg $BOD^5$ kkg refined sugar (50.6 lbs. $BOD^5$ 1000 lb). Other treatment methods such as trickling filters and activated sludge processes have been used with limited success. Substantial reductions of pollutants may be achieved through use of these conventional treatment processes (approaching 0.25 kg $BOD^5$ 1000 lb (0.5 lbs $BOD^5$ ton of beets sliced)). However, the successful application of these processes has been limited by the seasonal nature of the beet sugar processing industry and the high cost of treating short-term large waste volumes.

The following table sets forth the total estimated capital costs required by an average-sized 3265 kkg of beets sliced/day (3600 tons/day) beet sugar processing plant to achieve from 55 percent to 100 percent reduction of $BOD^5$ utilizing in the order set forth below, (i) land disposal of lime mud slurry, (ii) extensive recycling of flume water with land disposal of excess waste water and (iii) extensive recycling of barometric condenser water with land disposal of excess waste water.

| Cumulative percent Reduction of total waste Source load ($BOD^5$) | | Cumulative estimated Capital costs. |
|---|---|---|
| Lime mud slurry | 55 | $50,000. |
| Flume water (beet transport) | 94 | $278,000-$360,000. |
| Condenser water | 100 | $454,000-$360,000. |

The cost figures given above were derived from actual cost data on existing plants and other cost estimates for equipment, facilities, piping, and other related items associated with pollution control measures. The cost figures for the average-sized plant presume no inplace pollution control measures presently existing within the beet sugar processing subcategory. The range of cost results from investigation of alernative measures of pollution control for the identified waste sources. Percent reduction of $BOD^5$ indicates the cumulative percent of waste load reduction relative to the total potential $BOD^5$ load from beet sugar processing. Based on existing inplace plant facilities, increased capital cost to achieve zero discharge of beet sugar processing wastes is estimated at 06. to 1.0 percent of present capital investment. The average-sized beet sugar processing plant is estimated to incur an increased capital investment of $176,000 to $298,000. These cost figures are based upon availability of suitable land under ownership of the plant, its representatives or its agents, and adjacent to the plant site. If it is necessary to purchase land, and/or transport waste waters to suitable land not adjacent to the plant site, an average-sized beet sugar processing plant under these circumstances may incur an increased capital cost of up to $460,000. Due to the land based control technology for reaching zero discharge to navigable water, suitable land area must be available for waste water disposal as described by the equation given in § 409.11 in Subpart A of Part 409.

Processing sugar beets to refined sugar normally requires 4320 kilowatts (5800 horsepower) for the average-sized plant with no pollution control practices or about 1.2 kilowatts per kkg (1.61 horsepower per ton) of beets sliced per day. The added power requirements for pollution control without discharge to navigable waters approximate 748 kilowatts (1000 horsepower) which is equally divided between recycle of flume waters and condenser waters. Pollution control thus would consume about 15 percent of the total electrical power usage of a non-polluting beet sugar refining operation.

Removal of solid material from incoming beets in the flume (beet transport) system contributes large amounts of solid waste which must be disposed of at the plant site. The majority of the present beet sugar processing plants retain the solid material in earthen holding ponds with or without periodic removal and

placement on adjacent land. Solids removal and disposal is an integral part of a flume water recycling system.

Air pollution aspects of importance in beet sugar processing include those attributable to suspended particulate matter, sulfur oxide and odor. Odor originates primarily from waste holding ponds. It may be controlled by utilization of shallow pond depths, screening of waste before discharge to solids settling devices, use of aerators on pond surfaces, and bacterial cultures. Odor control in flume water recycling systems can be achieved by maintaining alkaline conditions (pH above 8.0) in the recirculation system. Mechanical devices are available to satisfactorily limit suspended particulate matter resulting from beet sugar processing. Particulate matter results primarily in emissions from pulp driers and steam boilers. Sulfur dioxide emissions may result from burning of high sulfur containing fuel oils and coal in boilers.

The principal nonwater quality environmental impact resulting from proposed water related pollution control technology recommended herein are odors and solids (primarily soil particles) associated with flume (beet transport) water recirculation. Fogging may occur as a result of evaporative water losses in cooling towers and other cooling devices employed in condenser water recirculation systems. Increased requirements for solids removal in flume (beet transport) water recycling systems, and cooling devices in condenser water recycling systems increase the potential impact of solids disposal and fogging.

The degree of effluent reduction attainable through the application of the best practicable control technology currently available for the beet sugar processing subcategory has been determined to be no discharge of process waste water pollutants to navigable waters. It can be accomplished through maximum in-plant water reuse and recycle, and controlled land disposal of excess waste water. At present, 11 of 52 beet sugar processing plants accomplish no discharge of process waste water pollutants to navigable waters through in-plant water reuse and land disposal procedures. In addition, the majority of the industry through treatment, recycling and land disposal presently handles flume (beet transport) water without discharge to navigable waters. The technology is currently available and demonstrated to be reliable and effective in achieving no discharge of process waste water pollutants to navigable waters. The best practicable control technology currently available for the subcategory on which the degree of effluent reduction was determined is: (1) Recycling of flume waters with land retention of excess waste waters including the specific features of screening; suspended solids removal and control in the recycling system; pH control for minimization of odors, bacterial populations, foaming, and corrosive effects; (2) recycling of condenser water using cooling devices for condenser or other in-plant uses; (3) containment of lime mud slurry or reuse in the plant process; (4) reduction of moisture in the lime mud cake conveyance or transport with minimum quantities of water added in slurrying; (5) return of pulp press water to the diffuser; (6) use of continuous diffusers in beet processing; (7) use of pulp driers in beet processing; (8) concentration of Steffen waste for disposal on beet pulp, use for reclamation purposes or spreading of unconcentrated Steffen waste in thin layers on land excluded from surface runoff (such as earthen holding ponds); (9) dry conveyance of beet pulp from diffusers to pulp driers; and, (10) containment of all general wastes, e.g., floor and equipment washes, filter cloth washes, and other miscellaneous waste waters by discharge to flume water systems or containment in earthen holding ponds without discharge to navigable waters.

The effluent limitation of no discharge of process waste water pollutants to navigable waters is based upon the availability of suitable land for controlled filtration of the excess process waste water. If suitable land is not available for controlled filtration, the effluent limitation may be varied to allow the discharge of barometric condenser water derived from sugar concentration. The availability of suitable land is determined by application of the formula given in § 409.11 of Subpart B of Part 409 hereof. The application of the formula considers variable factors such as soil filtration rate, capacity of production plant, and length of production period for determining land availability. Barometric condenser waters are relatively unpolluted, containing only BOD5, pH and heat as significant pollutants. Properties and constituents of such wastes are readily separable from the other two major sources of waste water discharged from a beet sugar processing plant.

The effluent reduction attainable through the application of the best available technology economically achievable is no discharge of process waste water pollutants to navigable waters without variance. Factors by which the effluent limitation may be varied are no longer applicable due to the extended time period available for obtaining the land resources with which to meet the requirement of no discharge of process waste water pollutants to navigable waters.

The standard of performance for new sources representing the degree of effluent reduction obtainable through the application of the best available demonstrated control technology has been determined to be no discharge of process waste water pollutants to navigable waters. An allowance for a variation of the standard is not needed since land availability requirements should be considered in site selection for a new point source.

A report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the beet sugar Processing Segment of the Sugar Processing Point Source Category" which details the analysis undertaken in support of the regulations being proposed herein is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

c. *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the beet sugar processing subcategory. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under Section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Ohio River Valley Sanitation Commission; (4) New England Interstate Water Pollution Control Commission; (5) Delaware River Basin Commission; (6) Hudson River Sloop Restoration, Inc.; (7) Conservation Foundation; (8) American Crystal Sugar Company; (9) American Sugar Company; (10) Beet Sugar Development Foundation; (11) Businessmen for the Public Interest; (12) Environmental Defense Fund, Inc.; (13) Natural Resources Defense Council; (14) The American Society of Civil Engineers; (15) Water Pollution Control Federation; (16) National Wildlife Federation; (17) The American Society of Mechanical Engineers; (18) U.S. Department of Health, Education, and Welfare; (19) U.S. Department of Commerce; (20) U.S. Department of Agriculture; (21) Water Resources Council; (22) U.S. Department of the Interior; (23) Great Western Sugar Company; (24) U.S. Beet Sugar Association; and (25) Utah-Idaho Sugar Company;

The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows. Public comments on all these suggestions are solicited.

1. Industry, states, other Federal agencies, and the Effluent Standards and Water Quality Information Advisory Committee questioned the ability to accomplish no discharge of process waste

water pollutants to navigable waters where soil filtration rates, land availability, climatic conditions, age of facilities, and location are less favorable to controlled land disposal of waste waters. All such factors have been considered in establishment of the proposed levels of technology, effluent limitation guidelines and standards of performance. Land availability is a problem in urban areas, particularly where soil and climatic conditions are less favorable to land disposal of waste waters. EPA has determined that it is not practicable to require no discharge of process waste water pollutants where suitable land is not available adjacent to the point source and presently under the ownership of the point source discharger. Therefore, § 409.12 provides that where suitable land is not available, the best practicable control technology currently available (to be achieved by 1977) results in a maximum discharge of 3.3 kg BOD5/kkg (3.3 lb/1000 lb) of refined sugar, rather than no discharge. The no discharge requirement is, however, to be achieved by all plants by July 1, 1983.

It has been suggested that seepage rates could replace land availability as the criterion for allowing a reduction in the degree of treatment being required. Such a provision would change the economic impact and degree of waste disposal, raising it for those plants without available land in areas of high seepage rates and lowering it for plants in low seepage rate areas. The net effect is likely to be a higher degree of waste disposal at the cost of higher economic impact. In addition, there may also be alternative ways of reducing economic impact in areas with low seepage, through increased use of recycling.

It has also been suggested that the size of plants be used as a criterion for requiring complete elimination of waste, either by itself or in combination with seepage rate or land availability. Since very small plants have not achieved complete elimination of waste it may be more consistent with industry practice not to require them to achieve no discharge. In combination with one of the land criteria, segmentation by size could be used to modify the tradeoffs between economic impact and degree of waste disposal. On the other hand, some small plants have the capability to meet a no discharge requirement while others may already be exempt from doing so because of lack of available land. In considering these alternative criteria, it was concluded that land availability would serve as a reasonable surrogate for reducing economic impact.

2. Industry felt that the cost data for pollution control reduction given in Section VIII of the Report is underestimated and stems from lack of inclusion of land costs and underestimation of required waste water blowdown volume from a recirculating waste water system. The cost data utilized in the cost-effectiveness variations of alternative treatment and control technologies are outlined in Section VIII of the Report and are based on actual data supplied by the industry and verified for specific technological features at operational beet sugar processing plants visited by EPA personnel.

3. Industry, states and the Effluent Standards and Water Quality Information Advisory Committee were concerned that water rights in some Western states may present possible conflicts with the limitation of no discharge of process waste water pollutants to navigable waters. To the extent any conflict is presented with the prior appropriation doctrine by the reduction in discharge of treated waste effluent, such a conflict would appear to be presented by any such reduction whether or not a reduction is to zero discharge or to some greater permitted discharge. Congress has in the Federal Water Pollution Control Act Amendments of 1972 set as a national goal the elimination of the discharge of pollutants. In addition sections 301, 304 (b) and 306 of the Act provide for the application of effluent limitations and standards which will require the reduction of discharges of pollutants to the maximum extent possible (consistent with the technological and economic factors which are to be taken into consideration). A preliminary evaluation by EPA's Office of General Counsel has concluded that to the extent of a conflict with State laws concerning appropriated water rights, the Federal doctrine of preemption nevertheless requires the application of treatment requirements established under the Act.

4. Industry was concerned about odors emanating from prolonged storage of beet sugar processing waste waters with related nuisance problems. Various mechanisms are available and are practiced within the industry for minimizing odor problems. Significant reduction in odors at beet sugar processing plants can be accomplished through dry-lime cake handling and disposal and other measures as described in section VII of the Report.

5. States felt that additional attention needed to be given to prevention of possible ground water pollution from controlled land disposal of waste waters. Contamination of underlying aquifers can best be prevented through proper disposal site selection, waste water management practices, and application of ground water hydrologic and geologic factors. The soil media is in itself an effective and reliable means for reduction of waste water pollutant levels. A detailed discussion of the role of soil as a waste water disposal medium is included within Section VII of the Report. With widespread use of land disposal of beet sugar processing waste waters, no serious ground water pollution problems are known to have resulted from or can be attributed to these land disposal practices. Responsibility for maintaining ground water quality lies primarily with the States. State authority may be used to prevent contamination where it appapers to be a problem by controlling pond location and requiring sealing as necessary.

6. States were concerned that fogging resulting from evaporative cooling of barometric condenser waters may present a visibility problem at some locations. Fogging problems are subject to control. Also, there are only one or two locations in the industry where this problem may occur. A more detailed discussion of possible alternatives for fogging control is given in section VIII of the Report.

7. The Effluent Standards and Water Quality Information Advisory Committee felt that total dissolved solids content in recirculated waste water (flume and barometric condenser water) is of pollutional concern in land disposal of these waste waters. Total dissolved solids pose some largely aesthetic problems for human consumptive purposes, require treatment for removal for some industrial water supply purposes, and present deleterious effects on irrigation of some crops at high concentration levels. No economic method exists for removal of dissolved solids on a large scale basis. A detailed discussion of the origin, effects, and control of total dissolved solids in beet sugar processing waste waters is given in section IX of the Report.

Interested persons may participate in this rulemaking by submitting written comments to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. All comments received not later than September 21, 1973 will be considered.

Dated August 15, 1973.

JOHN QUARLES,
*Acting Administrator.*

## PART 409—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE SUGAR PROCESSING CATEGORY

**Subpart A—Beet Sugar Processing Subcategory**

Sec.



### Subpart A—Beet Sugar Processing Subcategory

**§ 409.10 Applicability; description of beet sugar processing subcategory.**

The provisions of this subpart are applicable to any operation existing for the primary purpose of processing of sugar

beets for the production of refined sugar for commercial or domestic use.

§ 409.11 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean (1) all water used in or resulting from the processing of sugar beets to refined sugar, including process water, barometric condenser water, beet transport or flume water and (2) all other liquid wastes including cooling waters.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "availability of suitable land" shall mean that amount of land which is (1) adjacent to the point source and (2) under the ownership or control of the owner or operator of the point source as determined by the formula set forth below. The amount of land is determined by the application of the following formula:

$A=0.001426(CL/s)+0.0536C$ (for metric system units) where A=land area requirements for controlled waste water disposal expressed in hectares, C=processing rate of capacity of plant in metric tons of refined sugar production per day, L=length of sugar production per campaign of plant (including extended use campaign) expressed in terms of days, s=actual soil filtration rate for waste water to be applied to land expressed in terms of centimeters per day, not to exceed 0.635 centimeters per day.

$A=0.000631(CL/S)+0.0601C$ (for English system units) where A=land area requirements for controlled waste water disposal expressed in terms of acres, C=processing rate or capacity of plants in tons of refined sugar production per day, L=length of sugar production campaign of plant (including extended use campaign) in terms of total number of days, s=actual soil filtration rate for waste water to be disposed of on land expressed in terms of inches per day, not to exceed ¼ inch per day.

(d) For the purposes of this subpart, the following abbreviations shall have the following meaning: (1) kg shall mean kilogram(s); (2) kkg shall mean 1000 kilograms; and, (3) lb shall mean pound(s).

§ 409.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The effluent limitation representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available is no discharge of process waste water pollutants to navigable waters.

(b) The effluent limitation of no discharge of process waste water pollutants to navigable waters is based upon the availability of suitable land for controlled filtration of the excess process waste waters. If suitable land is not available for controlled filtration, the effluent limitation may be varied to allow the discharge of barometric condenser water derived from sugar evaporation and crystallization within the effluent limitations set forth in the following table:

| *Effluent Characteristics* | *Limitation* |
|---|---|
| BOD5 | Maximum for any one day 3.3 kg/kkg refined sugar (3.3 lb/1000 lb) Maximum average of daily values for any period of 30 consecutive days 2.2 kg/kkg refined sugar (2.2 lb/1000 lb) |
| Temperature[1] | |
| pH | 6.0 to 9.0 units |

[1] No discharge of heat from waste waters to navigable waters at a temperature greater than the temperature of cooled water returned to the heat producing process.

§ 409.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The effluent limitation representing the degree of effluent reduction obtainable by the application of the best available technology economically achievable is no discharge of process waste water pollutants to navigable waters.

(b) Application of the factors listed in section 304(b)(2)(b) does not require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation.

§ 409.14 Standards of performance for new sources.

(a) The standard of performance representing the degree of effluent reduction obtainable by the application of the best available demonstrated control technology, processes, operating methods, or other alternatives is no discharge of process waste water pollutants to navigable waters.

(b) Application of the factors listed in section 306 does not require variation from the standard of performance set forth in this section for any point source subject to such standard of performance.

§ 409.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the beet sugar processing subcategory which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.131 40 CFR shall read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 409.14, 40 CFR, Part 409; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

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