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PART I

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HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATION:

4238 23309

5 CFR

213 (4 documents) 23312

7 CFR

6 23312
53 23312
811 23317
814 23318

14 CFR

71 (2 documents) 23322

PROPOSED RULES:

71 (2 documents) 23337, 23338
93 23338

15 CFR

30 23322
377 23322

17 CFR

270 23324

18 CFR

101 23332
104 23333
141 23334
154 23334
201 23334
204 23334
260 23335

20 CFR

405 23325

28 CFR

0 23311

30 CFR

55 23380
56 23380
57 23381

PROPOSED RULES:

55 23383
56 23384
57 23385

32A CFR

PROPOSED RULES:

Ch. XVIII:
EPO Reg. 2 23339

40 CFR

PROPOSED RULES:

52 23340

41 CFR

18–1 23327
18–2 23328
18–5 23331

45 CFR

PROPOSED RULES:

233 23337

50 CFR

20 23312
32 23311

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

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

page no. and date

CUSTOMS BUREAU—Imported merchandise subject to tariff 20230; 7–27–73

Next Week's Hearings

SEPTEMBER 4

EPA—Approval and promulgation of implementation plans for Virginia, to be held in Arlington, Va 20789; 8–2–73

SEPTEMBER 5

EPA—Approval and promulgation of implementation plans for the District of Columbia, to be held in Washington, DC 20762; 8–2–73

—Approval and promulgation of implementation plans for Oregon, to be held in Portland, Oreg 20766; 8–2–73

—Approval and promulgation of implementation plans for Maryland, to be held in Baltimore, Md. 20769; 8–2–73

SEPTEMBER 6

EPA—Approval and promulgation of implementation plans for Prince Georges and Montgomery Counties, Md., to be held in Silver Spring, Md .. 20779; 8–2–73

EPA—Michigan; request for State program approval for control of discharges of pollutants to navigable waters; held in Detroit, Mich .. 21446; 8–8–73

Next Week's Deadlines for Comments on Proposed Rules

SEPTEMBER 3

COAST GUARD—Great Lakes Pilot Rules 20467; 8–1–73

SEPTEMBER 4

AMS—Grading standards for shell eggs. 20896; 8–3–73

CONSUMER PRODUCT SAFETY COMMISSION—Noncomplying or defective consumer product; guidelines for informing the Commission 20902; 8–3–73

CUSTOMS SERVICE—Official receipt of payment of duties at time of entry and payment of a Customs bill 20896; 8–3–73

—Permitting use of qualifying words regarding load or count information on manifests for containerized or palletized cargo .. 20895; 8–3–73

EPA—Approval and promulgation of implementation plans for States of Colorado, District of Columbia, Maryland, Oregon, and Virginia (6 documents) 20752–20798; 8–2–73

—Pollutants in publicly owned treatment works; pretreatment standards 19236; 7–19–73

FAA—Designation of Federal airways, area low routes, controlled airspace, and reporting points .. 21502; 8–9–73

FCC—Ascertainment of community problems by broadcast applicants. 20275; 7–27–73

F&D—Food nutrition labeling; U.S. recommended daily allowances for infants 20745; 8–2–73

—Labeling of chemical preservatives in food 20745; 8–2–73

—Mellorine and parevine; standards of identity 20745; 8–2–73

—First published at .. 2150; 1–19–73

—Registration of producers of drugs and listing of drugs in commercial distribution 18041; 7–6–73

FPC—Monthly report of cost and quality of fuels for electric plants 19974; 7–26–73

HEW—Capital expenditures; limitation on Federal participation 20994; 8–3–73

HMRB—Protective shield for uninsulated pressure tank car tank heads. 14112; 5–29–73

NHTSA—Storage of warning devices in trunks of new motor vehicles .. 17511; 7–2–73

SEC—Independent public accountants; permission to perform preliminary audit procedures 20904; 8–3–73

SEPTEMBER 5

HUD—Employment opportunities for businesses and lower income persons in connection with assisted project. 20906; 8–3–73

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—Emergency temporary standard for certain carcinogens 18900; 7–16–73

SSA—Supplemental security income for the aged, blind, and disabled. 21188; 8–6–73

VA—Dependency and indemnity compensation; supplemental security income 21188; 8–6–73

NATIONAL MEDIATION BOARD—Administrative fees for all boards of adjustment 21186; 8–6–73

FAA—Alteration of control zone and transition area 21181; 8–6–73

REA—Issuance of accounting interpretations for rural electric borrowers. 21181; 8–6–73

BUREAU OF LAND MANAGEMENT—Leasing on public, acquired, and withdrawn lands 21416; 8–8–73

First published at 19748; 7–23–73

SEPTEMBER 6

EPA—General, State, and local assistance grants; policy requirements. 21342; 8–7–73

FAA—Designation of Federal airways, area low routes, controlled airspace, and reporting points .. 21274; 8–7–73

SOCIAL SECURITY ADMINISTRATION—Issuance of social security numbers for identification of aliens 21271; 8–7–73

SEPTEMBER 7

AMS—Milk in the Nebraska-Western Iowa marketing area 19915; 7–25–73

CAB—Publication of tariffs for services not actually provided to the public. 21274; 8–7–73

FCC—FM Broadcast stations in Rapid City, S. Dak.; table of assignments. 20627; 8–2–73

FHA—Lightweight vehicle exemption; advance notice 19692; 7–23–73

NHTSA—Motor vehicle tires; identification code requirement and assignment 14968; 6–7–73

FAA—Control zone and transition area; proposed alteration 21434; 8–8–73

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5649 ..... Pub. Law 93–106

Delta Queen, certain vessel laws, exemption (Aug. 16, 1973; 87 Stat. 250)

Presidential Documents

Title 3—The President

PROCLAMATION 4238

Amending Part 3 of The Appendix to The Tariff Schedules of The United States With Respect to The Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS, the import restrictions proclaimed pursuant to said section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS, the Secretary of Agriculture has reported to me that he believes that additional quantities of dried milk provided for in item 950.02 of the Tariff Schedules of the United States (hereinafter referred to as "nonfat dry milk") may be entered for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk or reducing substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS, the Secretary of Agriculture has determined and reported to me that a condition exists with respect to nonfat dry milk which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during the period ending October 31, 1973, without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS, I find and declare that the entry during the period ending October 31, 1973, of an additional quantity of 100,000,000 pounds of nonfat dry milk will not render or tend to render ineffective, or materially interfere with, the price support program which is being undertaken by the Department of Agriculture for milk and will not reduce substantially the amount of products processed in the United States from domestic milk; and that a condition exists which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during such period without awaiting the recommendations of the United States Tariff Commission with respect to such action;

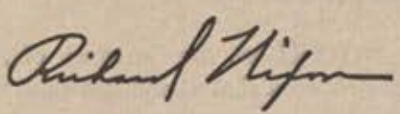
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that subdivision (vi) of headnote 3(a) of part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

(vi) Notwithstanding any other provision of this part, 25,000,000 pounds of dried milk described in item 115.50 may be entered during the period beginning December 30, 1972, and ending February 15, 1973, 60,000,000 pounds of such milk may be entered during the period beginning May 11, 1973, and ending June 30, 1973, 80,000,000 pounds of such milk may be entered during the period beginning July 19, 1973, and ending August 31, 1973, and 100,000,000 pounds of such milk may be entered during the period beginning the day after the date of issuance of this proclamation and ending October 31, 1973, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantities. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during each such period enter pursuant to this provision quantities of such additional dried milk totaling in excess of 2,500,000 pounds. The 100,000,000 pound additional quota quantity authorized to be entered during the period ending October 31, 1973, shall be allocated among supplying countries as follows:

Supplying Country	*Quantity in Pounds*
Australia	25,000,000
New Zealand	25,000,000
Canada	10,000,000
Member States of the European Economic Community	40,000,000

The 100,000,000 pound additional quota quantity provided for herein shall continue in effect pending Presidential action upon receipt of the report and recommendations of the Tariff Commission with respect thereto.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.73-18518 Filed 8-28-73;11:36 am]

Rules and Regulations

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 535-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart V—The Board of Parole

REORGANIZATION OF THE UNITED STATES BOARD OF PAROLE

The following amendments to subpart V, Part 0, Chapter I, of Title 28 of the Code of Federal Regulations reflect a reorganization agreed upon by the United States Board of Parole.

By virtue of the authority vested in me by 28 U.S.C. 510 and 18 U.S.C. 4201, 5005, subpart V, Part 0, chapter 1, Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.127 is amended to read as follows:

§ 0.127 Youth Correction Division.

(a) All members of the Board of Parole shall serve as members of the Youth Correction Division, and one member shall be designated by the Attorney General as Youth Division Chairman.

(b) The Youth Correction Division of the Board of Parole shall:

(1) Consult with, and make recommendations to, the Director of the Bureau of Prisons as to general treatment and correctional policies for committed youth offenders.

(2) Make recommendations to the Director of the Bureau of Prisons as to individuals committed under the Federal Youth Corrections Act.

(3) Report, within 60 days to the committing court, the findings as to individuals committed for observation and study.

(4) Prescribe the terms and conditions governing those under supervision.

(5) Order parole for youth offenders committed under the Federal Youth Corrections Act and juvenile delinquents sentenced under the Federal Juvenile Delinquency Act.

(6) Direct Federal probation officers to submit reports as to parole supervision of committed youth offenders and to limit and define the powers and duties of voluntary supervisory agents and sponsors.

(7) Issue warrants for the retaking of parole or mandatory release violators, and order the return to custody for further treatment of committed youth offenders.

(8) Revoke parole or mandatory release, or reparole or re-release under supervision.

(9) Discharge committed youth offenders unconditionally at its discretion after a year of parole supervision.

(2) Subpart V is further amended by adding at the end thereof the following new sections:

§ 0.128 Organization.

(a) The Board of Parole shall consist of eight members appointed by the President with the advice and consent of the Senate (18 U.S.C. 4201).

(b) The Board shall consist of a headquarters office and such regional offices as are needed to efficiently and effectively execute the Board's responsibilities. The Chairman of the Board, who shall be designated by the Attorney General, and at least two Board members shall be designated National Directors and serve in the headquarters office, i.e., Washington, D.C., and each regional office shall be directed by a Board member who shall be designated the Regional Director.

§ 0.129 Chairman of the Board of Parole.

The Chairman of the Board of Parole shall:

(a) Represent the position and policies of the Board to the Attorney General, the Administrative Office of the U.S. Courts, other Federal agencies, and the U.S. Congress.

(b) Assign Board members to serve as Regional Directors.

(c) Call meetings of the entire Board at least quarterly to consider, promulgate and oversee Board of Parole policies, and call special meetings at the written request of three Board members.

(d) Designate a Board member, from the National Directors serving in the headquarters office, as Vice Chairman to assist the Chairman in the execution of his responsibilities.

(e) Assign on a temporary basis, any Board member to act for any Regional Director or National Board member in his absence to ensure the proper functioning of the Board.

(f) Ensure that regional offices comply with established Board of Parole policies and procedures.

(g) Exercise the power and authority vested in the Attorney General to take final action in matters pertaining to the employment, direction and general administration, e.g., including appointment, assignment, training, promotion, demotion, compensation, leave, classification and separation, of Board of Parole personnel, except as provided in 28 CFR 0.135.

(h) Allocate, use, and monitor the expenditure of Board funds.

(i) Direct the preparation of the Board's budget request for submission to the Attorney General.

(j) Perform all other executive functions and duties required to execute the responsibilities and policies of the Board.

§ 0.129-1 Regional Director.

A Board member serving as Regional Director shall:

(a) Implement the policies, regulations, and procedures of the Board in the region.

(b) Serve as initial reviewing officer of parole decisions in the appellate process.

(c) Assign and supervise, subject to Board personnel policies, all personnel employed in the regional office.

(d) Prepare and submit to the Chairman a proposed regional budget for each fiscal year.

(e) Serve as the Board's regional liaison representative with Federal and state agencies, the judiciary, the state legislatures, law enforcement and probation officials, correctional and institutional personnel, and the general public.

§ 0.129-2 Discretionary authority of the Board of Parole to delegate decision-making authority to hearing examiners.

Under authority of sections 4203, 4207, 5017, and 5020 of Title 18 of the United States Code, the Board of Parole may, at its discretion, delegate decision-making authority to its hearing examiners.

Dated: August 21, 1973.

ELLIOTT L. RICHARDSON,
Attorney General.

[FR Doc.73-18293 Filed 8-28-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Mattamuskeet National Wildlife Refuge, North Carolina

The following special regulation is issued and is effective on September 1, 1973.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, North Carolina, is suspended during the 1973-74 waterfowl hunting season owing to the continued serious decline of Canada geese wintering in the Mattamuskeet area.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-18259 Filed 8-28-73;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Aggregate Possession Limit

Correction

In FR Doc. 73-16914, appearing at page 22015 in the issue of Wednesday, August 15, 1973, in the paragraph beginning *"Aggregate possession limit"* in § 20.11, the words "graphic area for which a possession" should be inserted after the sixth line.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Deputy Assistant Secretary for Rural Development is excepted under Schedule C.

Effective on August 29, 1973, § 213.3313 (a) (36) is added as set out below.

§ 213.3313 Department of Agriculture.

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

(36) Deputy Assistant Secretary for Rural Development.

* * * * *

(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.73-18325 Filed 8-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Communications) is excepted under Schedule C.

Effective on August 29, 1973, § 213.3316 (r) (3) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(r) *Office of the Assistant Secretary for Education.* * * *

(3) One Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Communications).

(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.73-18323 Filed 8-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant Secretary for Program Development and Budget is excepted under Schedule C.

Effective on August 29, 1973, § 213.3312 (a) (43) is added as set out below.

§ 213.3312 Department of the Interior.

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

(43) One Special Assistant to the Assistant Secretary for Program Development and Budget.

* * * * *

(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.73-18324 Filed 8-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Executive Resources Manager to the Deputy Under Secretary is excepted under Schedule C.

Effective on August 29, 1973, § 213.3394 (a) (45) is added as set out below.

§ 213.3394 Department of Transportation.

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

(45) One Executive Resources Manager to the Deputy Under Secretary.

* * * * *

(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.73-18322 Filed 8-28-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, Section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a) (v) of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 69 to 72 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) has been increased.

The subpart, Section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a) (v) of said part 3, is 72 cents per pound. This price shall continue in effect until changed by amendment of this section.

Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 72 cents per pound.

The foregoing amendment shall be effective August 29, 1973. In accordance with headnote 3(a) (v) of part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 69 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the Federal Register of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202.)

Issued at Washington, D.C., this 23d day of August 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-18345 Filed 8-28-73;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

VOLUNTARY MEAT GRADING AND RELATED SERVICES

This document, issued pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 19622, 19624), makes several changes needed to update the regulations under which voluntary meat grading and related services are provided. Briefly, the changes concern (1) inspection requirements in plants eligible for grading, (2) the addition of a Carcass Data Service as a kind of service available, (3) certificate forms issued for graded or accepted animals and products, (4) certain class designations for bovine carcasses and cuts, grade designations for swine carcasses, and the use of grade designations on boxes or cartons of fabricated meat, and (5)

charges for transportation costs to users of this fee-supported service. The paragraphs that follow contain more detailed explanation of the changes and the reasons for them.

Meat grading or acceptance service has been provided only in plants operated under Federal inspection or another acceptable inspection system. As a result of implementation of the Wholesome Meat Act of 1967, all establishments in a State or organized Territory, engaged in the business of preparing meat products for nonretail sale, must operate under the Federal inspection or a State inspection program determined to impose requirements at least equal to the Federal requirements. Accordingly, provisions in the regulations outlining detailed inspection requirements for eligibility of nonfederally inspected plants for grading service, the procedures followed in surveying such plants to determine eligibility, and the basis for charging for such surveys are deleted.

Detailed information on value-determining carcass characteristics is becoming increasingly important in livestock improvement programs. A readily available means for livestock producers and others to obtain carcass information on specific animals helps speed improvement efforts and facilitates the production and marketing of livestock and meat. Such a service has been available as a part of the grading program on a limited basis in a pilot study in a 4-State midwest area. Because of widespread industry interest and demand for the service, on July 31, 1972, the Department announced expansion of the pilot study to a nationwide test of the Beef Carcass Data Service. The regulations are changed to show the availability of this additional kind of service.

A revision in the "Official U.S. Standards for Carcass Beef," effective July 1, 1973, for the first time provides for a class (sex) identification—Bullock—to distinguish beef from younger and older bulls. This identification will be applied to carcasses and cuts classed as bullocks when they are officially graded. In the same revision, the class designation "Stag" was deleted from the standards as an official class identification. The April 1968 revision of the "Official U.S. Standards for Grades of Pork Carcasses" provided for an additional numerical grade designation—U.S. No. 4. Therefore, all three of these changes are being made to make the regulations consistent with the official U.S. standards.

The paragraph in the regulations concerning grade designations which may not be applied to a carcass unless it has been federally graded does not reference pork carcass grade U.S. No. 4 or yield grades 1, 2, 3, 4, or 5. Therefore, the regulations are being changed to include these grades in addition to those already listed. Also, a statement has been added to include the application of Federal grade designations to containers of meat when their contents have not been federally graded as specified in these regulations as a reason for withdrawal of service.

A single type of certificate has been issued for all animals or products whether graded or accepted under the regulations. The regulations are changed to designate two separate forms of official certificates—one for certifying the official grade and another for certifying compliance with applicable specifications.

The regulations provide that applicants may obtain grading service on a commitment basis—they agree to pay for a full 40 hours of service each week. The regulations are amended so that an applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay the actual moving costs incurred in transferring a grader to service a new commitment. This will permit collection of the costs of the transfer from the particular applicant responsible for the unusual costs. Otherwise, this expense item would affect the regular fee that must be charged to all users of the service. In a related change, provision is made for an applicant to enter into a temporary commitment or agreement for 3 months or less which does not involve a grader's transfer. Also, the basis for assessing per diem charges to applicants who request service away from an official grader's headquarters is changed. Previously, per diem was charged only when the travel extended beyond 1 calendar day. However, graders now may be authorized per diem reimbursement for travel periods of less than 1 calendar day. Accordingly, the regulations are changed to provide that applicants will be charged per diem whenever the grader performing the service is paid per diem under existing travel regulations.

Another amendment changes the name of the Consumer and Marketing Service to Agricultural Marketing Service wherever it appears in the regulations. This change is necessitated by the Agency name change announced by the Secretary of Agriculture, effective April 2, 1972.

Also, other minor changes are made.

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations in Part 53, Title 7, Code of Federal Regulations are hereby amended in the following respects:

§§ 53.11, 53.30, 53.31 [Amended]

1. Sections 53.1 (d), (e), (f), and (jj); 53.11; 53.29(b); 53.30; and 53.31 are each hereby amended by changing the term, "Consumer and Marketing Service" wherever it appears in said sections to "Agricultural Marketing Service."

2. In § 53.1, paragraph (mm) is amended and a new paragraph (pp) is added to read as follows:

§ 53.1 Meaning of words.

* * * * *

(mm) *Yield grade.* The designation related to the quantity of trimmed, boneless, major retail cuts to be derived from the carcass or wholesale cuts—rounds or legs, loins, ribs, or racks, and chucks or shoulders—referred to as yield grade in Subpart B of this part.

* * * * *

(pp) *Carcass Data Service.* The service established and conducted under the regulations to provide producers and other interested persons with data on carcass characteristics.

3. Section 53.4 is hereby amended to read as follows:

§ 53.4 Kind of service.

Grading service under the regulations shall consist of the determination and certification and other identification, upon request by the applicant, of the class, grade, or other quality of livestock or products under applicable standards in Subpart B of this part. Class, grade and other quality may be determined under said standards for livestock or meat of cattle, sheep, or swine in carcass form or for wholesale cuts of such meat, other than pork wholesale cuts. Acceptance service under the regulations shall consist of the determination of the conformity of livestock or products to specifications approved by the Director or Chief and the certification and other identification of such livestock or products in accordance with specifications, upon request by the applicant. Determination as to product compliance with specifications for ingredient content or method of preparation may be based upon information received from the inspection system having jurisdiction over the products involved. The Carcass Data Service, under the regulations, shall consist of the evaluation of carcass characteristics, in accordance with applicable official United States Standards which appear in Title 7, Chapter I, Part 53 of the Code of Federal Regulations (7 CFR Part 53), of carcasses of animals identified with the official eartag as shown in § 53.19, the recording of such data, and transmittal of the data to, or as directed by, the applicant for the service.

4. Section 53.5 is hereby amended to read as follows:

§ 53.5 Availability of service.

Service under these regulations may be made available with respect to livestock or products shipped or received in interstate commerce, and with respect to the livestock or products not so shipped or received if the Director or Chief determines that the furnishing of service for such livestock or products would facilitate the marketing, distribution, processing, or utilization of agricultural products through commercial channels. Also, such service may be made available under a cooperative agreement. Service under these regulations shall be provided without discrimination as to race, color, sex, creed, or national origin. Service will be furnished for products only if they were derived from animals slaughtered in federally inspected establishments or operated under State meat inspection in a State other than one designated in 9 CFR 331.2. Service under these regulations will be furnished for imported meat only if it is marked so that the name of the country of origin appears on most of the major retail cuts. The mark of foreign origin shall be imprinted by roller brand or handstamp and shall be applied so that the imprint is at least 2 inches from the backbone of lamb, 3 inches from the backbone of

veal and calf, and 4 inches from the backbone of beef carcasses. The mark of foreign origin shall be repeated parallel to the backbone of the carcass so as to appear on each round, rump, full loin, rib, and chuck of each bovine and ovine carcass in letters at least one-fourth of an inch high, with no more than three-fourths of an inch space between impressions. Imprints of each such brand shall be submitted to the Chief for the determination of compliance with these regulations prior to use of the brand on meats offered for Federal grading. It shall be the responsibility of the applicant to notify the meat grader performing the service whenever imported meat is offered for grading.

§§ 53.6, 53.7 [Revoked]

5. Sections 53.6 and 53.7 are revoked and reserved as follows:

6. Section 53.3 is hereby amended to read as follows:

§ 53.8 How to obtain service.

(a) *Application.* Any person may apply to the Director or Chief for service under the regulations with respect to livestock or products in which the applicant is financially interested. The application shall be made on a form approved by the Director. In any case in which the service is intended to be furnished at an establishment not operated by the applicant, the application shall be approved by the operator of such establishment and such approval shall constitute an authorization for any employees of the Department to enter the establishment for the purpose of performing their functions under the regulations. The application shall state: (1) The name and address of the establishment at which service is desired; (2) the name and post office address of the applicant; (3) the financial interest of the applicant in the livestock or products, except where application is made by an official of a Government agency in his official capacity; and (4) the signature of the applicant (or the signature and title of his representative). The application shall indicate the legal status of the applicant as an individual, partnership, corporation, or other form of legal entity. Any change in such status, at any time while service is being received, shall be promptly reported to the Director or Chief by the person receiving the service.

(b) *Notice of eligibility for service.* The applicant for service at any establishment will be notified whether his application is approved.

(c) *Request by applicant for service—(1) Noncommitment.* Upon notification of the approval on an application for service, the applicant may, from time to time as desired, make oral or written requests for service under the regulations with respect to specific livestock or products for which the service is to be furnished under such application. Such requests shall be made at an office for grading either directly or through any employee of the Agricultural Marketing Service who may be designated for such purposes.

(2) *Commitment.* If desired, the applicant may enter into an agreement with the Agricultural Marketing Service for the furnishing of service on a weekly commitment basis, whereby the applicant agrees to pay for 8 hours of service per day, 5 days per week, Monday through Friday, as provided in § 53.29(b), and the Agricultural Marketing Service agrees to make an official grader available to perform such service for the applicant. However, the Agricultural Marketing Service reserves the right to use any grader assigned to a plant under such a commitment to perform service for other applicants, when, in the opinion of the Chief, the grader is not needed to perform service for the applicant. An applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay for the moving costs actually incurred by the Agricultural Marketing Service to cover the transfer of the grader who will service the applicant's new commitment. If more than one applicant is involved in the reapplication for a canceled meat grading commitment requiring the transfer of the grader, the moving costs will be prorated among the applicants according to each applicant's committed portion of the grader's services. However, the moving costs will be charged only to those applicants who were parties to the previously canceled commitment. An applicant may, for periods of 3 months or less, enter into an agreement by memorandum with the Agricultural Marketing Service for the furnishing of service on a weekly basis. In the latter case, transfer of graders would not be involved and charges will be made in accordance with § 53.29.

7. Section 53.10 is hereby amended to read as follows:

§ 53.10 When request for service deemed made.

A request for service under the regulations shall be deemed to be made when received by an office of grading. Records showing the date and time of the request shall be made and kept in such office. However, in the case of the Carcass Data Service, the purchase of official USDA eartags shall constitute a request for such service and the requisition form used to purchase the eartags shall be kept in the designated office of record.

8. Section 53.13—Paragraph (a)(1)(vii) is hereby amended, subdivision (viii) is renumbered (ix), and a new subdivision (viii) is added as follows:

§ 53.13 Denial or withdrawal of service.

(a) *For misconduct—(1) Bases for denial or withdrawal.* * * * (vii) has applied the designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," "Cull," "Medium," "No. 1," "No. 2," "No. 3," "No. 4," "Yield Grade 1," "Yield Grade 2," "Yield Grade 3," "Yield Grade 4," or "Yield Grade 5" by stamp, or brand directly on any carcass, wholesale cut, or retail cut of any carcass, as part of a grade designation; or (viii) has applied to immediate containers or shipping containers of carcasses, wholesale cuts, or retail cuts, grade designations specified in paragraph (a)(1)(vii) of this section, when such carcasses, wholesale cuts, or retail cuts contained therein have not been federally graded; or (ix) has in any manner not specified in this paragraph violated subsection 203(h) of the Act: *Provided,* That paragraph (a)(1)(vi) of this section shall not be deemed to be violated if the person in possession of any item mentioned therein notifies the Director or Chief without delay that he has possession of such item and, in the case of an official device, surrenders it to the Chief, and, in the case of any other item, surrenders it to the Director or Chief or destroys it or brings it into compliance with the regulations by obliterating or removing the violative features under supervision of the Director or Chief: *And provided, further,* That paragraph (a)(1)(ii) through (viii) of this section shall not be deemed to be violated by any act committed by any person prior to the making of an application for service under the regulations by the principal person. An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in paragraph (a)(1)(i) through (ix) of this section after such application was made. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, such a person (*a*) in case the service is or would be performed at an establishment operated (*1*) by a corporation, partnership, or other person from whom the benefits of the service are currently being withheld under this paragraph, or (*2*) by a corporation, partnership, or other person having an officer, director, partner, or substantial investor from whom the benefits of the service are currently being withheld and who has any authority with respect to the establishment where service is or would be performed, or (*b*) in case the service is or would be performed with respect to any livestock or product in which any corporation, partnership, or other person within paragraph (a)(1)(ix)(*a*)(*1*) of this section has a contract or other financial interest.

9. Section 53.16 is hereby amended to read as follows:

§ 53.16 Official certificates.

(a) *Required; exception.* The official grader shall prepare, sign, and issue either (1) an official Agricultural Products Grading Certificate for products graded by him, or (2) an official Agricultural Products Acceptance Certificate covering products for which he has determined compliance except in the Beef Carcass Data Service as provided for in § 53.4. In the latter case, complete records of the services shall be furnished to the office of grading.

(b) *Form.* (1) The following forms constitute forms of official certificates for products under the regulations.

FORM LS-5 (5-15-72)

AUTHORIZATION NO.			FY	MONTH		DAY		CERTIFICATE NO.
								LG-
APPLICANT NO.	4	4						

NAME OF APPLICANT

ADDRESS

SUBCENTER NO.	4							

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK DIVISION

AGRICULTURAL PRODUCTS GRADING CERTIFICATE

This certificate is receivable by all officers and all Courts of the United States as prima facie evidence of the truth of the statements therein contained. *(This certificate does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture.)*

DESCRIPTION OF PRODUCT	GRADE OR OTHER QUALITY	NUMBER SLAUGHTERED BY SPECIES		PIECES GRADED	SG OR Y	SPECIES	CAR-CUT	GRADE	YIELD	PRODUCTION TIME	
		L G									/4
		L G									/4
		L G									/4
		L G									/4
		L G									/4
		L G									/4
		L G									/4
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		L G									/4
		L G									/4
		L G									/4
		L G									/4
		L G									/4
		L G	WAITING TIME L A			/4	TRAVEL TIME L B				/4

BASE HOURS →	L	1		/4
NIGHT, SAT., SUN. HOURS →	L	2		/4
HOLIDAY HOURS →	L	3		/4
PER DIEM DAYS →	L	6		/4
MILES →	L	7		
TOTAL OTHER EXPENSES →	Z	7	$	R A

I CERTIFY that in compliance with the Federal Meat and Livestock Grading Regulations (7 CFR Subpart 53A, as amended) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), I examined the product or products described above, at the time and place stated, and found that at said time and place the class, grade, and other quality thereof were as stated above and such product or products complied with any specifications listed, with any qualifications noted above.

WEIGHTS NOT VERIFIED:

SIGNATURE OF GRADER

FORM LS-5-1 (5-15-72)

AUTHORIZATION NO. | FY | MONTH | DAY

CERTIFICATE NO. LS-

APPLICANT NO. 44

NAME OF APPLICANT

ADDRESS

SUBCENTER NO. 4

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK DIVISION

AGRICULTURAL PRODUCTS ACCEPTANCE CERTIFICATE

SHIPPER OR SELLER NAME AND ADDRESS

RECEIVER OR BUYER NAME AND ADDRESS

This certificate is receivable by all officers and all Courts of the United States as prima facie evidence of the truth of the statements therein contained. *(This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture.)*

LOCATION / DESCRIPTION OF PRODUCT	SPECIFICATION AND ITEM NUMBER	WEIGHT RANGE	GRADE OR OTHER QUALITY	ACCEPTED UNITS	ACCEPTED POUNDS	PRODUCTION TIME	CAT. CODE
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
					LS	/4	
	LS WAITING TIME LA			/4	TRAVEL LB	/4	

BASE HOURS →	L 1		/4
NIGHT, SAT, SUN HOURS L 2	/4	HOL. HOURS L 3	/4
LAB HOURS → L 4	/4	LAB OTHER L 5 $	
PER DIEM DAYS →	L 6		/4
MILES →	L 7		
TOTAL OTHER EXPENSES →	Z 7 $		RA

I CERTIFY that in compliance with the Federal Meat and Livestock Grading Regulations (7 CFR Subpart 53A, as amended) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), I examined the product or products described above, at the time and place stated, and found that at said time, and place the class, grade, and other quality thereof were as stated above and such product or products complied with any specifications listed, with any qualifications noted above.

WEIGHTS NOT VERIFIED:

SIGNATURE OF GRADER

Where weight is certified, the word "Not" shall be deleted from the phrases "Weights Not Verified."

(2) Where determination of ingredient content or method of preparation of products in acceptance service is based on a certification of the facts by the inspection system having jurisdiction of the products, this fact shall be stated on the certificates.

(c) *Distribution.* The original certificate, and not to exceed two copies, shall be delivered or mailed to the applicant or other person designated by him. The remaining copies shall be forwarded as required by agency, division, and branch instructions. Additional copies will be furnished to any person financially interested in livestock or in the products involved with the concurrence of the applicant and upon payment of fees, as provided in § 53.29(g).

10. Section 53.19, paragraphs (b), (c), and (d) are hereby amended to read as follows and paragraph (f) is added:

§ 53.19 Official identifications.

* * * * *

(b) A shield enclosing the letters "USDA" as shown below with the appropriate quality grade designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," Cutter," "Canner," or "Cull," as provided in the standards in Subpart B of this part and accompanied when necessary by the class designation "Bullock," "Veal," "Calf," Yearling Mutton," or "Mutton," constitutes a form of official identification under the regulations to show the quality grade, and where necessary the class, under said standards, of steer, heifer, and cow beef, bullock beef, veal, calf, lamb, yearling mutton and mutton. The code identification letters of the grader performing the service will appear intermittently outside the shield.

(c) A shield enclosing the letters "USDA" and the words "Yield Grade," as shown below, with the appropriate yield grade designation "1," "2," "3," "4," or "5" as provided in the standards in Subpart B of this part constitutes a form of official identification under the regulations to show the yield grade under said standards. When yield graded, bull and bullock carcasses and eligible cuts from bull and bullock carcasses will be identified with the class designation "Bull" and "Bullock," respectively. The code identification letters of the grader performing the service will appear outside the shield.

(d) The letters "USDA" with the appropriate grade designation "1," "2," "3," "4," "Utility," or "Cull" enclosed in a shield as shown below, as provided in standards in Subpart B of this part, constitutes a form of official identification under the regulations to show the grade under said standards of barrow, gilt, and sow pork carcasses.

* * * * *

(f) A shield-shaped eartag enclosing the letters "USDA," the words "Carcass Data Service," as shown below, and a serial number constitutes a form of official identification under the regulations for livestock and carcasses. Other information may appear on the backside of the eartag at the option of the purchasers.

In § 53.29, paragraph (d) is hereby amended to read as follows.

§ 53.29 Fees and other charges for service.

* * * * *

(d) *Per diem charges.* When service is requested at a place away from the official grader's headquarters, the fee for such service shall include a per diem charge if the employee performing the service is paid per diem in accordance with existing travel regulations. Per diem charges to applicants will cover the same period of time for which the grader receives per diem reimbusement. The per diem rate will be administratively determined by the Chief. However, the applicant will not be charged a new per diem rate without notification before the service is rendered.

* * * * *

And paragraph (e) is revoked; in paragraph (h), the first sentence is hereby amended by deleting the reference therein to paragraph (e).

All these amendments relate to a voluntary program and the statute provides for a collection of fees to cover the cost of the service. Information as to the level of the charges necessary to cover the cost of the service is solely within the knowledge of this Department. Also, these changes should be made effective within 30 days after publication in the FEDERAL REGISTER in order to provide for a more equitable assessment of charges against users of the service as soon as possible. The other changes do not impose additional obligations on any member of the public.

Therefore, in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553), it found for good cause that notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest.

These amendments shall become effective September 28, 1973.

(Sections 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., this 22d day of August 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18238 Filed 8-28-73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1973

Basis and purpose and bases and considerations.—This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall, as often as facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether any area or country will not market the quota for such area or country.

On the basis of the quota established for Puerto Rico for the calendar year 1973, findings were heretofore made (37 FR 23624, 38 FR 10915, 14813) that Puerto Rico will be unable to market its quota by 720,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico for 720,000 tons. On the basis of the latest information on sugar production and planned marketings by Puerto Rico during the balance of this year, it is herein found that Puerto Rico will be unable to fill its sugar quota by an additional 45,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1973 quota for Puerto Rico of 765,000 short tons, raw value.

The marketing opportunities for Puerto Rico within the quota established for that area will not be limited as a result of deficit determinations and prorations provided in this Part 811.

On the basis of information which recently became available to the Department, Venezuela will be able to market only 31,902 short tons, raw value, of its 1973 quota and a deficit of 34,464 short tons, raw value, is hereby declared. The total deficit declared represents 20,317 short tons of its section 202 quota and 14,147 short tons of deficits previously prorated to it.

On the basis of information supplied the Department by Panama a finding was previously made that Panama would be able to supply only 50,000 short tons, raw value, of its 1973 quota. A deficit was determined in Panama's quota at that time reflecting its then marketing capability of 50,000 tons. The latest information available indicates that Panama will be able to market 52,500 short tons, raw value, of its 1973 quota sugar in the United States. Therefore, the total deficit in the quota for Panama, established under section 202 of the Act, previously

determined to be 4,764 short tons, raw value, is herein determined to be 2,264 short tons, raw value.

On the basis of final outturn weights and polarizations, the Department's records show that Haiti has shipped 295 tons of sugar to the United States in excess of its current quota. Therefore, the total deficit in the quota for Haiti, established under section 202 of the Act, previously determined to be 11,321 short tons, raw value, is herein determined to be 11,026 short tons, raw value.

The combined total deficits and deficit adjustments determined in quotas established under section 202 of the Act for Puerto Rico, Venezuela, Panama, and Haiti are reallocated by allocating 30.08 percent to the Republic of the Philippines and prorating the balance to Western Hemisphere countries that have not declared deficits. The section 202 quota and deficit prorations assigned to Honduras are prorated to other Central American Common Market countries.

It is hereby determined that deficits previously declared and those declared herein constitute all known deficits on which data are currently ascertainable by the Department.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.21, 811.22, and 811.23 as follows:

1. Section 811.21 is amended by amending paragraph (a) (2) to read as follows:

§ 811.21 Quotas for domestic areas.

(a) * * *

(2) It is hereby determined, pursuant to section 204(a) of the Act, for the calendar year 1973, the Domestic Beet Sugar Area and Puerto Rico will be unable by 49,000 and 765,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a) (1) of this section. Pursuant to section 204(b) of the Act, the determination of such deficits shall not affect the quotas established in paragraph (a) (1) of this section.

* * * * *

2. Section 811.22 is amended by amending paragraph (a) to read as follows:

§ 811.22 Proration and allocation of deficits in quota.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 49,000; Puerto Rico 765,000; the West Indies 114,703; Panama 2,264; Honduras 10,189; Venezuela 20,317 and Haiti 11,026. The deficits for the domestic areas, the West Indies, Venezuela, Haiti, and Panama totalling 962,310 tons are reallocated by allocating 30.08 percent or 289,463 tons to the Republic of the Philippines and by prorating the remaining 672,847 tons to Western Hemisphere quota countries with quotas in effect in accordance with section 204(a) of the Act, except such prorations to the West Indies, Panama, Venezuela, and Haiti are limited so that total quotas for each country will not exceed 114,703, 52,500, 31,902, and 15,295 tons, respectively. The section 202 quota and deficit prorations to Honduras are prorated to other Central American Common Market countries on the basis of quotas determined under section 202 of the Act.

* * * * *

3. Section 811.23 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.23 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,426,779 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 289,463 short tons, established pursuant to section 204(a) of the Act and 11,296 short tons, established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines, pursuant to section 202 of the Act, are shown in columns (1) and (2) of the following table. Deficits and deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). The deficits and deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic Quotas	Temporary quotas and prorations pursuant to Sec. 202 (d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
			Short tons, raw value		
Dominican Republic	405,584	137,821	147,219	13,851	704,475
Mexico	358,689	121,885	130,197	12,250	623,021
Brazil	349,817	118,870	126,977	11,946	607,610
Peru	250,322	85,061	90,862	8,549	434,794
West Indies	130,548	44,362	−114,703	0	60,207
Ecuador	51,649	17,552	18,748	1,763	89,712
Argentina	48,480	16,474	17,597	1,656	84,207
Costa Rica	43,727	14,859	19,666	1,569	78,821
Colombia	43,093	14,644	15,642	1,472	74,851
Panama	40,875	13,889	−4,764	2,500	52,500
Nicaragua	40,875	13,889	18,384	1,467	74,615
Venezuela	38,974	13,245	14,147	−34,454	31,902
Guatemala	37,390	12,705	16,816	1,342	68,253
El Salvador	27,250	9,260	12,255	979	49,744
Belize (British Honduras)	21,547	7,321	7,821	736	37,425
Haiti	19,645	6,676	−11,321	295	15,295
Honduras	7,605	2,584	−10,189	0	0
Bolivia	4,119	1,400	1,495	141	7,155
Paraguay	4,119	1,400	1,495	141	7,155
Australia	159,065	44,951	0	0	204,016
Republic of China	66,224	18,715	0	0	84,939
India	63,689	17,999	0	0	81,688
South Africa	44,994	12,715	0	0	57,709
Fiji Islands	34,855	9,850	0	0	44,705
Mauritius	23,448	6,626	0	0	30,074
Swaziland	23,448	6,626	0	0	30,074
Thailand	14,576	4,118	0	0	18,694
Malawi	11,724	3,313	0	0	15,037
Malagasy Republic	9,506	2,686	0	0	12,192
Ireland	5,351	0	0	0	5,351
Total	2,381,188	781,496	498,344	26,193	3,687,221

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, and Uganda.

* * * * *

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, and 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date.—In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on August 23, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-18205 Filed 8-23-73;3:22 pm]

[Sugar Reg. 814.11]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1973 Quotas

Basis and purpose.—This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act" for the purpose of allotting the 1973 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary among other things: (1) to prevent disorderly marketing of sugar or liquid sugar; and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on March 20, 1973 (38 FR 7339), of a public hearing to be held in Atlanta, Ga., in the Federal Building, Room 556, on April 13, 1973, beginning at 10 a.m. local time, for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1973 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data become a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of the recommended decision and effective date.—The record of the hearing shows that the supply of sugar available for marketing is in excess of the quota of 1,591,000 tons and that 1973 marketings of mainland cane sugar, unless restricted, could exceed the 1973 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of alloting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments, it is imperative that processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impractical and contrary to the public interest, and consequently, this order shall become effective on August 29, 1973.

Basis for findings and conclusions.—Section 205(a) of the Act reads in pertinent parts as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof alloted to him. * * * The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any non-affiliated single plant processor of sugar beets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: Provided, That * * * marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1, of the calendar year for which such allotment is made: * * * Provided further, That the total increases in marketing allotments made pursuant to this sentence * * * to processors in the mainland cane sugar areas shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. * * *

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1973 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 9).

The Government witness introduced for the record annual data on processings, marketing, and inventories for the most recent 5-year period (R. 10 Ex. 5).

The three factors of "processings," "past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions have been considered by the allotment method herein adopted as set forth in finding 4.

The allotment method adopted herein is the same as that proposed at the hearing by the Government witness with the exception that the fixed allotment for Louisiana State University of 25 short tons, raw value, for 1973 has been reduced to 10 short tons, raw value, and the period for reporting the final 1972 crop production has been extended for Florida processors beyond April 30, 1973, until the completion of the harvest of the 1972 Florida crop. The period for reporting final 1972 production and marketing data of Florida processors was extended to May 31, 1973, at the request of the Florida Sugar Cane League, Inc. and the Sugar Cane Growers Cooperative of Florida in briefs filed May 15, 1973. Any revision in 1972 crop production or marketing data received in reports after this period will be considered as pertaining to the 1973 crop. The fixed allotment for Louisiana State University was reduced to 10 tons according to the joint request made at the hearing by the processors of Louisiana and Florida.

The Government witness proposed that the factor "processings from proportionate shares" should be measured for each processor by the higher of either its production of sugar from 1972 crop sugarcane or 101 percent of his average production from the 1970 and 1971 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent. The primary purpose for using an alternative measure of "processings" (101 percent of his average production from the 1970 and 1971 crops of sugarcane), is to give protection against a crop failure or some other unavoidable occurrence which reduced processings of the crop used for the measure of processings.

Giving consideration to "past marketings" by using the average annual marketings for each processor for the 3-year period 1970 through 1972 and giving this factor a weighting of 20 percent in determining allotments contributes to an orderly rate of change in the marketings of each processor relative to others. Measuring the factor "ability to market" as herein adopted and giving this factor a weighting of 20 percent in determining allotments gives recognition to the sugar produced from 1972 crop sugarcane which each processor will have available for marketing within the 1973 quota and also recognizes the relative sharing of each processor in past new-crop marketings within the quota.

An allotment of 10 short tons, raw value, is established herein for Louisiana State University as proposed by the witnesses representing mainland sugarcane processors.

As proposed by the Government witness at the hearing a quantity of the quota is reserved for those processors who released excess deficits in 1972. The purpose of this provision is to encourage allottees to be as accurate as possible in determining deficits and the allotment method used herein provides that a quantity of sugar equal to excess deficits released by allottees in 1972 be reserved and added to 1973 allotments of the applicable processors.

The Department has been officially notified by the Louisiana State Penitentiary that it will not process any 1973 crop sugarcane and therefore, allotment has been provided for the Penitentiary equal to its January 1, 1973, effective inventory. Since the Penitentiary processes only cane produced at the Penitentiary and no 1973 crop will be grown, all other processors will share in the unused portion of the allotment that would have been provided for the Penitentiary had it continued to operate. No comments or requests other than those noted above were offered by processors at the hearing or subsequent thereto.

Findings and conclusions.—On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1973, consisting of January 1, 1973, effective inventories of mainland cane sugar of 851,994 tons plus 1973 crop sugar produced before January 1, 1974, of between 950,000 and 1,050,000 tons would substantially exceed the current 1,591,000 ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1973 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) Eight-hundred and ninety-eight short tons, raw value, shall be set aside from the quota providing for an allotment of 10 short tons, raw value, for Louisiana State University, 569 tons for the Louisiana State Penitentiary and providing a reserve of 319 tons to be added to the allotment of processors who released excess deficits in 1972. The reserve quantities to be added to 1973 allotments equal to excess allotments released are 127 tons for Alma Plantation, Ltd.; 68 tons for Louisa Sugar Cooperative, Inc. and 124 tons for Milliken and Farwell, Inc., now Smithfield Sugar Cooperative, Inc.

(4) The remainder of the 1973 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 898 tons as provided in finding (3) shall be alloted to processors other than Louisiana State University and Louisiana State Penitentiary by measuring and weighting each of the three factors of "processing," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings from proportionate shares," shall be measured for each processor by the higher of either his production of sugar from 1972 crop sugarcane in short tons, raw value, or 101 percent of his average crop-year production from the 1970 and 1971 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured for each processor by his average annual quota marketing for the years 1970 through 1972 in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1973, effective inventory, and (ii) his share of the difference between the 1973 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 898 tons set aside under finding (3) and the total of the effective inventories of all processors listed in the table in finding (7). Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his avearge 1970 through 1972 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 898 tons set aside under finding (3).

(e) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (d) of this finding (4).

(f) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined by prorating such release or deficit to all other allottees to the extent they are able to market additional sugar on the basis of allotments as determined pursuant to preceding paragraphs of this finding (4).

(5) Final adjustments in the data for 1972 crop including January 1, 1973, effective inventories, were made on the basis of sugar production and marketing reports covering the period ending May 31, 1973.

(6) According to official records received by the Department the operations of Poplar Grove Planting and Refining Co., Inc. and Milliken and Farwell, Inc., have been combined into a new company known as Smithfield Sugar Cooperative, Inc. The allotment history of the respective companies, therefore, is combined for purposes of determining the allotment of the new company, Smithfield Sugar Cooperative, Inc.

(7) The quantities of sugar and the percentages referred to in finding (4) and the computation of processor allotments are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [3]	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Effective inventory 1-1-73 [3]	New crop quota marketings		Measures used		Percent of total	Short tons, raw value
						Average 1970-1972	"Shares" of [4] difference	Col. (5) plus Col. (7)	Percent of total		
						Short tons, raw value					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Albania Sugar Co	9,829	0.607	10,535	0.756	1,179	7,207	11,103	12,282	0.772	0.670	10,654
Alma Plantation, Ltd	11,824	.730	12,862	.923	127	8,455	13,025	13,152	.827	.788	12,530
J. Aron & Co., Inc	17,896	1.104	18,843	1.353	0	12,601	19,412	19,412	1.221	1.177	18,716
Billeaud Sugar Factory	13,325	.822	13,713	.985	1,968	9,306	14,336	16,304	1.025	.895	14,231
Breaux Bridge Sugar Co-op	12,900	.796	12,696	.912	4,243	5,482	8,445	12,688	.798	.820	13,039
Wm. T. Burton Industry, Inc	11,231	.693	8,898	.639	2,886	5,384	9,218	12,104	.761	.696	11,067
Caire & Graugnard	7,247	.447	7,847	.563	1,592	3,933	6,059	7,651	.481	.477	7,585
Cajun Sugar Co-op., Inc	33,308	2.057	28,501	2.046	19,718	7,428	11,443	31,161	1.960	2.035	32,359
Caldwell Sugar Co-op., Inc	18,252	1.126	19,427	1.395	6,332	8,816	13,581	19,913	1.252	1.205	19,161
Columbia Sugar Co	8,868	.547	9,324	.669	1,457	5,803	8,940	10,397	.654	.593	9,429
Cora-Texas Manufacturing Co., Inc	13,170	.813	11,318	.813	7,971	2,867	4,417	12,388	.779	.806	12,816
Dugas & Le Blanc, Ltd	21,204	1.309	22,430	1.610	3,456	11,233	17,305	20,761	1.306	1.369	21,769
Dube & Bourgeois Sugar Co	11,995	.740	12,662	.909	938	7,665	11,808	12,746	.802	.786	12,498
Evan Hall Sugar Co-op., Inc	28,780	1.776	30,616	2.198	2,948	20,398	31,423	34,371	2.162	1.937	30,800
Frisco Cane Co., Inc	1,768	.109	2,088	.150	128	1,632	2,514	2,642	.166	.129	2,051
Glenwood Co-op., Inc	21,063	1.300	22,420	1.610	2,409	12,369	19,055	21,464	1.350	1.372	21,816
Helvetia Sugar Co-op., Inc	15,131	.934	16,935	1.215	2,228	8,626	13,288	15,516	.976	.999	15,885
Iberia Sugar Co-op., Inc	23,795	1.468	23,879	1.714	6,479	11,186	17,232	23,711	1.491	1.522	24,201
Lafourche Sugar Co	27,594	1.703	29,816	2.141	4,518	15,574	23,992	28,510	1.793	1.809	28,765
Harry L. Laws & Co., Inc	18,693	1.154	19,554	1.404	1,088	12,027	18,528	19,616	1.234	1.220	19,399
Levert-St. John, Inc	12,797	.790	13,688	.983	1,387	10,882	16,302	17,689	1.112	.893	14,200
Louisa Sugar Co-op., Inc	13,329	.823	12,519	.899	1,725	8,909	13,724	15,449	.972	.885	13,802

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Meeker Sugar Co-op., Inc.	16,454	1.015	12,936	0.929	9,334	3,971	6,117	15,451	0.972	0.989	15,726
M. A. Patout & Son, Ltd.	25,153	1.552	22,576	1.621	3,153	15,897	24,490	27,643	1.738	1.603	25,489
Savoie Industries	21,357	1.318	20,152	1.447	5,405	10,541	16,239	21,644	1.361	1.352	21,498
St. James Sugar Co-op., Inc.	25,703	1.586	27,280	1.959	13,919	6,634	10,220	24,139	1.518	1.647	26,189
St. Mary Sugar Co-op., Inc.	16,848	1.040	18,228	1.309	4,315	10,034	15,457	19,772	1.243	1.134	18,032
Smithfield Sugar Co-op., Inc.	23,056	1.423	24,466	1.757	1,633	14,209	21,889	23,522	1.479	1.501	23,867
South Coast Corp.	67,448	4.163	75,343	5.409	33,364	19,186	29,556	62,520	3.951	4.370	69,487
Southdown Sugars, Inc.	43,217	2.667	49,932	3.585	7,124	23,873	36,777	43,901	2.761	2.869	45,620
Sterling Sugars, Inc.	32,999	2.036	34,504	2.477	5,198	19,591	30,180	35,378	2.225	2.162	34,378
J. Supple's Sons Planting Co.	5,960	.368	6,498	.467	803	3,575	5,507	6,310	.397	.394	6,265
Valentine Sugars, Inc.	14,081	.869	16,858	1.210	373	8,524	13,131	13,504	.849	.933	14,836
Vida Sugars, Inc.	4,864	.300	5,315	.382	627	4,615	7,109	7,736	.486	.354	5,629
A. Wilbert's Sons Lumber & Shingle Co.	11,678	.721	12,124	.870	0	8,070	12,432	12,432	.782	.763	12,133
Louisiana subtotal	662,817	40.906	686,772	49.309	159.925	346,803	534,254	694,179	43.656	43.137	685,922
Atlantic Sugar Association, Inc.	66,477	4.103	39,031	2.803	50,105	9,109	14,033	64,138	4.034	3.829	60,885
Glades County Sugar Growers Co-op. Association	69,228	4.273	51,756	3.716	59,784	8,513	13,114	63,898	4.018	4.111	65,369
Gulf & Western Food Products Co.	130,759	8.070	91,006	6.534	97,835	16,751	25,805	123,640	7.776	7.704	122,502
Osceola Farms Co.	86,273	5.324	62,146	4.462	63,441	11,240	17,315	80,756	5.079	5.103	81,143
Sugarcane Growers Co-op. of Florida	179,732	11.092	128,887	9.254	133,543	22,703	34,974	168,517	10.598	10.625	168,948
Talisman Sugar Corp.	95,007	5.863	75,269	5.404	64,874	14,571	22,447	87,321	5.491	6.507	90,588
U.S. Sugar Corp.	330,041	20.369	257,917	18.518	231,487	49,442	76,166	307,653	19.348	19.794	314,745
Florida subtotal	957,517	59.094	706,012	50.691	692,069	132,329	203,854	895,923	56.344	56.863	904,180
Total all mainland cane	1,620,334	100.000	1,392,784	100.000	851,994	479,132	738,108	1,590,102	100.000	100.000	1,590,102

[1] The higher of either the production of sugar from the 1972 crop or 101 percent of the average production for the 1970 and 1971 crops of sugarcane.

[2] Average annual quota marketing for each processor for years 1970 through 1972.

[3] Effective inventory, January 1, 1973 is the physical inventory January 1, 1973 plus processings from 1972 crop cane in 1973.

[4] The difference between 1,590,102 tons (quota for 1973 established by S.R. 811 Amdt. 2, less 10 tons reserved for Louisiana State University, less reserves for processors who released excess 1972 allotments amounting to 127 tons for Alma, 68 tons for Louisa, and 124 tons for Milliken and Farwell, now Smithfield Sugar Cooperative, Inc., and less 569 tons for the Louisiana State Penitentiary which is a quantity equal to their January 1, 1973 effective inventory) and January 1, 1973 effective inventories of listed processors amounting to 851,994 tons. This difference of 738,108 tons prorated on the basis of each processor's average 1970-72 new-crop marketings.

[5] Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less total reserves of 808 tons, by Column (10).

(8) The order shall be revised without further notice or hearing for the purpose of (a) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Administrator pursuant to the provisions of the Sugar Act of 1948, as amended. Any revision in allotments made to give effect to (a) of this finding (8) shall be made by increasing proportionately the allotments as provided in finding (4)(f), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this finding (8) allotments shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (d) of finding (4).

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Administrator, after publication in the FEDERAL REGISTER, which changes the 1973 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1973 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order.—Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: It is hereby ordered:

§ 814.11 Allotment of the 1973 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.*—The 1973 sugar quota for the Mainland Cane Sugar Area of 1,591,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	10,654
Alma Plantation, Ltd.	12,657
J. Aron & Co., Inc.	18,716
Billeaud Sugar Factory	14,231
Breaux Bridge Sugar Co-op.	13,039
Wm. T. Burton Ind., Inc.	11,067
Caire & Graugnard	7,585
Cajun Sugar Co-op., Inc.	32,359
Caldwell Sugar Co-op., Inc.	19,161
Columbia Sugar Co.	9,429
Cora-Texas Manufacturing Co., Inc.	12,816
Dugas & Leblanc, Ltd.	21,769
Dube & Bourgeois Sugar Co.	12,498
Evan Hall Sugar Co-op., Inc.	30,800
Frisco Cane Co., Inc.	2,051
Glenwood Co-op., Inc.	21,815
Helvetia Sugar Co-op., Inc.	15,885
Iberia Sugar Co-op., Inc.	24,391
LaFourche Sugar Co.	28,705
Harry L. Laws & Co.	19,309
Levert-St. John, Inc.	14,200
Louisa Sugar Co-op., Inc.	13,870
Louisiana State Penitentiary	569
Louisiana State University	10
Meeker Sugar Co-op., Inc.	15,726
M. A. Patout & Son, Ltd.	25,489
Savoie Industries	21,498
St. James Sugar Co-op., Inc.	26,189
St. Mary Sugar Co-op., Inc.	18,032
Smithfield Sugar Co-op., Inc.	23,991
South Coast Corp.	69,487
Southdown Sugars, Inc.	45,620
Sterling Sugars, Inc.	34,378
J. Supple's Sons Planting Co., Ltd.	6,265
Valentine Sugars, Inc.	14,836
Vida Sugars, Inc.	5,629
A. Wilbert's Sons Lumber & Shingle Co.	12,133
Louisiana sub-total	686,830
Atlantic Sugar Association, Inc.	60,885
Glades County Sugar Growers Co-operative Association	65,369
Gulf & Western Food Products, Co.	122,502
Osceola Farms Co.	81,143
Sugarcane Growers Co-op. of Florida	168,948
Talisman Sugar Corp.	90,588
U.S. Sugar Corp.	314,745
Florida sub-total	904,180
Total all mainland cane	1,591,000

(b) *Marketing limitations.*—Marketings shall be limited to allotments as

established herein subject to the prohibitions and provisions of §§ 816.1 through 816.9 of this subchapter (33 FR 8495).

(c) *Transfer of allotments.*—The Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Director that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1973 crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.*—When approved in writing by the Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Revision of allotments.*—Allotments established under this order may be revised without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3) any change in the Mainland Cane Sugar Area quota.

(Secs. 205, 209, 403, 61 Stat. 926, as amended, 928, 932 (7 U.S.C. 1115, 1119, 1153).)

Effective date.—This docket will become effective on August 29, 1973.

Signed at Washington, D.C., on August 20, 1973.

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

[FR Doc.73-18066 Filed 8-28-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-37]

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

Redesignation of VOR Federal Airways

On June 29, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17249) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate a segment of V-11 between Greene County, Miss., VORTAC and Richton, Miss., Intersection; also, redesignate a segment of V-70 between Greene County VORTAC and Picayune, Miss., VORTAC.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307, 5627, and 9488) is amended as follows:

1. In V-11 "28 miles 95 MSL Laurel, MS.," is deleted and "Laurel, Miss.;" is substituted therefor.

2. In V-70 "95 MSL Greene County, Miss.;" is deleted and "Greene County, Miss.;" is substituted therefor.

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

Issued in Washington, D.C., on August 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18239 Filed 8-28-73;8:45 am]

[Airspace Docket No. 73-SW-44]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Pleasanton, Tex.

On July 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 18685) stating the Federal Aviation Administration proposed to designate the Pleasanton, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

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

PLEASANTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (latitude 28°57'00" N., longitude 98°31'20" W.) and within 3 miles each side of the 175° bearing from the Pleasanton NDB extending from the 5-mile radius to 8 miles south of the NDB.

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

Issued in Forth Worth, Tex., on August 21, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-18240 Filed 8-28-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Exporting Carriers Authorized To Correct Shipping Weights on Shipper's Export Declarations

The following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 FR 11367) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on this amendment and postponement of the effective date thereof is unnecessary because the amendment is a change in the substantive rules which grants an exemption and relieves restrictions.

This regulation is issued under authority of Title 13, United States Code, section 302, Department of Commerce Organization Order No. 35-4A, January 1, 1972, 37 FR 3461.

Effective date.—This amendment to the Foreign Trade Statistics Regulations is effective August 29, 1973.

A new subparagraph (e) is hereby added to § 30.22 to read as follows:

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

* * * * *

(e) Exporting carriers are authorized to amend incorrect shipping weights reported on Shipper's Export Declarations, and to prorate total shipping weights among the individual commodities where such carriers are able to do so based upon information in their possession.

Dated August 9, 1973.

VINCENT P. BARABBA,
Director, Bureau of the Census.

I concur:

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-18306 Filed 8-28-73;8:45 am]

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev., Export Regs.]

PART 377—SHORT SUPPLY CONTROLS

Ferrous Scrap

The FEDERAL REGISTER issuance of July 2, 1973, established a licensing system for exports of ferrous scrap under which no licenses were issued for exports of ferrous scrap against orders of 500 short tons or more which were accepted after July 1, 1973, or which called for export after July 31, 1973. Applications to export ferrous scrap against accepted orders for less than 500 short tons were considered, irrespective of the date on

which such orders were accepted. A similar licensing system against orders of 500 short tons or more of ferrous scrap for export in August 1973 was announced in the FEDERAL REGISTER of July 27, 1973. The purpose of this issuance is to announce the licensing system for exports in September 1973.

I. *Licensing System Against Orders of Ferrous Scrap for Export in September 1973.*—A. *Orders for 500 short tons or more.*—The licensing system against orders for 500 short tons or more of ferrous scrap for export in September 1973 is hereby announced.

Validated licenses will be issued in the case of applications to export scrap against unfilled or partially filled orders calling for export during the month of September 1973, which were accepted by an exporter on or before July 1, 1973. Such licenses will be granted under the same terms and conditions as apply with respect to validated licenses for export of scrap during the month of August 1973. Thus, the orders must have been reported by the exporter pursuant to the reporting requirement of § 377.1 (c) and the application must be accompanied by the supporting documentation (described in § 377.4(b)(1)) which would be required in the case of license applications for August exports of scrap. Further, in the case of an application for export to Japan, the requirement of § 377.4(b)(2) with respect to a Japanese Import Certificate must be fulfilled. Licenses issued for September exports of scrap to all destinations against orders for 500 short tons or more shall have a validity period of 60 days from the date of issuance.

Special rules are provided in the case of an export order accepted by a U.S. exporter on or before July 1, 1973, to export 500 short tons or more of ferrous scrap to Japan, if such order calls for export during the month of September 1973. In such a case, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued by the Government of Japan. However, in situations where the ferrous scrap was ordered by a Japanese trading company and the country of ultimate destination was *from the outset* intended to be other than Japan, no import certificate is required.

In those situations where the accepted order or contract initially provided for export to a destination other than Japan and such order was initially so reported by the exporter to the Office of Export Control, no problem arises in establishing that this order was never intended for importation into Japan. However, where the accepted order or contract did not specify ultimate destination, the exporter must establish with the support of satisfactory evidence that Japan was never intended as the country of ultimate destination before an export license can be issued.

In such cases, a problem arises as to what constitutes satisfactory evidence which may be presented to the Office of Export Control to demonstrate that the intent was *from the outset* to export the ferrous scrap to an ultimate destination other than Japan. At present, it is impossible for the Office of Export Control to verify which orders properly fall within that category. The Office of Export Control is not prepared to license for export against an order to a destination other than Japan unless this order was clearly, and in any case before July 1, 1973, intended for such third country destination at the time it was placed.

The Government of Japan has previously advised us that the total amount of orders by Japanese trading companies accepted on or before July 1 for export of ferrous scrap to a destination other than Japan represented approximately 500,000 short tons. The Department of Commerce has requested from the Japanese trading companies involved, a detailed list of all those orders for which Japan was never the intended ultimate destination and which they can document were earmarked for shipment to a third country. Such documentation, for example, might involve the order which they received from a third country importer prior to placing their order in the United States. If the total amount of such orders substantially exceeds 500,000 short tons, the licensing policy with respect to such orders will have to be reconsidered.

B. *Orders for less than 500 short tons.*—As previously, applications to export ferrous scrap against accepted orders for less than 500 short tons will be considered irrespective of the date on which such orders were accepted. Licenses issued for September export of scrap to all destinations against orders for less than 500 short tons shall have a validity period of 30 days from the date of issuance.

II. *Evasion of Licensing Requirements Prohibited.*—Any arrangement which would be used to evade the validated export license requirements with respect to accepted orders of ferrous scrap is prohibited. Such arrangements include, but are not limited to, the substitution of several orders for less than 500 short tons to fill an order for 500 short tons or more which would not be eligible for licensing under the provisions applicable with respect to licensing orders for 500 short tons or more.

III. *Licensing System Against Orders of 500 Short Tons or More for Export in October 1973, to be Announced.*—The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for export during October 1973, which were accepted on or before July 1, 1973, will be announced in a subsequent FEDERAL REGISTER.

Accordingly, § 377.4 of the Export Control Regulations (15 CFR Part 377) is amended to read as follows:

§ 377.4 Ferrous scrap.

(a) *In general.*—Ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no license will be issued for export of ferrous scrap during the 1973 calendar year against an order which was accepted after July 1, 1973; and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for export during the month of July, August, or September 1973, which was accepted by an exporter on or before July 1, 1973, and reported by him pursuant to the reporting requirement of § 377.1(c).

(b) *Licensing system against orders of 500 short tons or more for export in July, August, or September 1973.*—(1) *Submission of application with supporting documentation.*—Any exporter who reported (pursuant to § 377.1(c)) an unfilled or partially filled order accepted on or before July 1, 1973, for export during the month of July, August, or September 1973, of 500 short tons or more of any of the ferrous scrap commodities listed in Supplement No. 1 to this Part 377, who wishes to be considered for the issuance of a validated license for export with respect to such order, shall file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(i) A photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973;

(ii) A sworn affidavit by the applicant as to the amount previously exported against each such contract, if any;

(iii) A statement, in the affidavit referred to in the preceding subdivision, that the applicant has the necessary quantity of such commodity earmarked for such accepted order, as of the date of filing such application; and

(iv) In the case of exports to Japan, an Import Certificate issued by the Government of Japan or such other document as may be required by the provisions of paragraph (b)(2) of this section. For purposes of paragraph (b)(1)(iii) of this section, the term "earmarked" refers to commodities which are specifically allocated for export against the accepted order and either in stock or scheduled for timely delivery under binding arrangements. The application shall be submitted on Forms FC–419, *Application for Export License*, and FC–420, *Application Processing Card*. The above-mentioned documentation will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser*, that would otherwise be required pursuant to § 375.2 of this chapter.

(2) *Requirement of Japanese import certificate.*—In the case of an accepted order for export of ferrous scrap to Japan, which calls for export during the month of August or September, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued

by the Government of Japan. Such import Certificate, or a photocopy or certified copy thereof, shall be filed with the application pursuant to the procedures specified in paragraph (b) (1) of this section. Where Japan is the destination indicated in the accepted order but the country of ultimate destination was from the outset intended to be another, no Import Certificate shall be required, but the circumstances must be established and documented to the satisfaction of the Office of Export Control for the requirements of this subparagraph to be waived.

(3) *Issuance of licenses for exportation.*—The Office of Export Control will verify the authenticity of the application and supporting documentation referred to in paragraph (b) (1) and (where applicable) (2) of this section and, if they meet the requirements of such subparagraphs, will issue a validated license for 100 percent of the unfilled balance of the accepted order; provided, however, that with respect to orders, which do not specify a country of destination, against which the applicant is seeking a license to export to a destination other than Japan, he must establish to the satisfaction of the Office of Export Control that the ferrous scrap was not originally intended for exportation to Japan.

(4) *Special terms.*—Each license issued under this procedure will only be valid for shipment against the particular contract, allowing shipment:

(i) In the case of a validated license which indicates July as the month for shipment, until August 30, 1973, and

(ii) In the case of a validated license which indicates August or September as the month for shipment, during the 60-day period following the date of issuance of such license.

Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(5) *Prohibited arrangements.*—Any arrangement used to evade the validated export license requirements with respect to accepted orders for export of ferrous scrap is prohibited. Such arrangements include, but are not limited to, the substitution of several orders for less than 500 short tons to fill an order for 500 short tons or more which would not be eligible for licensing under the provisions of this paragraph.

(c) *Licensing system against orders of less than 500 short tons.*—(1) *In general.*—An application for a license to export ferrous scrap against an accepted order for less than 500 short tons, which is submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of the contract of sale for export to a foreign buyer, and a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser,* that would be otherwise required pursuant to § 375.2 of this chapter. After verification of the authenticity of the documentation submitted by the applicant, a license will be issued for export during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. Such licenses shall expire 30 days after the date of issuance. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such a contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(2) *Notice.*—Exporters are hereby placed on notice that in the event the volume of exports under the licensing procedure of this paragraph reaches an unacceptable level, further restrictions may be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of shipping tolerance allowance.*—Paragraph 386.7(b) (1) of the Export Control Regulations states, in part, that commodities listed in Supplement No. 1 to Part 377 are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.4(d) are accordingly shown in Supplement No. 1 to Part 377.

Effective date of action: August 24, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.73-18397 Filed 8-28-73;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-7926, File No. S7-459]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

New Requirement for Exemptions; Notices and Orders

The Securities and Exchange Commission published notice in Investment Company Act Release No. IC–7535 on December 1, 1972, and in the FEDERAL REGISTER issued on December 21, 1972 (37 FR 28198) that it had under consideration the amendment of Rules 0–2 and 0–5 [17 CFR 270.0–2, 270.0–5] under the Investment Company Act of 1940 (Act) pursuant to Section 38(a) of the Act [15 U.S.C. 80a–37(a)]. The notice invited all interested persons to comment on the proposed amendments on or before January 3, 1973. After taking the letters of comment received into consideration, the Commission has determined to adopt the amendments in the following form:

Rule 0–2.—Rule 0–2 [17 CFR 270.0–2] under the Act, "General Requirements of Papers and Applications," specifies procedures to be followed by persons in filing papers and applications with the Commission and prescribes a format for their preparation. The Commission is now amending this rule by adding a new paragraph (g) which will require applicants under the Act to submit proposed notices which might be used by the Commission in giving public notice of the applications. This procedure is designed to facilitate the processing of applications. To insure that draft notices submitted for this purpose are subject to the verification requirements of Rule 0–2(d) [17 CFR 270.0–2(d)] under the Act, the rule as adopted also makes clear that the proposed notice will constitute a formal exhibit to the application.

The Commission received one comment on this proposed procedure which expressed the hope that the requirement of a draft notice was not "placing a burden on applicants to furnish information which goes beyond what is presently required in the application itself." This is not the intent of the amendment. Notices are designed to inform the public of the nature of the underlying transaction or matter; and, like the applications they accompany, they should contain the relevant, material facts and present factual summaries in a manner that is balanced, complete, and otherwise suitable for issuance as a public notice. Applicants should be aware that proposed notices may not be published by the Commission in the precise form submitted. The amended rule does not contemplate the submission of a proposed Commission order by which the relief sought by the application might be granted because experience with the submission of such orders by applicants seeking "expedited treatment" pursuant to the instructions contained in Investment Company Act Release No. 5632 [34 FR 5547] has demonstrated that such orders may not be particularly helpful.

Accordingly, the Securities and Exchange Commission, pursuant to authority granted to it in section 38(a) of the Act, hereby amends § 270.0–2 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new paragraph (g) reading as follows:

§ 270.0–2 General requirements of papers and applications.

* * * * *

(g) *Proposed notice.*—A proposed notice of the proceeding initiated by the filing of the application shall accompany each application as an exhibit thereto and, if necessary, shall be modified to reflect any amendments to such application.

Rule 0–5. Rule 0–5 [17 CFR 270.0–5] under the Act presently provides, in pertinent part, that

With respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided: * * *

(b) An order disposing of the matter will be issued as of course on a date to be specified in the notice, unless prior to such date the Commission orders a hearing on the matter.

It appears to the Commission that the procedure described above is neither appropriate nor practical. Under current practice, notices contain no exact date when "(a)n order disposing of the matter will be issued." Instead as prescribed by Rule 0–5(a) [17 CFR 270.0–5(a)], they merely specify the date by which interested persons who wish to do so must request a hearing on the matter and provide that an order disposing of the matter may be issued at any time after that date. In Release No. IC–7535 [37 FR 28198], the Commission proposed to delete present paragraph (b) of Rule 0–5 and, as a consequence thereof, to redesignate the subsequent paragraphs. One comment received on this proposal suggested that, instead of eliminating paragraph (b), it be modified to eliminate the setting of a specific date as of which an order would be issued. This comment has merit. It was also suggested, however, that the order would be issued, as of course, unless the Commission ordered a hearing prior to the expiration of the period for comment. This feature might be impracticable since a request for a hearing might be received a day or two before the expiration of the period for the receipt of such requests and for ordering a hearing. In such a situation, there would be insufficient time for the Commission to evaluate the request and determine whether a hearing should be held or not. Consequently, paragraph (b) will be retained but revised to simply provide that an order disposing of the matter will be issued as of course, following the expiration of the specified period, unless the Commission thereafter orders a hearing on the matter.

The Securities and Exchange Commission, pursuant to authority granted to it in section 38(a) of the Act, hereby amends § 270.0–5 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (b) thereof. Since paragraph (b) is not to be deleted as was proposed, there is no need to redesignate paragraphs (c) and (d). As so amended § 270.0–5 reads as follows:

§ 270.05 Procedure with respect to applications and other matters.

The procedure herein below set forth will be followed with respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided:

(a) Notice of the initiation of the proceeding will be published in the FEDERAL REGISTER and will indicate the earliest date upon which an order disposing of the matter may be entered. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) An order disposing of the matter will be issued as of course, following the expiration of the period of time referred to in paragraph (a), unless the Commission thereafter orders a hearing on the matter.

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of an interested person or (2) upon its own motion.

(d) At the time of filing an application under the Act, the applicant or applicants shall pay to the Commission a total fee of $500 no part of which shall be refunded; however, this fee shall not be applicable to (1) any application for deregistration of an investment company pursuant to section 8(f) of the Investment Company Act if such company has assets of less than $100,000; or (2) any application pursuant to Section 9(c) of such Act.

These amendments of Rules 0–5 and 0–2 will become effective September 21, 1973.

(Sec. 38(a), 54 Stat. 841 (15 U.S.C. 80a–37))

By the Commission, August 7, 1973.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–18286 Filed 7–28–73;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED

Subpart L—Conditions of Participation; Home Health Agencies

WORDS OF ISSUANCE; CORRECTION

In FR Doc. 73–14305 published in the FEDERAL REGISTER of July 16, 1973 (38 FR 18978), §§ 405.1203–405.1208 which were in effect prior to the publication of FR Doc. 73–14305 were inadvertently deleted. It is contemplated that these sections will later be incorporated in a proposed new subpart of Part 405. However, they are to remain in effect in Subpart L until further notice. (For the convenience of the reader, §§ 405.1203–405.1208 are set forth below.)

Accordingly, the Words of Issuance in FR Doc. 73–14305 are corrected to read as follows:

Subpart L of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows, except that present §§ 405.1203 through 405.1208 will remain in effect:

* * * * *

§ 405.1203 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular home health agency, explanations are given under each condition. These explanations provide an indication of the various ways in which such agencies may carry out the functions embodied in the conditions. Reference to these explanations will enable the State agency surveying a home health agency to document the activities of the agency, to establish the nature and extent of its deficiencies, if any, with respect to any particular function, and to assess the agency's need for improvement in relation to the prescribed conditions. In substance, the explanations will help the State agency determine the extent and degree to which a home health agency is complying with each condition.

§ 405.1204 Certification by State agency.

(a) The Health Insurance for the Aged Act provides that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether institutions meet the conditions of participation. Pursuant to these agreements, State agencies will certify to the Secretary home health agencies which are found to be in substantial compliance

with the conditions. Such certifications shall include findings as to whether each of the conditions is substantially met. The Secretary, on the basis of such certification from the State agency, will determine whether or not an entity is a home health agency eligible to participate in the health insurance program as a provider of services.

(b) The decisions of the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of a State agency decision will be sent to the home health agency by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the home health agency does not comply with the conditions of participation, the home health agency may request that the determination be reviewed. For procedures relating to appeals process, see Subpart O of this Part 405.

§ 405.1205 Principles for the evaluation of home health agencies to determine whether they meet the conditions of participation.

Home health agencies will be considered in substantial compliance with the conditions of participation upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(a) The home health agency meets the specific statutory requirements of section 1861(o) and is found to be operating in accordance with all other conditions of participation with no significant deficiencies, or

(b) The home health agency meets the specific statutory requirements of section 1861(o) but is found to have deficiencies with respect to one or more other conditions of participation which:

(1) It is making reasonable plans and efforts to correct, and

(2) Notwithstanding the deficiencies, is rendering adequate care and without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1206 Time limitations on certifications of substantial compliance.

(a) All initial certifications by the State agency to the effect that a home health agency is in substantial compliance with the conditions of participation will be for a period of 2 years, beginning with July 1, 1966, or, if later, with the date on which the home health agency is first found to be in substantial compliance with the conditions. State agencies may visit or resurvey home health agencies where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that an agency is no longer in compliance may occur within a 2-year or subsequent period of certification and will thereby terminate the State's certification as to compliance.

(b) If a home health agency is in substantial compliance under the provisions of § 405.1205(b), the following information will be incorporated in the Secretary's finding and into the notice of eligibility to the home health agency:

(1) A statement of the deficiencies which were found; and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies; and

(3) A scheduled time for a resurvey of the home health agency to be conducted not later than the 18th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1207 Certification of noncompliance.

The State agency will certify that a home health agency is not in compliance with the conditions of participation, or, where a determination of eligibility has been made, that it is no longer in compliance where:

(a) The home health agency is not in compliance with one or more of the statutory requirements of section 1861(o); or

(b) The home health agency has deficiencies of such character as to seriously limit its capacity to render adequate care or to place health and safety of individuals in jeopardy, and consultation to the home health agency has demonstrated significant improvement as to establish that there is no early prospect of such substantial compliance as of a later beginning date; or

(c) After a previous period or part thereof for which the home health agency was certified under circumstances outlined in § 405.1205(b), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(d) If, on the basis of a State agency certification, it is determined by the Secretary that the home health agency does not substantially meet, or no longer substantially meets, the conditions of participation, the agreement for participation may not be accepted for filing, or if filed, may be terminated. The agency may request that the determination be reviewed. For procedures relating to the appeals process, see Subpart O of this Part 405.

§ 405.1208 Documentation of findings.

The findings of the State agency with respect to each of the conditions of participation should be adequately documented. Where the State agency certification to the Secretary is that a home health agency is not in compliance with the conditions of participation, such documentation should include a report of all consultation which has been undertaken in an effort to assist the home health agency to comply with the conditions, a report of the home health agency's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the home health agency to achieve substantial compliance with the conditions.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated August 9, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved August 21, 1973.

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

[FR Doc.73-18274 Filed 8-28-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 18—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following revisions to Chapter 18 of Title 41 are prescribed as set forth below. These revisions to Chapter 18 covering changes made by Revision 5 of the NASA Procurement Regulation are effective 60 days from April 20, 1973.

This Revision 5 was prepared through the use of computer technology, and it is the first to be issued under a new NASA policy to issue Procurement Regulation revisions in lieu of Procurement Regulation Directive's, where practicable. This new policy was adopted to relieve the user of the many administrative and other problems associated with the old method of issuing several Directives and periodically consolidating the outstanding Directives and other revised material into one large Procurement Regulation revision. Currently, there is one large Revision to the Regulation in process which uses the traditional approach. In the future, however, we will issue Procurement Regulation Directives only to disseminate that procurement policy or procedure that is temporary, pending finalization, or is such that it would not be incorporated into the Procurement Regulation at all.

PART 18–1—GENERAL PROVISIONS

1. Section 18–1.315 is revised to read as follows:

§ 18–1.315 Procurement of jewel bearings.

(a) *Definitions.* As used in this paragraph:

(1) "Jewel bearing" means a piece of synthetic sapphire or ruby of any shape, except a phonograph needle, which has one or more polished surfaces and which is suitable for use in an instrument, mechanism, subassembly or part without any additional processing to the synthetic sapphire or ruby. A jewel bearing may be either unmounted, or mounted into a ring or bushing. Examples of types of jewel bearings are: watch hole—olive, watch hole—straight, pallet stones, roller jewels (jewel pins), end stones (caps), vee (cone) jewels, instrument rings, cups, double cups and orifice jewels.

(2) "Price list" is the official U.S. Government Jewel Bearing Price List for jewel bearings produced by the William Langer Jewel Bearing Plant in Rolla, North Dakota, which is issued periodically by the General Services Administration.

(3) "Plant" means the Government-owned William Langer Jewel Bearing Plant, Rolla, North Dakota.

(4) "Military standard jewel bearing" means a jewel bearing conforming to Military Specification No. MIL–B–27497 (latest revision) entitled "Bearings, Jewel, Sapphire or Ruby, Synthetic."

(b) *Policy.* It has been determined that NASA's requirements for jewel bearings must, to the maximum extent practicable, be procured from the Government-owned William Langer Jewel Bearing Plant, Rolla, North Dakota, which is operated through a contractor by the General Services Administration.

(c) *Procedures.* (1) All direct Government purchases of jewel bearings shall be made from the plant where it can meet the requirements.

(2) All procurements of items in the Federal Supply Classes and Groups listed in § 18–1.315(d), or any subassembly, component or part, thereof, shall provide that jewel bearings, in the quantities and of the types and sizes (including tolerances) required to produce the end items to be supplied, be purchased from the plant and incorporated in the items delivered by contractor and subcontractor at every tier. To accomplish this, the clause in § 18–1.315(e) shall be inserted in all contracts for items in paragraph (d) of this section except:

(i) In small purchases using small purchase procedures;

(ii) When the contracting officer knows that the item being procured does not contain jewel bearings;

(iii) When quantity requirements, quality standards, or delivery requirements cannot be satisfied by bearings manufactured by the plant;

(iv) For jewel bearings used in items that are to be procured by a NASA activity outside the United States and the procured items are intended for use outside the United States, its possessions, and Puerto Rico; or

(v) When the urgency of the requirement for all or part of a procurement of a jewelled item is such that delivery of prefabricated end items offers the best possible solution. The required source provision will apply to any quantity in excess of the prefabricated items specified for immediate delivery.

(3) Whenever it is necessary to redesign or re-engineer jewelled items in the Federal Supply Classes and Groups cited in paragraph (d) of this section to satisfy performance requirements, the contractors or subcontractors who manufacture the jewelled items shall be required to use military standard jewel bearings in the redesign. The only exception to this requirement will be when the dimensional tolerances or configurations of military standard jewel bearings are such that their use in the product would prevent attainment of the required level of performance specified for the item. When one or more nonstandard bearings must be used to satisfy performance requirements of the jewelled product but military standard bearings will function satisfactorily for other applications within the same item, the item will be required to be redesigned to provide for the use of military standard bearings in such "other" applications. However, in no case shall a contractor or subcontractor be required to redesign a jewelled item solely for the purpose of converting from the use of nonstandard to military standard jewel bearings. This is not intended to prevent any contractor or subcontractor from voluntarily redesigning a jewelled item solely to accommodate the use of military standard bearings. Such voluntary redesign may be economically advantageous due to the lower unit price of military standard bearings from the plant.

(4) The plant may reject a contractor's or subcontractor's purchase order due to currently outstanding, excessive and overdue indebtedness to the plant by such customer. The plant is required to refuse shipments against purchase orders whenever shipments would increase the indebtedness of a customer beyond a credit limit which may have been set by the General Services Administration. Rejection by the plant of a contractor's or subcontractor's purchase order, or refusal to ship against an accepted purchase order under these circumstances will not be considered justification for a waiver of the purchase requirement and adjustment in the contract price as specified in paragraph (b) of the contract clause in § 18–1.315(e). In the event the contractor or subcontractor whose purchase order is rejected or to whom shipments are refused for the foregoing reasons, and the customer and the management of the plant are in disagreement on whether such indebtedness actually exists or the amount of such indebtedness, the Government will require the plant to accept the contractor's purchase order and to make shipments against such purchase order on a "cash-on-delivery" (C.O.D.) basis for each lot shipped. If necessary, arrangements can be made with the contracting officer for "progress payments" by the Government to finance the C.O.D. requirements. Such measures will be independent of and have no effect on the final disposition of the alleged indebtedness or controversy between the contractor and management of the Langer plant.

(5) The cost differential between Langer-made bearings and imported bearings shall not be used as justification to avoid the purchase and use of bearings from the plant.

(6) Subsequent to award of a contract which includes the clause, the contracting officer will waive the "use" requirement of the clause, when the prime contractor or his subcontractor, whichever is required to place a purchase order on the plant pursuant to the contract or the subcontract, submits a written request for waiver and the contracting officer determines that the contractor or subcontractor has on hand jewelled subassemblies or jewelled end items such as required to be delivered under the contract; and either:

(i) The production of such subassemblies or end items, specifically in performance of all or a part of the contract using Langer bearings would increase his costs or interfere with economical or normal production scheduling of the product under contract or with the production of another item; or

(ii) The delivery schedule under the contract or subcontract is such that the

use of on hand jewel bearings or jewelled subassemblies or parts is necessary.

(7) A contractor (or subcontractor) will not be authorized to purchase from the plant a quantity of jewel bearings which exceeds the quantity required to satisfy the contract.

(8) A contracting officer may, in his discretion, conduct a special review of the extent of the contractor's compliance with the "purchase" requirement of the clause as evidenced by examination of appropriate contractor records.

(d) *Federal supply classes and groups.* Procurement of items in the following Federal Supply Classes and Groups are subject to the prescribed policy and procedures:

FS Class:	*Description*
6605	Navigational Instruments
6610	Flight Instruments
6615	Auto Pilot Mechanisms & Airborne Gyro Components
6620	Engine Instruments
6625	Electrical & Electronic Properties Measuring & Testing Instruments
6630	Chemical Analysis Instruments
6635	Physical Properties Testing Equipment
6636	Environmental Chambers & Related Equipment
6640	Laboratory Equipment & Supplies
6645	Time Measuring Instruments
6650	Optical Instruments
6655	Geophysical & Astronomical Instruments
6660	Meteorological Instruments & Apparatus
6665	Hazard Detecting Instruments & Apparatus
6670	Scales and Balances
6675	Drafting, Surveying & Mapping Instruments
6680	Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
6685	Pressure, Temperature and Humidity Measuring and Controlling Instruments
6695	Combination and Miscellaneous Instruments

FS Groups:	*Description*
12	Fire Control Equipment
14	Guided Missiles
15	Aircraft, Airframe Structural Comps.
16	Aircraft Components & Accessories
18	Space Vehicles
23	Motor Vehicles & Cycles
25	Vehicular Equipment Components
42	Fire Fighting, Rescue and Safety Equipment
52	Measuring Tools
58	Communications Equipment
59	Electrical and Electronic Equipment Components
63	Alarm and Signal Systems
65	Medical, Dental and Veterinary Equipment and Supplies
67	Photographic Equipment
69	Training Aids and Devices

(e) In all procurements subject to these procedures the following clause shall be used:

REQUIRED SOURCE FOR JEWEL BEARINGS (MARCH 1973)

(a) For the purpose of this clause:

(1) "Jewel bearings" means a piece of synthetic sapphire or ruby of any shape, except a phonograph needle, which is suitable for use in an instrument, mechanism, subassembly or part without any additional processing to the synthetic sapphire or ruby. A jewel bearing may be either unmounted, or mounted into a ring or bushing. Examples of types of jewel bearings are: watch hole-olive, watch hole-straight, pallet stones (caps), vee (cone) jewels, instrument rings, cups, double cups and orifice jewels.

(2) "Price List" means the official United States Government Jewel Bearing Price List for jewel bearings which are produced by the William Langer Jewel Bearing Plant in Rolla, North Dakota, published periodically by the General Services Administration.

(3) "Plant" means the Government-owned William Langer Jewel Bearing Plant, Rolla, North Dakota.

(4) "Military Standard Jewel Bearing" means a jewel bearing conforming to Military Specification No. MIL-B-27497 (latest revision) entitled "Bearings, Jewel, Sapphire or Ruby, Synthetic."

(b) Jewel bearings required in the performance of this contract shall be procured from the Plant at prices established in the Price List dated (*insert latest effective date*). Each purchase order issued to the Plant under this contract shall include the prime contract number and date of the Price List cited above. The Contractor agrees that the quantities, types and sizes (including tolerances) of jewel bearings so ordered will be those required for the performance of this contract. The Contractor agrees to notify the Contracting Officer promptly of the rejection of his (or any subcontractor's) purchase order in whole or in part by the Plant. The requirement for purchase and use of jewel bearings from the Plant will be waived to the extent of such rejected orders. If such a waiver is granted, an equitable adjustment shall be made in the contract price or delivery schedule, or both, in accordance with the "Changes" clause of this contract. Further, the requirement for use (but not the requirement for purchase from the Plant) of jewel bearings may be waived by the Contracting Officer when such waiver is determined by him to be consistent with established policy.

(c) Whenever it is necessary for the Contractor or any subcontractor to redesign or re-engineer jewelled items in order to satisfy performance requirements, the Contractor or subcontractor shall provide in such redesign for the use of military standard jewel bearings. This requirement does not apply when the dimensional tolerances or configurations of military standard jewel bearings are such that their use in the product would prevent attainment of the required level of performance specified for the item. However, when one or more nonstandard bearings must be used to satisfy performance requirements of the jewelled product but military standard bearings will function satisfactorily for other applications within the same item, the item will be required to be redesigned to provide for the use of military standard bearings in such other applications. The Contractor or subcontractor is not required to redesign a jewelled item solely for the purpose of converting from the use of nonstandard to the use of military standard jewel bearings. Nothing in this contract shall prevent any Contractor or subcontractor from voluntarily redesigning a jewelled item solely to accommodate the use of military standard bearings.

(d) The Contractor agrees to retain until the expiration of three years from the date of final payment under this contract and to make available during such period, upon request of the Contracting Officer, records showing compliance with this clause.

(e) The Contractor agrees to insert this clause, including this paragraph (e), in every subcontract and purchase order issued in performance of this contract unless he knows that the subassembly, component or part being purchased does not contain jewel bearings.

PART 18–2—PROCUREMENT BY FORMAL ADVERTISING

1. Sections 18–2.406–3 and 18–2.406–4 are revised to read as follows:

§ 18–2.406–3 Other mistakes disclosed before award.

(a) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, has granted to NASA the authority to make the administrative determinations described below in connection with mistakes in bids, other than apparent clerical mistakes, alleged after opening of bids and prior to award. The authority contained herein to permit correction of bids is limited to bids which, as submitted, are responsive to the invitation for bids, and may not be used to permit correction of bids to make them responsive. This authority is in addition to that in § 18–2.406–2, or that which may be otherwise available.

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower acceptable bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and the bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under subparagraph (1) or (2) of this paragraph, a determination may be made that a bidder may neither withdraw nor correct his bid, and the bid shall be considered for award in the form submitted.

(b) Mistakes in bid cases covered by paragraph (a) (1), (2), or (3) of this section shall be referred by the contracting officer to the Procurement Office, NASA Headquarters (Code DKP–3) for determination.

(c) Each proposed determination shall have the concurrence of the Office of General Counsel prior to issuance.

(d) Suspected or alleged mistakes in bids shall be processed as follows:

(1) Whenever the contracting officer suspects that a mistake may have been made in a bid, he shall immediately request the bidder to verify the bid. Such request shall inform the bidder why the request for verification is made—that a mistake is suspected and the basis for such suspicion; e.g., that the bid is significantly out of line with the next low or other bids or with the Government's estimate. If the time for acceptance of bids is likely to expire before a decision can be made, the contracting officer shall request all bidders whose bids may become eligible for award to extend the time for acceptance of their bids. If the bidder whose bid is believed erroneous does not grant such extension of time and a decision cannot be reached before expiration of the time for acceptance, even if handled by telegraph or telephone as provided in paragraph (a) (4) of this section, the bid shall be considered as originally submitted.

(2) If the bidder verifies his bid, the contracting officer shall consider it as originally submitted. If the bidder alleges a mistake, the contracting officer shall advise him to support his allegation by statements concerning the alleged mistake and by all pertinent evidence, such as the bidder's file copy of the bid, his original worksheets and other data used in preparing the bid, subcontractors' and suppliers' quotations, if any, published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(3) Where the bidder furnishes evidence in support of an alleged mistake, the case shall be referred to the Procurement Office, NASA Headquarters (Code DKP-3) together with the following data:

(i) All evidence furnished by the bidder including his written request to withdraw or modify the bid;

(ii) A copy of the signed bid, of the invitation for bids, and any specifications or drawings relevant to the alleged mistake;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(a) The expiration date of the bid in question and of the other bids submitted;

(b) Specific information as to how and when the mistake was alleged;

(c) A summary of the evidence submitted by the bidder;

(d) In the event only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services and the basis for such estimate;

(e) Any additional evidence considered pertinent including copies of all correspondence between the contracting officer and the bidder concerning the alleged mistakes; and

(f) The course of action with respect to the bid that the contracting officer considers proper on the basis of the evidence.

(v) Written comments or concurrence of the Office of Chief Counsel.

(4) When time is of the essence, because of the expiration of bids or otherwise, the contracting officer may refer the case by telegraph or telephone to the Procurement Office, NASA Headquarters. Ordinarily, contracting officers will not refer mistake in bid cases by telegraph or telephone, particularly when the determinations set forth in paragraph (a) (2) or (3) of this section are applicable, since actual examination of the evidence is generally necessary to determine the proper action to be taken.

(5) Where the bidder fails or refuses to furnish evidence in support of a suspected or alleged mistake, the contracting officer shall consider the bid as submitted unless the amount of the bid is so far out of line with the amounts of other bids received or with the amount estimated by the Government or determined by the contracting officer to be reasonable, or there are other indications of error so clear, as reasonably to justify the conclusion that acceptance of the bid would be unfair to the bidder or to other bona fide bidders, in which case it may be rejected. The attempts made to obtain the information required and the action taken with respect to the bid shall be fully documented.

(e) Nothing contained in this § 18-2.406-3 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder nor deprive any bidder of his right to have the matter determined by the Comptroller General should he so request. All doubtful cases will be submitted to the Comptroller General for advance decision.

(f) A record shall be kept of all administrative determinations made in accordance with this § 18-2.406-3, including a complete statement of the facts involved, and the action taken in each case. Copies of all such administrative determinations shall be included in the case file. Where a contract is awarded, a copy of any related determination shall be retained in the contract file.

§ 18-2.406-4 Disclosure of mistakes after award.

(a) When a mistake in a contractor's bid is not discovered until after the award, the mistake may be corrected by supplemental agreement if correcting the mistake would make the contract more favorable to the Government without changing the essential requirements of the contract. All other cases shall be referred to the Procurement Office, NASA Headquarters. They will either be decided by the Director of Procurement under paragraph (b) and (c) of this section, be referred by the Director of Procurement to the Comptroller General, or be processed in accordance with Part 18-17 of this chapter.

(b) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B-140233, dated February 3, 1961, has granted to NASA the authority to make the administrative determinations described below in connection with mistakes in bids alleged or disclosed after award. This authority is in addition to that provided by Public Law 85-804 (50 U.S.C. 1431-1435) (Part 18-17 of this chapter), or that which otherwise may be available.

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount:

(i) To delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000; or

(ii) To increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(c) Determinations under paragraph (b) of this section may be made only on the basis of clear and convincing evidence that a mistake in bid was made, and either that the mistake was mutual or that the unilateral mistake made by the contractor was so apparent as to have charged the contracting officer with notice of the probability of the mistake. Relief requested by a contractor due to an alleged mistake may be denied regardless of the monetary amount involved where it is determined the evidence is not clear and convincing.

(i) That a mistake in bid or proposal was made by the contractor, or

(ii) That the mistake was mutual or the contracting officer was or should have been on notice of the error prior to the award of the contract.

(d) The Director of Procurement is the NASA official authorized to make determinations under this § 18-2.406-4. This authority may not be redelegated.

(e) Each proposed determination shall have the concurrence of the Office of General Counsel.

(f) Mistakes disclosed after award shall be processed as follows:

(1) Whenever a mistake in bid is alleged or disclosed after award, the contracting officer shall advise the contractor to support the alleged error by written statements and by all pertinent evidence, such as the contractor's file copy of the bid, his original work sheets and other data used in preparing the bid, subcontractors' and suppliers' quotations (if any), published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(2) Where the contractor furnishes evidence in support of an alleged mistake, the contracting officer may either correct the mistake if authorized under paragraph (a) of this section, or refer the case to the Procurement Office, NASA Headquarters (Code DKP-3) together with the following data:

(i) All evidence furnished by the contractor;

(ii) A copy of the contract, including a copy of the bid and any specifications

or drawings relevant to the alleged mistake, and any change orders or supplement agreements thereto;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(*a*) Specific information as to how and when the mistake was alleged or disclosed;

(*b*) A summary of the evidence submitted by the contractor;

(*c*) His opinion whether a bona fide mistake was made in the bid and whether he was, or should have been, on constructive notice of the mistake before the award, together with the reasons or data upon which his opinion is based;

(*d*) In the event that only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services, and the basis for such estimate;

(*e*) Any additional evidence considered pertinent, including copies of all relevant correspondence between the contracting officer and the contractor concerning the alleged mistake;

(*f*) The course of action with respect to the alleged mistake that the contracting officer considers proper on the basis of the evidence, and, if other than a change in contract price is recommended, the manner by which the item will otherwise be procured; and

(*g*) The status of performance and payments under the contract, including contemplated performance and payments.

(v) Written comments or concurrence of the Office of Chief Counsel.

(g) Nothing contained in this § 18–2.406–4 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder or deprive any contractor of his right to have the matter determined by the Comptroller General should he so request.

(h) The Procurement Office, NASA Headquarters (Code DKP–3) shall maintain a record of all administrative determinations made in accordance with this § 18–2.406–4, the facts involved, and the action taken in each case. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

(i) When administrative determination is precluded by the limitations set forth in this § 18–2.406–4, the matter may be considered in accordance with Part 18–17, or submitted to the Comptroller General for decision.

(j) Nothing contained in this § 18–2.406–4 shall prevent the submission by the Director of Procurement of any doubtful case to the Comptroller General. If a contractor's request for correction of an alleged mistake is denied by the Director of Procurement, the contracting officer shall so notify the contractor.

2. Section 18–2.407–8 is revised to read as follows:

§ 18–2.407–8 Protests against award.

(a) *General.*

(1) Contracting officers shall consider all protests or objections to the award of a contract, whether received before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest.

(2) Every effort shall be made to resolve protests at the installation. It is the responsibility of the contracting officer to decide whether a protest has a valid basis and to take appropriate action when possible without referral to NASA Headquarters. Such action may be taken only with the concurrence of local counsel and shall be followed by a written explanation to NASA Headquarters accompanied by a copy of any pertinent correspondence. However, in the following cases written protests received by the contracting officer should be referred to NASA Headquarters:

(i) The protesting party requests referral to higher authority;

(ii) The protest is known to have been lodged directly with the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters;

(iii) The contracting officer entertains some doubt as to proper action regarding the protest or believes it to be in the best interest of the Government that the protest be considered by NASA Headquarters or the Comptroller General.

(3) In referring a protest to NASA Headquarters, a completely documented case shall be submitted to the Procurement Office, NASA Headquarters (Code DKP–3) including the following:

(i) The letter or other document which initiated the protest, together with all supporting evidence submitted by the person making the protest;

(ii) Relevant letters or other written statements, received from other persons or bidders affected by or involved in the protest, that set forth the facts with respect to their position in the matter, together with any additional supporting evidence;

(iii) A copy of the bid of the protesting bidder and a copy of the bid of the bidder to whom award has been made or who is being considered for award, if relevant to the protest;

(iv) A copy of the invitation for bids, including, where practicable, pertinent specifications, if relevant to the protest;

(v) A copy of the abstract of bids;

(vi) Any other documents which are relevant to the protest;

(vii) A statement signed by the contracting officer setting forth his findings, actions, and recommendations in the matter, together with any additional information and evidence considered to be necessary in determining the validity of the protest. If the award of a contract was made pending resolution of the protest, the contracting officer's statement shall include the determination prescribed in § 18–2.407–8(b)(3); and

(viii) Written comments or concurrence of the Office of Chief Counsel.

(4) Where protests are made directly to NASA Headquarters or where NASA Headquarters receives notice of protests made directly to the Comptroller General, a member of Congress, or the Small Business Administration, the contracting officer shall be requested to furnish information. This will usually require submittal of a completely documented case as prescribed in subparagraph (3) of this this paragraph.

(5) Protests received by NASA Headquarters, in accordance with subparagraphs (2) and (4) of this paragraph, will be acted upon by the Procurement Office, NASA Headquarters. Where substantial doubt exists as to the validity of a protest, the views of the Comptroller General will be obtained.

(6) Where a protest affects another bidder, a contractor, or any other party having a legitimate interest, the contracting officer normally should give prompt notice of the protest to such parties in order that they may take appropriate action on their own behalf. The extent of information to be furnished the affected parties in any particular case will be governed by such matters as legal considerations, the interest of the Government, equitable consideration for the interests of affected parties, and mitigation of losses or other injuries to any and all parties concerned. Affected parties shall be advised that such a notice of protest in no way relieves them of any obligations, under a contract or otherwise, but is intended primarily to afford them a fair opportunity to be heard by, and to present evidence for the consideration of, the agency which will render a decision in the case.

(b) *Protests before award.* If award has not been made, the contracting officer may require that written confirmation of an oral protest be submitted by a specified time and inform the protester that award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded and award may be made in the normal manner unless the contracting officer, upon investigation, finds that remedial action is required, in which event such action shall be taken.

(1) In appropriate cases, notice of a protest will be given to bidders affected thereby. For example, when a protest against the making of an award is received and the contracting officer determines to withhold the award pending disposition of the protest, each bidder to whom award is proposed and each bidder whose bid might become eligible for award should be informed of the protest and requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance (with consent of sureties, if any) in order to avoid the need for readvertisement. In the event of failure to obtain such extension of bids, then consideration should be given to proceeding with award under subparagraph (3) of this paragraph.

(2) Where a protest has been lodged with NASA, the views of the Comptroller General regarding the protest may be obtained before award whenever such action is considered to be desirable. Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make award need not be withheld pending final disposition by the Comptroller General of a protest, but a notice of intent to make award in such circumstances shall be furnished the Comptroller General, and formal or informal advise should be obtained concerning the current status of the case prior to making the award.

(3) Where a written protest against the making of an award is received, or if it is known that a protest has been made to the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters, award shall not be made until the matter is resolved, unless the contracting officer determines that:

(i) The items to be procured are urgently required;

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be advantageous to the Government.

If award is made under subpararaph (3) (i), (ii), or (iii) of this paragraph, the contracting officer shall document the file to explain the need for an immediate award, and shall give written notice of the decision to proceed with the award to the protester and, as appropriate, to others concerned.

(4) The determination required by subparagraph (3) of this paragraph shall be referred to the Procurement Office, NASA Headquarters for approval prior to award if an unresolved protest against such award has been, or is expected to be, referred to NASA Headquarters in accordance with paragraph (a)(2) of this section, or if information on a protest is being prepared by the contracting officer at the request of NASA Headquarters in accordance with paragraph (a)(4) of this section.

(c) *Protests after award.* The general instructions in paragraph (a) of this section are applicable to protests received after award.

PART 18–5—INTERDEPARTMENTAL PROCUREMENT

1. Section 18–5.703 is revised to read as follows:

§ 18–5.703 Procurement of helium.

(a) NASA is required under the provisions of Pub. Law 86–777 (50 U.S.C. 167a et seq.) to obtain its major requirements for helium from the Secretary of the Interior.

(b) Each procurement office shall obtain its requirements for gaseous helium from the Department of the Interior (Bureau of Mines) or other Government support activity supplying Bureau of Mines helium.

(c) Requirements for liquid helium, or gaseous helium of a quality not supplied by the Bureau of Mines may be procured from commercial sources, provided such sources are qualified by the Bureau of Mines and included in the Bureau of Mines publication, "List by Shipping Points of Private Distributors Eligible to Sell Helium to Federal Agencies." Copies of this publication may be obtained from Bureau of Mines, Helium Operations, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.

(d) Procurement documents for the commercial procurement of helium shall be annotated:

Pursuant to Parts 1 and 2, Subchapter A, Chapter 1, Title 30, Code of Federal Regulations, helium furnished under this contract (purchase order) shall be Bureau of Mines helium, or shall be replaced by the supplier with an equivalent volume of helium purchased from the Bureau of Mines.

(e) A copy of each contract or purchase order for the supply of helium from commercial sources shall be forwarded to the Bureau of Mines, Helium Operations, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.

Dated: August 23, 1973.

GEORGE J. VECCHIETTI,
Director of Procurement.

[FR Doc.73–18309 Filed 8–28–73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R–430; Order No. 490]

MISCELLANEOUS AMENDMENTS

AUGUST 22, 1973.

On October 8, 1971, the Commission issued a notice of proposed rulemaking in this proceeding (36 FR 40174, October 16, 1971) proposing to amend its Uniform Systems of Accounts for Public Utilities and Licensees (Classes A, B, C, and D); FPC Report Form No. 1, Annual Report for Electric Utilities, Licensees and others (Class A and Class B); FPC Report Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D); FPC Report Form No. 1–M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More; FPC Report Form No. 6, Initial Cost Statement for Licensed Projects; FPC Report Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial); and its Uniform System of Accounts for Natural Gas Companies (Classes A, B, C, and D); FPC Report Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B); and FPC Report Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D). Essentially, it was proposed to (1) eliminate Account 271, Contributions in Aid of Construction, from the systems of accounts, (2) prescribe disposition of the related balances, and (3) prescribe accounting treatment for amounts of contributions in aid of construction (CIAC) in the future, since these amounts continue to accumulate with no procedure for the extinguishment and certain amounts found in the account relate to property no longer in existence.

Comments were invited from interested parties to be submitted by November 23, 1971. Due to requests, this date was extended to February 29, 1972, and finally to March 31, 1972, with seventy-five responses being received, Attachment A. No conference was scheduled due to the comprehensiveness of the responses received.

After considering the responses to the rulemaking, it was determined that the preference between the two proposals, Proposal A [1] and Proposal B [2], were about evenly divided. However, the majority of the group preferring Proposal B did so while making major suggested changes to the proposal.

We are convinced that the need to eliminate Account 271, Contributions in Aid of Construction, from the systems of accounts is warranted (as was borne out by respondents). We have concluded that the most practical, simple, direct and effective means to eliminate the CIAC account is by use of Proposal A procedures, with slight modification. We do so in that the present amounts in the CIAC account continues to grow and in some cases are reaching unreasonable proportions. There is every reason to believe the amounts will continue to increase with no procedure for their extinguishment. In so doing, this balance sheet classification, which has often confused investors and other readers of financial statements, will be completely eliminated. Because of the present arbitrary rules surrounding the use and disposition of amounts accumulated in Account 271 it has led, in some instances, to accounting that does not conform to economic facts. Since the CIAC represents construction and property acquisition at no cost to the company it does not seem equitable that customers should pay, as now allowed through depreciation, a recovery of investment not belonging to stockholders. This elimination does nothing to prevent such stockholders from earning upon the actual dollars that they invested.

We are aware that initially there will be certain administrative problems involved in transferring the accumulated balances from Account 271, particularly in the area of transferring such balances to the related plant in service accounts, however, this added effort at the outset, we believe, will be more than offset by the quality of accounting records as well as the ease of record keeping over that of Proposal B.

A few respondents mentioned the necessity for keeping records of CIAC for certain ad valorem taxes and other administrative purposes. However, others pointed out that crediting these amounts

[1] Credit CIAC to plant, essentially.
[2] Credit CIAC to accumulated provisions for depreciation, essentially.

to plant in service accounts would reduce ad valorem tax payments. It was also mentioned that a reduction in the amount of property available to be pledged under the mortgage indenture agreements would take place. In this connection we understand that it may be advisable to use the contributed amounts for company benefit in some cases. Companies always have the option of maintaining the amounts of CIAC on a memorandum basis for use where the detail is needed for other purposes.

Some respondents suggested that the amounts, if any, of customer advances for construction recorded in Account 252, Customer Advances for Construction, remaining when a customer is refunded the amount to which he is entitled should also be credited to plant accounts, rather than to depreciation accounts as proposed. In this we agree and have so provided.

It was mentioned that Proposal A procedure is contrary to usual accounting practice in commercial and industrial fields. There is no comparison between commercial and utility use of contributions. In other than the regulated industries, contributions become the uncontested property of the company. In the regulated industries, contributions are treated as consumer donated capital on which there is no return allowed to stockholders, and on which we now believe no depreciation should be allowed. We know of no cases in the regulatory field where CIAC is accounted for as presently handled in the commercial and industrial field.

Proposal A, as modified, revokes Account 271, Contributions in Aid of Construction, from the systems of accounts and transfers the account balances therein relating to plant in service to the related property investment account of plant in service, giving rise to the contribution. The amounts accumulated in Account 271 which are related to depreciable property which is no longer in service, or cannot be identified or associated with a plant function, shall be credited to Account 108, Accumulated Provision for Depreciation of Electric (Gas) Utility Plant. Amounts accumulated in Account 271 which are related to nondepreciable type of property that is no longer in service shall be credited to Account 111, Accumulated Provision for Amortization of Electric Utility Plant, for electric utilities, and to Account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, for natural gas companies.[3] Future CIAC shall be credited to the appropriate plant in service account when booked. Where amounts in Account 271 relate to nonutility plant, the amounts shall be credited to Account 122, Accumulated Provision for Depreciation and Amortization of Nonutility Property.

[3] For Class A and Class B companies, Class C and Class D companies use corresponding accounts.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101 and 104 of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees; to Annual Report Form No. 1, prescribed by § 141.1; to Annual Report Form No. 1-F, prescribed by § 141.2; to Annual Report Form No. 1-M, prescribed by § 141.7; to FPC Form No. 6 prescribed by § 141.11; to Report Form No. 9, prescribed by § 141.13; all in Chapter I, Title 18, of the Code of Federal Regulations, herein prescribed are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201 and 204 of the Commission's Uniform Systems of Accounts for Natural Gas Companies; to Part 154, Rate Schedules and Tariffs; to Annual Report Form No. 2, prescribed by § 260.1; and to Annual Report Form No. 2-A, prescribed by § 260.2; all in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Good cause exists for making the amendments to the Uniform Systems of Accounts, Rate Schedules, and Tariffs ordered herein effective January 1, 1974; and the amendments to the report forms ordered herein, effective for the reporting year 1974.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3, 4, 301-304, 308, 309, 311, (41 Stat. 1063-1066, 1353; 46 Stat. 798; 49 Stat. 838-841, 854-856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825a, 825b, 825c, 825g, 825h, 825j; and the Natural Gas Act, as amended, particularly Sections 4, 7-10, 15, 16 (52 Stat. 822, 824-826, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717g, 717h, 717i, 717n, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. General Instruction "16. *Separate Accounts or Records for Each Licensed Project*" is amended by revising paragraphs 16(a) and 16(c) thereof. As so amended, paragraphs 16 (a) and (c) read:

General Instructions

* * * * *

16. *Separate Accounts or Records for Each Licensed Project.* * * *

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under sec. 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations:

* * * * *

(c) The credits and debits to the depreciation and amortization accounts, and the balances in such accounts;

* * * * *

2. The Electric Plant Instructions are amended by:

a. Revising the second and third sentences of paragraph C of instruction "1. *Classification of Electric Plant at Effective Date of System of Accounts.*"

b. Revising paragraph D of instruction "2. *Electric Plant to be Recorded at Cost.*"

c. Revoking paragraph B(4) and recodifying present paragraph B(5) as B(4) of instruction "5. *Electric Plant Purchased or Sold.*"

d. Revising the first sentence in paragraph F of instruction "5. *Electric Plant Purchased or Sold.*"

As so amended, the revised portions of the Electric Plant Instructions read:

Electric Plant Instructions

1. *Classification of Electric Plant at Effective Date of System of Accounts.*

* * * * *

C. * * * The difference between the original cost, as above, and the cost to the utility of electric plant after giving effect to any accumulated provision for depreciation or amortization shall be recorded in account 114, Electric Plant Acquisition Adjustments. The original cost of electric plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to electric plant previously acquired as operating units or systems and the difference between the original cost so determined, less accumulated provisions for depreciation and amortization and the cost to the utility with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Electric Plant Acquisition Adjustments.* * *

2. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction

of electric plant shall be credited to accounts charged with the cost of such construction. Plant constructed from contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledgers of accounts. The accumulated gross costs of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions concurrently be recorded as a credit.

* * * * *

5. *Electric Plant Purchased or Sold.*

* * * * *

B. * * *

(4) The amount of contributions in aid of * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and contra entries made to account 102, Electric Plant Purchased or Sold.* * *

* * * * *

3. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Contributions in Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence in account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

* * * * *

10. Accumulated Deferred Income Taxes.

* * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

B. The Commission's Uniform System of Accounts for Class C and Class D Public Utilities and Licensees, prescribed by Part 104, Title 18 of the Code of Federal Regulations is amended as follows:

1. General Instruction "14. *Separate Accounts or Records for Each Licensed Project*" is amended by revising paragraphs 14(a) and 14(c) thereof. As so amended, paragraphs "14(a)" and "(c)" read:

General Instructions

* * * * *

14. *Separate Accounts or Records for Each Licensed Project.* * * *

(a) the actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations;

* * * * *

(c) the credits and debits to the depreciation and amortization account and the balance in such account;

* * * * *

2. The Electric Plant Instructions are amended by:

a. Revising paragraph "D" of instruction "1. *Electric Plant to Be Recorded at Cost.*"

b. Revoking paragraph B(4) and recodifying present paragraph B(5) as B(4) of instruction "4. *Electric Plant Purchased or Sold.*"

c. Revising the first sentence in paragraph "F" of instruction. "4. *Electric Plant Purchased or Sold.*"

As revised, these portions of the Electric Plant Instructions read:

Electric Plant Instructions

1. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of electric plant shall be credited to the accounts charged with the cost of such construction. Plant constructed from contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledgers of accounts. The accumulated gross cost of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions concurrently being recorded as a credit.

* * * * *

4. *Electric Plant Purchased or Sold.*

* * * * *

B. * * *

(4) The amount remaining in account 102 * * *

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. * * *

* * * * *

3. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Contributions in Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts read:

BALANCE SHEET ACCOUNTS

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. Accumulated Deferred Income Taxes.

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

* * * * *

10. Accumulated Deferred Income Taxes.

* * * * *

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

C. Paragraph (d) of § 141.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by revoking the schedule "Contributions in Aid of Construction". As so amended, that portion of § 141.1(d) reads:

§ 141.1 Form No. 1 Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) * * *

Contributions in Aid of Construction. [Revoked]

* * * * *

PART 154—RATE SCHEDULES AND TARIFFS

D. Paragraph (f) in § 154.63, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the first sentence of *"Statement B—Rate base and return"* and deleting the reference to "Contributions in Aid of Construction." The amended portions of § 154.63(f) read:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(f) *Description of statements.* * * *

* * * * *

Statement B—Rate base and return. This statement shall summarize the overall gas utility rate base from the figures contained in Statement C, D and E. * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

E. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instructions are amended by:

a. Revising the second and third sentences of subparagraph "C" of Instruction "1. *Classification of gas plant at effective date of system of accounts.*"

b. Revising paragraph D of Instruction "2. *Gas plant to be recorded at cost.*"

c. Revoking paragraph B(4) and recodifying present paragraph B(5) as B(4) of instruction "5. *Gas plant purchased or sold.*"

d. Revising the first sentence in paragraph F of instruction "5. *Gas plant purchased or sold.*"

As so amended, the revised portions of the Gas Plant Instructions read:

* * * * *

Gas Plant Instructions

1. *Classification of gas plant at effective date of system of accounts.* * * *

C. * * * The difference between the original cost as above, and the cost to the utility of gas plant after giving effect to any accumulated provision for depreciation, depletion, or amortization shall be recorded in account 114, Gas Plant Acquisition Adjustments. The original cost of gas plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to gas plant previously acquired as operating units or systems and the differences between the original cost so determined, less accumulated provisions for depreciation, depletion and amortization, and the cost to the utility, with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Gas Plant Acquisition Adjustments. * * *

2. *Gas plant to be recorded at cost.* * * *

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction. Plant constructed from contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledger of accounts. The accumulated gross costs of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions concurrently being recorded as a credit.

* * * * *

5. *Gas plant purchased or sold.* * * *

B. * * *

* * * * *

(4) The amount remaining * * *

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. * * *

* * * * *

2. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Contributions in Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFFERED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

* * * * *

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

F. The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies, prescribed by Part 204, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instructions are amended by:

a. Revising paragraph "D" of instruction "1. *Gas Plant to be Recorded at Cost.*

b. Revoking paragraph B(4) and recodifying paragraph B(5) as B(4) of instruction "4. *Gas Plant Purchased or Sold.*"

c. Revising paragraph F of instruction "4. *Gas Plant Purchased or Sold.*"

As so revised, these portions of the Gas Plant Instructions read:

Gas Plant Instructions

* * * * *

1. *Gas plant to be recorded at cost.*

* * * * *

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction. Plant constructed from Contributions of cash or its equivalent shall be shown as a reduction to gross plant constructed when assembling cost data in work orders for posting to plant ledger of accounts. The accumulated gross costs of plant accumulated in the work order shall be recorded as a debit in the plant ledger of accounts along with the related amount of contributions currently being recorded as a credit.

* * * * *

4. *Gas plant purchased or sold.*

* * * * *

B. * * *

* * * * *

(4) The amount remaining in account 102 * * *

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. * * *

* * * * *

2. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271, Constributions if Aid of Construction."

b. Recodifying subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252, Customer Advances for Construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271, Contributions in Aid of Construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is recodified as "10."

As so amended, these portions of the Balance Sheet accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 **Customer advances for construction.**

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement, or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to the respective plant account.

* * * * *

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

G. Paragraph (c) of § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting schedule "Contributions in Aid of Construction." As so amended, that portion of § 260.1(c) reads:

§ 260.1 **Form No. 2, Annual report for natural gas companies (Class A and Class B).**

* * * * *

(c) * * *

* * * * *

Contributions in Aid of Construction. [Revoked]

* * * * *

H. Schedule pages 111, Comparative Balance Sheet, and 226, Operating Reserves (Accounts 261, 262, 263, 264, 265), in F.P.C. Form No. 1, Annual Report for Public Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, and F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, are amended as set out in Attachment B hereto.

I. Schedule page 3, Comparative Balance Sheet, in F.P.C. Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D) prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment C hereto.[1]

J. Schedule page 3, Comparative Balance Sheet, in F.P.C. Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment D hereto.[1]

K. Schedule page 2, Balance Sheet, in F.P.C. Form No. 1–M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More, prescribed by § 141.7, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment E hereto.[1]

L. Schedule page 16, Project Cost—Account Totals, in F.P.C. Form of Initial Cost Statement for Licensed Projects (Form No. 6), prescribed in § 141.11, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment F hereto.[1]

M. Schedule page 3, in F.P.C. Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set out in Attachment G hereto.[1]

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

By direction of the Commission.

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

ATTACHMENT A

LIST OF RESPONDENTS

ACCOUNTING FIRMS

Arthur Anderson & Company
Haskins & Sells
Lybrand, Ross Bros. & Montgomery

ELECTRIC UTILITIES (JURISDICTIONAL)

Alabama Power Company
Allegheny Power Service Corporation:
Monongahela Power Company
Potomac Edison Company, The
Potomac Edison Company of Pennsylvania, The
Potomac Edison Company of Virginia, The
Potomac Edison Company of West Virginia, The
West Penn Power Company
American Electric Power Service Corporation:
Appalachian Power Company
Indiana and Michigan Electric Company
Kentucky Power Company
Kingsport Power Company
Michigan Power Company
Ohio Power Company
Wheeling Electric Power Company
Arizona Public Service Company
Central Vermon Public Service Corporation:
Connecticut Valley Electric Company, Inc.
Vermont Electric Power Company, Inc.

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[1] Filed as part of the original document.

Cincinnati Gas & Electric Company, The:
  Union Light, Heat and Power Company
Cleveland Electric Illuminating Company, The
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Consumers Power Company
Detroit Edison Company, The
Duke Power Company
Florida Power Corporation
General Public Utilities Corporation:
  Jersey Central Power & Light Company
  Metropolitan Edison Company
  New Jersey Power & Light Company
  Pennsylvania Electric Company
Georgia Power Company
Gulf States Utilities Company
Idaho Power Company
Kansas City Power & Light Company
Mississippi Power Company
Montana Power Company, The
Northern States Power Company:
  Northern States Power Company (Minnesota)
  Northern States Power Company (Wisconsin)
Northeast Utilities:
  Connecticut Light & Power Company, The
  Hartford Electric Light Company, The
  Western Massachusetts Electric Company
  Holyoke Power and Electric Company
  Holyoke Water Power Company
  Northeast Utilities Service Company
Oklahoma Gas and Electric Company
Pacific Gas and Electric Company
Pacific Power & Light Company
Pennsylvania Power & Light Company
Philadelphia Electric Company
Portland General Electric Company
Public Service Company of Colorado
Public Service Electric and Gas Company
Public Service of Indiana
Puget Sound Power & Light Company
San Diego Gas & Electric Company
Southern California Edison Company
UGI Corporation
Union Electric Company
Utah Power and Light Company
Virginia Electric and Power Company
Washington Water Power Company, The
Wisconsin Electric Power Company
Wisconsin Public Service Corporation

ELECTRIC UTILITIES (NON-JURISDICTIONAL)

Memphis Light, Gas and Water Division
Public Utility District No. 1 of Douglas County

GAS UTILITIES (JURISDICTIONAL)

Arkansas Louisiana Gas Company
Cincinnati Gas & Electric Company, The:
  Lawrenceburg Gas Transmission Corporation
Consolidated Gas Supply Corporation
Columbia Gas System Service Corporation:
  Columbia Gas Transmission Corporation
  Columbia Gulf Transmission Corporation
Kansas-Nebraska Natural Gas Company, Inc.
Michigan Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America
Panhandle Eastern Pipe Line Company
Southern Natural Gas Company
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company[1]
United Gas Pipe Line Company
United Natural Gas Company

GAS UTILITIES (NON-JURISDICTIONAL)

Southern California Gas Company

STATE COMMISSIONS

Commonwealth of Massachusetts, Department of Public Utilities
Commonwealth of Pennsylvania, Public Utility Comm.
State of Alaska, Public Utilities Commission
State of Colorado, Public Utilities Commission
State of Illinois, Illinois Commerce Commission
State of Kansas, State Corporation Commission
State of Missouri, Public Service Commission
State of New York, Public Service Commission
State of Wisconsin, Public Service Commission

INDIVIDUALS

David Dunlap, Law Offices
Robert E. Stromberg
F. Harvey Pitts

MISCELLANEOUS

NARUC Subcommittee of Staff Experts on Accounting General Waterworks

[FR Doc.73-18335 Filed 8-28-73;8:45 am]

[1] Affiliate of Panhandle Eastern Pipe Line Company.

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 HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

FINANCIAL ASSISTANCE PROGRAMS

Limitation on Institutional Care

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would implement section 249D of Public Law 92-603, the Social Security Amendments of 1972. They relate to the exclusion from Federal financial participation under the financial assistance titles of any payment for medical or remedial care to an inpatient in an institution if such care is or could be provided under an approved State plan under title XIX, in an institution certified under such title XIX.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before September 28, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

(Sec. 1102, 49 Stat. 64 (42 U.S.C. 1302))

Dated: June 20, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: August 9, 1973.

FRANK CARLUCCI,
Acting Secretary.

Section 233.145 of Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended to add paragraph (c) as follows:

§ 233.145 Expiration of medical assistance programs under titles I, IV-A, X, XIV, and XVI of the Social Security Act.

* * * * *

(c) (1) Under the provisions of section 249D of Public Law 92-603, enacted October 30, 1972, Federal matching is not available for any portion of any payment by any State under titles I, IV-A, X, XIV, or XVI of the Social Security Act for or on account of any medical or any other type of remedial care provided by an institution to any individual as an inpatient thereof, in the case of any State which has a plan approved under title XIX of such Act, if such care is (or could be) provided, under a State plan approved under title XIX of such Act, by an institution certified under such title XIX. The effective date of this proposed provision will be the date of publication of the final regulation in the FEDERAL REGISTER.

(2) For purposes of this paragraph,

(i) An institution (see § 233.60(b)(1) of this chapter) is considered to provide medical or remedial care if it provides any care or service beyond room and board because of the physical or mental condition (or both) of its inpatients;

(ii) An inpatient is an individual who is living in an institution which provides medical or remedial care and who is receiving care or service beyond room and board because of his physical or mental condition (or both).

(iii) Federal financial participation is not available for any portion of the payment for care of an inpatient. It is immaterial whether such payment is made as a vendor payment or as a money payment or other cash assistance payment. It is also immaterial whether the payment is divided into components, such as separate amounts or payments for room and board, and for care or services beyond room and board, or whether the payment is considered to meet "basic" needs or "special" needs. If, however, a money payment (or protective payment) is made to an individual who is living in an institution, and such payment does not exceed a reasonable rate for room, board and laundry for individuals not living in their own homes, and no additional payment is made for such individual's care in the institution, Federal financial participation is available in the money payment (or protective payment) since the individual may spend the funds at his discretion and obtain room and board at the place of his choice.

(iv) Federal financial participation is available in cash assistance payments to meet the needs of an inpatient for specific medical services, such as dental care or prescription drugs, which generally are not delivered in an institutional setting and in fact are not provided by the institution to the inpatient.

[FR Doc.73-18172 Filed 8-28-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SO-58]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lancaster, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 28, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Lancaster transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * long. 80°51'18" W.) * * *" would be deleted and "* * * long. 80°-51'18" W.); within 3 miles each side of the 049° bearing from Lancaster RBN (Lat. 34°43'10" N, Long. 80°51'24" W), extending from the 5-mile radius area to 8.5 miles northeast of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 24 Instrument Approach Procedure, utilizing the Lancaster (private) Nondirectional Radio Beacon, to Lancaster Airport.

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

Issued in East Point, Ga., on August 20, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-18242 Filed 8-28-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Missouri.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 28, 1973, will be considered before action is taken on the the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

Since designation of controlled airspace at St. Louis, Missouri, a public use instrument approach procedure is being developed for Smartt Airfield, St. Charles, Missouri. Accordingly, it is necessary to alter the St. Louis, Missouri, transition area to provide adequate airspace protection for aircraft executing this new approach procedure.

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

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

ST. LOUIS, MISSOURI

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert St. Louis International Airport (latitude 38°44'50'' N., longitude 90°21'55'' W.); within 5 miles southeast and 8 miles northwest of the Lambert St. Louis International Airport runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the runway 24 OM; within 5 miles southwest and 9 miles northeast of the Lambert St. Louis International Airport runway 12R ILS localizer northwest course; extending from the runway 12R OM to 12 miles northwest of the OM; within a 7-mile radius of St. Charles Smartt Airport, St. Charles, Missouri (latitude 38°56'00'' N., longitude 90°-26'00'' W.); within an 8-mile radius of Civic Memorial Airport, Alton, Illinois (latitude 38°53'30'' N., longitude 90°03'00'' W.); and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of St. Louis International Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238° and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30'' N., longitude 89°51'05'' W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northeast by the southwest edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Missouri VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

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

Issued in Kansas City, Missouri, on August 10, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-18241 Filed 8-28-73;8:45 am]

[14 CFR Part 93]

[Docket No. 9974; Notice No. 73-22]

HIGH DENSITY TRAFFIC AIRPORTS

Proposed Extension of Reservation Requirements

The Federal Aviation Administration is considering amending Subpart K of Part 93 of the Federal Aviation Regulations to continue, without a specific date of termination, the special air traffic rules for high density traffic airports that would otherwise expire on October 25, 1973.

Interested persons are invited to participate in the subject rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before September 28, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Rules to limit the hourly number of operations at certain high density airports were first proposed in Notice No. 68-20 on September 8, 1968. As stated therein, delays encountered in certain terminal areas had become critical, and regulatory action had to be taken to alleviate congestion at five of the largest terminal airports. Twelve notices of proposed rulemaking or withdrawals, and seven regulatory actions, have been issued in prescribing a regulatory solution to this problem. Since that time, the daily number of delays of 30 minutes or more have decreased from a maximum of nearly 650 to 165. The rules have, unquestionably, brought about a marked improvement in the situation at these airports. However, owing to the rising demand for airport use, and the increased use of heavy jet aircraft that require additional separation and handling, it is apparent that if the rules were allowed to terminate, congested conditions with long delays, both airborne and on the surface, would soon be prevalent at these airports. To achieve the most efficient use of the airspace and airport facilities, the FAA believes that it is essential to retain these rules on a continuing basis, and that repeated extensions of termination dates would serve no useful purpose.

However, airspace users are advised that monitoring the need for quotas at each airport would continue, and quotas adjusted where appropriate, to ensure that no unnecessary restrictions are allowed to develop.

Accordingly, it is proposed that § 93.133 providing a termination date for this subpart be deleted, thereby extending the rules in Subpart K indefinitely.

Previous amendments to this subpart have resulted in a need for making three nonsubstantive editorial changes. In § 93.121, reference to aircraft equipment would be deleted since the requirement for that equipment was stricken by Amendment No. 93-25. Similarly, reference to paragraphs (a) and (b) of § 93.125, which no longer exist, would be deleted from §§ 93.130 and 93.133.

AUTHORITY: Sections 103, 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354(a) and 1421); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Section 1.4(c) of Part 1 of the Office of the Secretary (49 CFR 1.4(c)).

In consideration of the foregoing, it is proposed that Subpart K of Part 93 be amended as follows:

1. By amending § 93.121 by deleting the words "the aircraft equipment and" between the words "prescribes" and "air traffic rules."

2. By amending § 93.130 by deleting the phrase "§§ 93.125(a) and 93.125(b)" between the words "prescribed in" and "if he finds" and substituting "§ 93.125" therefor.

3. By deleting § 93.131.

4. By amending § 93.133 by deleting the phrase "§ 93.125 (a) and (b)" between the words "and" and "do" and substituting "§ 93.125" therefor.

Issued in Washington, D.C., on August 22, 1973.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.73-18243 Filed 8-28-73;8:45 am]

ENERGY POLICY OFFICE

[32A CFR Chapter XIII]

ESTABLISHMENT OF PRIORITIES OF USE AND ALLOCATIONS OF SUPPLY FOR CERTAIN LOW SULFUR PETROLEUM PRODUCTS

Notice of Public Hearing and Proposed Rulemaking

On June 11-14, 1973, hearings were held concerning the operation of the voluntary allocation program for petroleum products and the need for a mandatory allocation program. These hearings indicated that the voluntary program had done significant good, but that difficulties were being experienced in certain parts of the country and in certain sectors of the industry.

In the Energy Policy Office statement of August 9, 1973, it was indicated that the current fuel situation had led the Administration to consider action which would temporarily prohibit utilities, industrial, and commercial firms from (a) switching from coal to petroleum or petroleum products, (b) switching from residual fuels to home heating fuels, or (c) increasing the quantity of distillates blended into residual fuel oil, except where such actions were absolutely necessary to meet primary (health related) ambient air quality standards.

As there may be insufficient supplies of petroleum products, especially home heating oils, to meet essential needs in certain parts of the country and to insure an adequate supply to the independent distributors and marketers, priorities for use and allocation of supplies for certain petroleum products are being established pursuant to section 203(a)(3) of the Economic Stabilization Act of 1970, as amended. Specifically, this regulation aims to prevent coal-to-oil fuel conversions and to delay shifts to lower sulfur content fuel oils than were in use as of the effective date of this regulation; except where such actions are required to achieve primary air quality standards.

Provisions to prohibit coal-to-oil switching except to achieve primary air quality standards are directly supportive of the Environmental Protection Agency's Clean Fuels Policy. That policy urges the States to delay attainment dates for secondary standards as they apply to coal-fired combustion sources and specifically discourages coal-to-oil switching, except to meet primary air quality standards. Under this proposal, coal burning sources will still be required to comply with State sulfur regulations except that they could not convert to oil unless such conversion is needed to meet primary air quality standards.

In view of the tight market for low sulfur fuel oil, the other provisions of the measure prohibit oil-burning sources from shifting to lower sulfur fuel oils than presently in use except to meet primary air quality standards. This measure does not roll back any gains already made in reducing the sulfur content of fuel oils under the Clean Air Act. It does impose a temporary halt in the trend toward lower sulfur content fuel oil wherever progress toward primary standards is not affected.

As required by section 203(a)(3) of the Economic Stabilization Act, a public hearing will be held on the proposed regulation. If the regulations are to become effective in time to significantly increase the supply of home heating oil available this winter, it is necessary to to shorten the notice period for the public hearing and comment. Therefore, the public hearing will be held in Washington, D.C., beginning at 9 a.m. (e.s.t.) Thursday, September 6, 1973, and continuing through Friday, September 7, 1973, in the auditorium of the United States Department of the Interior main building, 19th and E Streets, NW., Washington, D.C. 20240, for the purpose of receiving comments and testimony on all phases of the Proposed Program to Establish Priorities and Allocate Supply for Certain Low Sulfur Petroleum Products.

In addition, interested persons are invited to submit twenty (20) copies of any written comments on the proposal to the Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, Attention: Dr. Lisle Reed. Comments received no later than September 7th will be considered.

JOHN A. LOVE,
Director,
Energy Policy Office.

AUGUST 24, 1973.

A new chapter XIII is added to Title 32A CFR consisting of the following EPO-Reg. 2:

EPO REG 2—PRIORITIES FOR USE OF CERTAIN LOW SULFUR PETROLEUM PRODUCTS

Sec.
1 Purpose and Intent.
2 Definitions.
3 Boilers not currently burning petroleum products.
4 Boilers currently burning petroleum products.
5 New boilers.
6 Exceptions to meet primary ambient air quality standards.
7 Other exceptions.
8 Termination.

AUTHORITY: Sec. 203(a)(3) of the Economic Stabilization Act as amended by PL 93-28; 12 U.S.C. 1904 (Note): EO 11695, 38 FR 1473; COLC Order 33, 38 FR 20960.

Section 1 Purpose and intent.

The purpose of the regulation is to assure the optimum use of the limited supplies of low sulfur petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, and the Clean Fuels Policy of the Environmental Protection Agency. This regulation is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing of actual shifts to burning lower sulfur oil during the period this regulation is in effect.

To the extent that provisions of applicable State implementation plans requiring changes in fuel usage are not consistent with this regulation, the provisions of this regulation shall take precedence.

Sec. 2 Definitions.

(a) "Boiler" means any boiler, burner, or other combustor of fuel in any electric power generating plant or industrial or commercial plant having a firing rate of 250 million BTU/hour in commercial operation on or prior to the effective date of this regulation.

(b) "Petroleum Product" means petroleum, distillate fuel, residual fuel oil, or any other petroleum product.

(c) "Primary Air Quality Standards" means the national primary ambient air quality standards provided for in the Clean Air Act, as amended. (42 U.S.C. 1857 *et seq.*)

Sec. 3 Boilers not currently burning petroleum products.

No petroleum product shall be sold or otherwise provided to or accepted by any person for burning under boilers that were not using petroleum products on the effective date of this regulation. Automatic exception is granted for boilers converting from natural gas, provided that alternative fuels, such as coal, cannot practically be utilized.

Sec. 4 Boilers currently burning petroleum products.

(a) Petroleum products may continue to be utilized by persons using them in boilers burning petroleum products on the effective date of this regulation except that:

(1) No petroleum product having a lower sulfur content, by weight, than any petroleum product in use in such a boiler during the month preceding the date hereof shall be sold or otherwise provided or accepted by any person or firm for use in such boiler;

(2) The aggregate quantity of petroleum product utilized by such person in any month subsequent to the date of

this regulation in any such boiler capable of burning coal and petroleum products shall not exceed the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of steam.

(3) The quantity of distillate fuel oil utilized by such person in any month subsequent to the date of this regulation in any such plant shall not exceed the larger of the quantity of distillate fuel oil consumed in the corresponding month of 1972 or in July 1973, except that the quantity of distillate fuel oil burned may be increased in proportion to the increased output of steam.

(4) In order to discourage further increase in the indirect use of distillate fuels in the form of a mixture of distillate and residual fuel oils:

(i) No refiner, fuel dealer, or user, shall blend more distillate fuel oils into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973, except where essential to meeting primary standards.

(ii) No person shall use under a boiler a blended fuel containing a greater proportion of distillate fuels than the larger of

(A) the proportion included in the corresponding month of 1972, or

(B) the proportion included in July 1973, except where essential to meeting primary air standards.

(iii) Those quantities of fuels containing distillates that constitute plant or firm inventories as of the effective date of this regulation may be consumed by or sold for use in boilers until those quantities are depleted.

(b) This section is intended to preempt, in part, State Implementation Plans and associated individual source compliance schedules required under the Clean Air Act where these measures would:

(1) Cause existing oil burning sources to shift to a lower sulfur content fuel oil during the effective period of this regulation, and

(2) Where such actions are not required for the achievement of primary air quality standards.

Sec. 5 New Boilers.

(a) Any person with boilers which begin commercial operations after the effective date of this regulation shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet primary ambient air quality standards or to comply with EPA new source standards. (b) This section is not intended to preempt the new source performance standards of the Clean Air Act, as amended. In the event this section conflicts with such standards, the provisions of the Clean Air Act prevail and the prohibitions in this section do not apply.

Sec. 6 Exceptions To Meet Primary Ambient Air Quality Standards.

(a) The Office of Oil and Gas in the Department of the Interior shall automatically grant exceptions to the prohibitions contained in these regulations when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the primary air quality standard of the air quality region in which the plant is located. (b) With respect to § 3, the Office of Oil and Gas shall grant exceptions pursuant to this section only when suitable alternative fuels are not available.

Sec. 7 Other Exceptions.

The Office of Oil and Gas may grant exceptions from the prohibitions of this regulation if:

(a) Any person subject to this regulation can demonstrate that compliance would cause an undue economic hardship; or

(b) Fuels necessary for compliance with this regulation are not available.

Sec. 8 Termination.

The provisions of this regulation shall be in effect for not longer than one year following its effective date, or until the expiration of Section 203(a)(3) of the Economic Stabilization Act of 1970, which ever occurs first.

[FR Doc.73-18444 Filed 8-27-73;2:45 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

ALASKA

Public Hearing on Proposed Transportation and/or Land Use Control Strategies

Proposed transportation control plans for the Northern Alaska Intrastate Region were published in the FEDERAL REGISTER on July 16, 1973 (38 FR 18938). The Administrator intends that any Federal regulations be as responsive as possible to the needs of the Northern Alaska Intrastate Region. Therefore, a public hearing will be held on this and any alternative proposals in Fairbanks at 7 p.m. on Thursday, September 6, 1973. The hearing will be held at the Alaska Land Civic Center Theatre, Airport Road, Fairbanks.

It is preferred that persons desiring to testify notify Ms. Betty Weise, EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

Dated: August 23, 1973.

ROBERT L. SANSOM,
Assistant Administrator
for Air and Water Programs.

[FR Doc.73-18247 Filed 8-28-73;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

[Public Notice 397; Delegation of Authority No. 128]

INSPECTOR GENERAL, FOREIGN ASSISTANCE

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), I hereby delegate to the Inspector General, Foreign Assistance the authority successively to redelegate any of the functions vested in the Department of State, and not heretofore reserved to the Secretary of State, by section 624(d) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384(d)).

This Delegation of Authority shall be effective August 29, 1973.

Dated August 21, 1973.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.73-18307 Filed 8-28-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[484.17]

STANDARD NEWSPRINT PAPER

Proposal To Change Minimum Basis Weight

AUGUST 23, 1973.

The purpose of this notice is to advise interested persons that the Customs Service has been requested that the minimum basis weight of standard newsprint paper, provided for in the free provision of item 252.65, Schedule 2, Subpart B, Tariff Schedules of the United States (TSUS), be revised downward to 24.5 pounds.

The test for determining whether a paper is classifiable as standard newsprint paper under item 252.65 is whether as of the time of its importation the paper is of a class or kind chiefly used in the printing of newspapers.

Chief use is determinable by the use in the United States at, or immediately prior to, the date of importation, in accordance with General Headnote 10 (e) (i), TSUS, which provides:

10(e) In the absence of special language or context which otherwise requires—

(i) a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of articles of that class or kind to which the imported articles belong, and the controlling use is the chief use, i.e., the use which exceeds all other uses (if any) combined.

Treasury Decision 56349, dated January 22, 1965, as amended by Treasury Decision 68-265(20), October 22, 1968, presently sets out that most papers which conform to the following descriptive specifications†

Weight.—500 sheets each 24 by 36 inches not less than 28½ pounds nor more than 35 pounds (per ream of 432,000 square inches).

Size.—Rolls not less than 13 inches wide and 28 inches in diameter. Sheets not less than 20 by 30 inches.

Thickness.—Not over 0.0042 inch.

Sizing.—Time of transudation of water shall be not more than 10 seconds by the ground glass method.

Ash Content.—Not more than 6.5 percent.

Color and Finish.—White; or tinted shades of pink, peach, or green in rolls; not more than 50 percent glare when tested with the Ingersoll glarimeter.

are classifiable as standard newsprint paper under item 252.65, TSUS, so long as the existing conditions of chief use prevail.

Written comments and proposals are requested from interested parties pertaining to chief use in the United States of paper which conforms to the foregoing descriptive specifications but with lower basis minimum weights within the range of 24½ pounds to 28½ pounds.

Consideration will be given to any relevant data, views, or arguments for or against the tariff classification of a paper with basis weight lower than 28½ pounds under the free provision for standard newsprint paper in item 252.65, TSUS, which are submitted to the Commissioner of Customs, Washington, D.C. 20229, in writing. To assure consideration, these communications must be received not later than Oct. 29, 1973. No hearings will be held.

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

[FR Doc.73-18317 Filed 8-28-73;8:45 am]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material supersedes statements on organization and functions numbered 1118.8, published at 37 FR 20989.

Dated August 21, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

1118.8 STABILIZATION DIVISION

(1) Directs and administers the District Economic Stabilization Program involving planning, organizing, coordinating, and evaluating District Stabilization activities which include: responding to inquiries from the public; disseminating information to the public; analyzing and issuing decisions upon application for exceptions and appeals; conducting investigations; resolving complaints of violations by obtaining compliance, where possible, and recommending enforcement action when necessary.

(2) Program management of District Stabilization activities is accomplished through twenty-nine Key Districts which are responsible for technical and managerial guidance to and which exercise functional supervision for Stabilization work performed in the related Associate Districts. The Key District/Associate District relationship is:

Key districts	*Associate Districts*
Boston	Augusta
	Burlington
	Portsmouth
Brooklyn	NONE
Buffalo	Albany
Hartford	Providence
Manhattan	NONE
Baltimore	Do.
Richmond	Do.
Newark	Do.
Philadelphia	Wilmington
Pittsburgh	NONE
Atlanta	Birmingham
Jacksonville	NONE
Greensboro	Columbia
Nashville	Jackson
Cincinnati	Louisville
Indianapolis	NONE
Cleveland	Parkersburg
Detroit	NONE
Chicago	NONE
St. Louis	Springfield
Des Moines	Omaha
St. Paul	Aberdeen
	Fargo
Milwaukee	NONE
Austin	New Orleans
Dallas	Albuquerque
Oklahoma City	Cheyenne
	Denver
	Little Rock
	Wichita
Los Angeles	Honolulu
	Phoenix
San Francisco	Reno
	Salt Lake City
Seattle	Anchorage
	Boise
	Helena
	Portland

(3) The Division structure conforms to one of three established organizational patterns which are:

(a) Two branches: the Compliance and Enforcement Branch and the Technical Services Branch;

(b) A Compliance and Enforcement Branch and a Technical Staff; or

(c) No branch structure—the organization is directly under the Division Chief.

(4) The particular organizational pattern authorized depends upon: the size of the Key District Office and any related Associate Districts over which functional supervision is exercised; the geographic area encompassed; and the volume and complexity of the workload of the Key District and any related Associate Districts.

(5) In Districts where a two-branch structure has been authorized for the Stabilization Division, the branches will be the Compliance and Enforcement Branch, as defined in 1118.81 below; and the Technical and Services Branch, as defined in 1118.82 below. In Districts where one branch and a staff group have been authorized for the Stabilization Division, the organization structure will be a Compliance and Enforcement Branch, as defined in 1118.81 below; and a Technical Staff which will perform these duties under the Technical and Services Branch in 1118.82 below, without the Branch supervisory structure. In the small Key Districts and all Associate Districts, the functional description of branches in 1118.81 and 1118.82 below, are performed by staff personnel. Associate Districts may use the organizational title of "Stabilization Officer" for the person who will be the primary representative of the District for Stabilization matters.

1118.81 Compliance and Enforcement Branch

This branch is responsible for matters involving compliance and enforcement activities under the Economic Stabilization regulations. This branch has operational responsibility for local investigative and industry monitoring programs, and reports on National Office directed pay or price fact-finding investigations and surveys, local enforcement activities as authorized and directed by the National Office and other special projects deemed appropriate by the Regional and/or National Office.

1118.82 Technical and Services Branch

This branch has operational responsibility for providing technical and general information to the public; analyzing and issuing decisions upon applications for exceptions and appeals; furnishing interpretive support to other organizational components of Key and Associate Districts; assuring program uniformity; operating and maintaining the Stabilization reporting and information system; and other special projects deemed appropriate by the Regional and/or National Office.

1118.9 Offices Below the District Headquarters

(1) Offices below the district headquarters (Area, Zone, and Local offices as defined below) perform one or more of certain Collection, Taxpayer Service, Audit, and Intelligence functions such as: the collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of monies tendered in payment of taxes; conducting taxpayer service and related assistance activities to meet local taxpayer needs; the examination of returns to determine correct liability of taxpayers for tax and penalties; the holding of conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes. They also contain, to a limited extent, other functions such as administrative support.

(2) Offices below the district headquarters are classified according to these types:

(a) *Area office.*—An Area office is a major subdivision of the District Office and usually contains all of its principal functional elements including one or more groups of Revenue Agents, one or more groups of Revenue Officers, an Office Group, and a Teller. Generally, it also contains one or more Special Agents.

(b) *Zone office.*—A Zone office is an intermediate size office which includes one or more groups of Revenue Agents or one or more groups of Revenue Officers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has Office Group personnel, they are supervised from some other office.

(c) *Local office.*—All other offices below the district headquarters are classified as Local offices. Primarily, these are small posts of duty where the workload does not warrant the stationing of Revenue Agents and Revenue Officers in group strength.

(3) Program planning and functional supervision for personnel of an Area, Zone, or Local office are the responsibilities of the appropriate divisions of the District Office. However, administrative supervision of such an office may be assigned to an individual upon a determination by the District Director that such a position is needed in order to represent all IRS functions to the public, to coordinate functions, and to provide common administrative services. This position is to be assigned as an additional responsibility to one of the regular functional personnel of the office, usually the ranking or senior officer. Each person assigned this additional responsibility will be designated as the "(inserting name of city) representative" of the District Director.

(4) Generally, offices below the district headquarters do not contain Branch Chiefs in any of the functional activities. However, if the workload of an office (including nearby offices supervised by such office) is sufficient to justify five or more Audit groups, the District Director may determine that the needs for local supervision warrant the stationing of an Audit Branch Chief in the office. Similarly, if the workload justifies five or more Revenue Officer groups (counting less than ten Office Branch employees as the equivalent of a group; of ten or more Office Branch personnel as two groups), the District Director may establish a Field Branch Chief. Recommendations for establishing such positions shall be forwarded to the Regional Commissioner for approval in accordance with regular procedures for effecting changes in organization.

(5) When the personnel of an office below the district headquarters are supervised by Group Managers or Branch Chiefs, all of the functions in such offices will generally receive line supervision from the same city in order to foster functional coordination and efficient utilization of clerical and other manpower. However, when the District Director finds that the best interests of the Service require a different arrangement, he is authorized to make an exception. Exceptions may be particularly needed for those activities, such as Intelligence, which are more thinly represented than the Audit and Collection and Taxpayer Service functions; and for specialists, such as those trained in estate, gift, and excise tax work.

[FR Doc.73-18318 Filed 8-28-73;8:45 am]

Office of the Secretary

RUBBER THREAD FROM ITALY

Tentative Discontinuance of Antidumping Investigation

Information was received on January 22, 1973, that natural rubber thread from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the Federal Register of February 26, 1973 (38 FR 5195). An amendment to that notice was published in the Federal Register of July 10, 1973 (38 FR 18389). The purpose of the amendment was to expand the scope of the original notice to encompass all rubber thread, natural and synthetic.

I hereby announce a tentative discontinuance of the antidumping investigation concerning rubber thread from Italy.

Statement of Reasons on Which This Tentative Discontinuance of Antidumping Investigation Is Based:

The investigation revealed that the proper basis for comparison, for fair value purposes, is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of the f.o.b. Genoa or the c.i.f. duty-paid delivered price, with deductions, as appropriate, for included U.S. inland freight and insurance, U.S. duty, ocean freight and marine insurance, and Italian inland freight and insurance. An adjustment was made for a special discount where it applied.

Home market price was calculated on the basis of the weighted-average delivered price with a deduction for inland freight. Adjustments were made for trade, quantity and cash discounts as well as for a packing cost differential.

Comparisons between purchase price and the adjusted home market price revealed some instances where purchase price was lower than the adjusted home market price of such or similar merchandise. However,

these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the sole manufacturer investigated that it would make no future sales at less than fair value within the meaning of the Act. That manufacturer is believed to have been the only exporter of rubber thread to the United States during the period of investigation.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested persons may present written views or arguments, or request in writing that the Assistant Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Assistant Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office by September 10, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than September 28, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

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

[FR Doc.73-18450 Filed 8-28-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold closed meetings on September 20 and 21, 1973, at the Pentagon, Washington, D.C. The meetings will commence at 9 a.m. and are scheduled to terminate at 5 p.m. daily. Items to be discussed will include classified information concerning United States strategy *vis-a-vis* North Atlantic Treaty Organization, the Soviet Navy threat, and defense planning methodology.

Dated: August 20, 1973.

MERLIN H. STARING,
Rear Admiral, Deputy Judge Advocate General of the Navy.

[FR Doc.73-18245 Filed 8-28-73;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held on:

Friday, August 31, 1973.
Tuesday, October 2, 1973.
Wednesday, October 3, 1973.
Thursday, October 18, 1973.

These meetings commencing at 9:00 a.m. will be to discuss classified matters.

Dated August 24, 1973.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.73-18314 Filed 8-28-73;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Notice of Meeting

The National Crime Information Center Advisory Policy Board will meet on September 13 and 14, 1973, at the Prom Sheraton Hotel in Kansas City, Missouri. The meetings will begin at 9:30 a.m. and conclude at 4:30 p.m.

The purpose of this meeting will be to review the minutes of the previous meeting, to consider suggestions concerning NCIC and discuss matters presented as new business.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board Members, must file written statements or questions at least twenty-four hours prior to the opening of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

To the extent that time permits, public discussion is invited regarding agenda items.

A portion of the meeting dealing with the operational aspects of NCIC will be, of necessity, closed to the public.

The NCIC Advisory Policy Board is constituted according to Public Law 92-463 and its membership is composed of law-enforcement representatives from throughout the United States.

Further information may be obtained from Mr. Norman Stultz, Section Chief, Computer Systems Division, FBI HQ, Washington, D.C.

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date following the adjournment on September 14, 1973, upon request of the above designated FBI Official.

WASON G. CAMPBELL,
Assistant Director, Computer Systems Division.

[FR Doc.73-18257 Filed 8-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ACTING ADMINISTRATOR, SUCCESSION AND AUTHORITY

Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784), and amended on September 13, 1968 (33 FR 12974), February 21, 1969 (34 FR 2508), August 9, 1969 (34 FR 12955), September 18, 1969 (34 FR 14534), May 1, 1971 (36 FR 8266), June 8, 1971 (36 FR 11047), July 24, 1971 (36 FR 13799), November 26, 1971 (36 FR 22689), May 6, 1972, (37 FR 9245), July 13, 1972 (37 FR 13721), November 3, 1972 (37 FR 23463), and June 27, 1973 (38 FR 16922), are further amended by revising § 10.1a to read as follows:

SEC. 10.1. *Acting Administrator—succession and authority.*—a. The line of succession as Acting Administrator provides that in the case of death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated.

(1) Deputy Administrator.

(2) Assistant Administrator for Power Management (Power Manager).

(3) Assistant Administrator for Management Services (Administrative Manager).

(4) Assistant Administrator for Operation and Maintenance (O&M Manager).

(5) Assistant Administrator for Engineering and Construction (Chief Engineer).

* * * * *

Dated July 20, 1973.

DONALD PAUL HODEL,
Administrator.

[FR Doc.73-18258 Filed 8-28-73;8:45 am]

Office of the Secretary

PROPOSED PROTOTYPE OIL SHALE LEASING PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4332(2)(C)) the Department of the Interior has prepared a final environmental statement for a Proposed Prototype Oil Shale Leasing Program which, if implemented, would make available for private development up to six oil shale tracts, two each in Colorado, Utah, and Wyoming. A decision concerning program implementation

will be reached no sooner than October 29, 1973.

The final statement represents over three years of intensive effort by a multidiscipline Task Force and considers nearly 3,000 pages of comments, oral testimony, and exhibits developed during public review following the Notice of Availability of the draft statement and Notice of Public Hearings which appeared in the FEDERAL REGISTER, on September 7, 1972, Vol. 37, No. 174, pg. 18098. The final statement is published in 6-volumes and may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Map Information Office, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20240.

Bureau of Land Management State Offices at Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202; Federal Building, 124 South State, Salt Lake City, Utah; and Joseph C. O'Mahoney Federal Center, 2120 Capital Avenue, Cheyenne, Wyoming 82001.

The Cost for a complete set is $28.75; each volume may also be purchased individually. The content of each volume and price is as follows:

Volume I.—Assesses the current state of oil shale technology; describes regional environmental impact of mature oil shale development at a rate of 1-million b/d by 1985. Cost: $6.15.

Volume II.—Extends Volume I study with an examination of energy alternatives to the 1-million b/d level of oil shale production. Volumes I and II thus consider regional and cumulative aspects of a mature oil shale industry. Cost: $2.85.

Volume III.—Examines the specific action under consideration—the leasing and development of two prototype oil shale leases in each of the States of Colorado, Utah, and Wyoming. Its focus is on the specific environmental impacts of prototype development on public lands which, when combined, could support a production potential of around 250,000 barrels per day. Cost: $5.90.

Volume IV.—Describes the consultation and coordination with others in the preparation of the final statement and future plans of the Department. Includes analysis of comments received and the Department's responses. Cost: $2.85.

Volume V.—Contains letters received during the review process and describes review process. Cost: $7.25.

Volume VI.—Contains transcripts of the six public hearings held in October 1972. Cost: $3.75.

Inspection copies are available in the Library and the Office of the Oil Shale Coordinator, U.S. Department of the Interior, Washington, D.C., and at depository libraries throughout the Nation.

Inspection copies also are available in the Office of the Deputy Oil Shale Coordinator, Room 237E, Building 56, Denver Federal Center, Denver, Colorado 80225; in Bureau of Land Management State Offices listed above; and the following Bureau of Land Management District Offices: *Colorado*, Canon City, Craig, Glenwood Springs, Grand Junction, Montrose; *Utah*, Vernal, Price, Monticello, Kanab, Richfield; *Wyoming*, Rock Springs, Rawlins, Casper, Lander, Pinedale, and Worland.

Dated August 24, 1973.

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

[FR Doc.73-18320 Filed 8-28-73;8:45 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

CHARLES A. CAMPBELL.

[FR Doc.73-18261 Filed 8-28-73;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) FMC Corporation, Howmet Corporation, Morrison-Knudsen Company, General Electric Company, Amalgamated Sugar Company, Idaho Power Company, First Security Bank Corporation, Union Carbide Corp., Pacific Power & Light Company, Utah Power & Lt Company, Union Pacific Corporation, Portland GE Company, Washington Water Power Company, Montana Power Company, Westinghouse Electric Corp., Puget Sound Power & Lt Company, Pfizer Corp., Anaconda, Gulf Oil, AT&TCo., Sawtooth Development Co., Arizona Public Service Co., Boise Cascade Corp.
(3) No change.
(4) No change.

This statement is made as of August 3, 1973.

Dated August 3, 1973.

GLENN J. HALL.

[FR Doc.73-18262 Filed 8-28-73;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

ROBERT L. HUFMAN.

[FR Doc.73-18263 Filed 8-28-73;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Elected Vice President, South Carolina Electric & Gas Company.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

DAVID G. JETER.

[FR Doc.73-18264 Filed 8-28-73;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 7, 1973.

Dated August 7, 1973.

J. W. KEPNER.

[FR Doc.73-18265 Filed 8-28-73;8:45 am]

WILLIAM M. KIEFER

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

WILLIAM M. KIEFER.

[FR Doc.73-18266 Filed 8-28-73;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1973.

Dated July 31, 1973.

OWEN A. LENTZ.

[FR Doc.73-18267 Filed 8-28-73;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1973.

Dated August 15, 1973.

ROBERT R. MCLAGAN.

[FR Doc.73-18268 Filed 8-28-73;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Add Thiokol Corp., Tenneco Offshore Inc.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

HARRY H. MOCHON, Jr.

[FR Doc.73-18269 Filed 8-28-73;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) New position: Executive Director from Vice Executive Director in the Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico).
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1973.

Dated August 6, 1973.

JULIO A. NEGRONI.

[FR Doc.73-18270 Filed 8-28-73;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1973.

Dated August 8, 1973.

LEROY J. SCHULTZ.

[FR Doc.73-18272 Filed 8-28-73;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 30, 1973.

Dated July 30, 1973.

CHARLES W. WATSON.

[FR Doc.73-18273 Filed 8-28-73;8:45 am]

[INT DES 73-50]

JACKSON HOLE AIRPORT, GRAND TETON NATIONAL PARK, WYOMING

Notice of Extension of Time To Comment on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to the Jackson Hole Airport within Grand Teton National Park, Wyoming.

Written comments on the environmental statement are invited and will be accepted on or before October 11, 1973. Comments should be addressed to the Superintendent, Grand Teton National Park, P.O. Box 67, Moose, Wyoming 83012.

For additional information regarding this matter see FEDERAL REGISTER of July 30, 1973, Vol. 38, No. 145, pages 20284–85.

Dated: August 24, 1973.

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

[FR Doc.73-18433 Filed 8-28-73;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of sec. 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1973.

Dated August 6, 1973.

WILLIAM K. PENCE.

[FR Doc.73-18271 Filed 8-28-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

North Carolina Inspection Point

Statement of considerations.—On July 6, 1973, there was published in the FEDERAL REGISTER (38 FR 18050) a notice announcing a request by the North Carolina Department of Agriculture, Raleigh, North Carolina, that its assignment at Elizabeth City, North Carolina, as a designated inspection point be revoked, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) issued under the U.S. Grain Standards Act (sec. 8, 39 Stat. 485, as amended 82 Stat. 768; 7 U.S.C. 87e). The request was made

because of the low volume of grain inspection work at Elizabeth City. Interested organizations and persons were given until August 6, 1973, to submit written data, views, comments and/or arguments with respect to the proposed revocation.

No comments were received with respect to the July 6, 1973, notice in the FEDERAL REGISTER. Therefore the assignment of Elizabeth City, North Carolina, as a designated inspection point is revoked without prejudice to the North Carolina Department of Agriculture.

Done in Washington, D.C., on August 23, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18347 Filed 8-28-73;8:45 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of § 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on September 6, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes consideration of a marketing policy for the 1973-74 shipping season, analysis of information concerning market supply and demand factors, and the need for regulation of shipments of any grade or size of such fruits, including export shipments, and the size, capacity, weight, dimensions or pack of the containers used in export shipments other than to Canada or Mexico.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida, 33802; telephone 813-682-3103.

Dated August 23, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-18346 Filed 8-28-73;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Cibola National Forest Multiple Use Advisory Committee will meet on August 31, 1973, at 7:00 a.m. in the Supervisor's Office, Cibola National Forest, 10308 Candelaria NE., Albuquerque, New Mexico 87112.

The purpose of this meeting is to tour and discuss the following areas:

1. A trip over the completed portion of the Lobo Canyon Road.
2. Visit a timber sale and one or more reseeded mining pads.
3. Travel to La Mosca Peak and look over the Mount Taylor Winter Sports Area and Mount Taylor Roadless Area.

The meeting will be open to the public. Persons who wish to attend should notify Supervisor Lloyd through telephone number 766-2185 or at 10308 Candelaria NE., Albuquerque, New Mexico 87112. Written statements may be filed with the committee before or after the meeting.

Dated July 25, 1973.

J. B. ARMSTRONG,
Acting Forest Supervisor.

[FR Doc. 73-18362 Filed 8-28-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-385]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Intent To Extend Existing Agreements

Notice is hereby given that it is the intent of the Maritime Administration to extend, upon application, operating-differential subsidy contracts of operators listed in Appendix A with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, said extension to expire, unless extended, on December 31, 1973 (except for subsidized voyages in progress on that date). Inasmuch as the operators listed in Appendix A and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each operator upon extension of its contract, notwithstanding that a voyage in the above-mentioned bulk carrier service would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

The operators listed in Appendix A have previously been granted written permission with respect to such services in fiscal year 1973.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) concerning any operator listed in Appendix A and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning any operator must, by close of business on August 31, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., September 4, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: August 24, 1973.

By Order of the Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

APPENDIX A

I. Name of company.—Globe Seaways, Inc. (Globe), Ocean Transportation Company, Inc. (Ocean), Overseas Oil Carriers, Inc. (Overseas), Overseas Bulktank Corporation (Bulktank), Intercontinental Bulktank Corporation, (Intercontinental), Ocean Tankships Corporation (Tankships), Interseas Bulk Carriers, Inc. (Interseas), Intercontinental Carriers, Inc. (Carriers), Ocean Clippers, Inc. (Clippers).

Description of domestic service and vessels.—Globe, Ocean, Overseas, Bulktank, Intercontinental, Tankships, Interseas, Carriers, and Clippers are subsidiaries of Overseas Shipholding Group, Inc. (Shipholding), whose subsidiaries have engaged in domestic coastwise, intercoastal, and noncontiguous petroleum trades with tanker vessels, and each company requires written permission for it and/or related companies to continue such operations. The following tanker vessels are owned by subsidiaries of Shipholding:

Ship	*Owner*
Overseas Alaska	Intercontinental Bulktank Corporation.
Overseas Alice	Intercontinental Bulktank Corporation.
Overseas Aleutian	Ocean Transportation Company, Inc.
Overseas Ulla	Ocean Transportation Company, Inc.
Overseas Arctic	Overseas Bulktank Corporation.
Overseas Valdez	Overseas Bulktank Corporation.
Overseas Joyce	Overseas Oil Carriers, Inc.
Overseas Anchorage	Globe Seaways, Inc.
Overseas Vivian	Ocean Tankships Corporation.
Alpha Reserve	Sea Tankers, Inc.
Beta Reserve	Sea Tankers, Inc.
Gamma Reserve	Sea Tankers, Inc.
Western Hunter	Ocean Tankships Corporation.

II. Name of company.—American Trading Transportation Company, Inc. (Attco).

Description of domestic service and vessels.—Attco is a subsidiary of American Trading and Production Corporation (Atapcorp), which company and other related companies operate in the domestic trades shown below, and requires written permission for the continuance of such services with the right to move any vessel from one domestic trade to another and/or from a foreign trade to a domestic trade.

The following U.S.-flag vessels of Attco, all having coastwise privileges, operate or may operate in various domestic trades, commercially, under charter to the Military Sealift Command (MSC) or others:

American Trader (MSC).
Texas Trader (MSC).
Maryland Trader (MSC).
Baltimore Trader.
Virginia Trader.
Washington Trader.

Atapcorp also has substantial stock interests in Standard Oil Company (Indiana) and Standard Oil Company (New Jersey) and is the largest stockholder of Crown Central Petroleum Corporation. The first two companies and their affiliates own and charter vessels for carriage of petroleum and its products in the domestic trade and the third occasionally charters vessels for domestic carriage of petroleum and its products. Atapcorp exercises no control over the ownership, operation or charter of any tankers by any of these three companies.

III. Name of company.—Texas City Tankers Corporation (Texas City).

Description of domestic service and vessels.—Texas City bareboat charters and operates a number of vessels, including those owned by affiliates and listed hereafter, which vessels have operated in U.S. domestic services. Texas City requires written approval to continue to operate Texas City bareboat chartered vessels in domestic coastwise and/or intercoastal (including Alaska, Hawaii, and Puerto Rico) service with free interchange between trades.

Ship

V. A. Fogg (ex-Four Lakes).
William T. Steele (ex-The Cabins).
William J. Fields (ex-Thalia).

IV. Name of company.—Mount Vernon Tanker Company (Mount Vernon), Mount Washington Tanker Company (Mount Washington).

Description of domestic service and vessels.—Mount Vernon and Mount Washington, subsidiaries of Victory Carriers, Inc., and affiliates of one another, own the Mount Vernon Victory and Mount Washington, respectively, and each requires written permission to, directly or indirectly, own, operate or charter one or more vessels in the domestic, intercoastal, or coastwise service, and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessels in the domestic, intercoastal, or coastwise service. The two companies are also affiliated with Monticello Tanker Company and Montpelier Tanker Company who each own and operate a tanker operating in worldwide trading.

V. Name of company.—Montpelier Tanker Company (Montpelier).

Description of domestic service and vessels.—Montpelier, a subsidiary of Victory Carriers, Inc., owns the Montpelier Victory and American Victory, and requires written permission to, directly or indirectly, own, operate, or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a percuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessels in the domestic intercoastal or coastwise service. Montpelier is also affiliated with Monticello Tanker Company, Mount Vernon Tanker Company, and Mount Washington Tanker Company who each own and operate a tanker operating in worldwide trading.

VI. Name of company.—Monticello Tanker Company (Monticello).

Description of domestic service and vessels.—Monticello, a subsidiary of Victory Carriers, Inc., owns the Monticello Victory and requires written permission to directly or indirectly, own, operate, or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a percuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessels in the domestic intercoastal or coastwise service Monticello is also affiliated with Mount Vernon Tanker Company, Mount Washington Tanker Company, and Montpelier Tanker Company.

VII. Name of company.—Rye Marine Corporation.

Description of domestic service and vessels.—Rye Marine Corporation owns the tanker Thetis and requires written permission for Rye Marine Corporation and affiliated companies to engage in the domestic service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

VIII. Name of company.—Newport Tankers Corporation (Newport).

Description of domestic service and vessels.—Newport owns the Achilles and requires written permission to continue to engage in the domestic intercoastal or coastwise service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

IX. Name of company.—Amerada Hess Corporation (Amerada Hess).

Description of domestic service and vessels.—Amerada Hess requires written permission for any of its vessels listed below while not on subsidy to operate in coastwise trade between the U.S. Gulf and Atlantic:

Hess Petrol.
Hess Trader.
Hess Bunker.
Hess Voyager.

X. Name of company.—Freighters, Inc. (Freighters).

Description of domestic service and vessels.—Freighters owns and operates the SS American Wheat, which vessel has from time to time tramped in the United States coastwise trade, particularly in the carriage of bulk sugar, from the State of Hawaii to the United States Gulf, and requires written permission to continue domestic coastwise service for that vessel.

XI. Name of company.—Mathiasen's Tanker Industries, Inc. (Mathiasen's).

Description of domestic service and vessels.—Mathiasen's owns or charters a total of five vessels which are eligible to participate in domestic coastwise and intercoastal trades. These vessels are operated in tramp services. Mathiasen's requires written permission for the following vessels owned or bareboat chartered by Mathiasen's:

Prairie Grove	Owned.
Tampico	Owned.
Joseph D. Potts	Bareboat Chartered.
Sohio Intrepid	Bareboat Chartered.
Sohio Resolute	Bareboat Chartered.

XII. Name of company.—Cities Service Tankers Corporation (Cities Service Tankers).

Description of domestic service and vessels.—Cities Service Tankers owns and operates tanker vessels engaged in the domestic intercoastal and coastwise service and requires written permission to continue such operations. The following U.S.-flag tanker vessels are owned by Cities Service Tankers:

Cantigny.
Council Grove.
Fort Hoskins.
Cities Service Baltimore.
Cities Service Miami.
Cities Service Norfolk.
Bradford Island.

XIII. Name of company.—Keystone Tankship Corporation (Keystone Tank), Keystone Shipping Co. (Keystone Ship).

Description of domestic service and vessels.—On January 6, 1972, a related company of Keystone Tank and Keystone Ship, Margate Shipping Co. (Margate), was granted written permission for Margate's affiliates to own and operate a total of 31 U.S.-flag vessels to transport liquid bulk cargoes within or between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each Domestic Trade at any one time:

	Vessels
U.S. Gulf/Atlantic Coastwise	17
U.S. Gulf/Atlantic, Puerto Rico	2
U.S. Atlantic/Gulf Intercoastal (including Alaska and Hawaii)	5
Pacific Coast-Alaska and Hawaii	10

The following U.S.-flag tankers are owned, managed, or operated by Margate's affiliates:

Chancellorville.
Perryville.
Shenandoah.
Fort Fetterman.
Julesburg.
Gaines Mill.
Mill Spring.
Northfield.
Tullahoma.
Meadowbrook.
Sandy Lake.
Monmouth.
Spirit of Liberty.
Catawba Ford.
Keytanker.
Keystoner.
Keytrader.
Valley Forge.
Golden Gate.
Edgar M. Queeny.
P. C. Spencer (renamed Birch Coulie).
J. E. Dyer (renamed Santa Clara).
Sinclair Texas.
David E. Day.
Mobile Gas.
Mobile Power.
Mobile Fuel.

Written permission is now required by Keystone Tank and Keystone Ship notwithstanding the previous grant to a related company (Margate). Keystone Tank and Keystone Ship are also related to Chas. Kurz & Co., Inc., whose section 805(a) application has been separately noticed.

XIV. Name of company.—Nautilus Petroleum Carriers Corp. (Nautilus).

Description of domestic service and vessels.—Nautilus, for the tanker vessel Sister Katingo which has coastwise privileges and has performed domestic coastwise and intercoastal service in the past, requires written permission to continue such operations as well as the right to move the vessel from one domestic trade to another and/or from a foreign trade(s) to domestic trade(s).

[FR Doc.73-18350 Filed 8-28-73;8:45 am]

[Docket No. H-27]

National Oceanic and Atmospheric Administration

KONA COAST SEAFOOD CO., INC.

Notice of Loan Application

AUGUST 22, 1973.

Kona Coast Seafood Company, Inc., P.O. Box 2106, Kailua-Kona, Hawaii 96740, has applied for a loan from the Fisheries Loan Fund to aid in financing

the purchase of a new fiberglass vessel, about 48 foot in length, to engage in the fishery for tuna and tuna-like species, wahoo, dolphin (*Coryphaena hippurus*), bottomfish, marlin, mackerel, and Kona crab off the Hawaiian Islands.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 5 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service by September 28, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.73-18246 Filed 8-28-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014

Patent 3,710,121 Shipping Container for Radioactive Material Using Safety Closure Devices; filed Aug. 13, 1970, patented Jan. 9, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546

Patent Application 336 319 Solid Medium Thermal Engine; filed Feb. 27, 1973; PC$3.25/MF$1.45.

Patent Application 359 958 Sprag Solenoid Brake; filed May 14, 1973; PC$3.00/MF$1.45.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014

Patent 3,710,121 Shipping Container for Radioactive Material Using Safety Closure Devices; filed Aug. 13, 1970, patented Jan. 9, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546

Patent Application 336 319 Solid Medium Thermal Engine; filed Feb. 27, 1973; PC$3.25/MF$1.45.

Patent Application 359 958 Sprag Solenoid Brake; filed May 14, 1973; PC$3.00/MF$1.45.

[FR Doc.73-18201 Filed 8-28-73;8:45 am]

Patent Office

PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Entry Into Force of Articles 1–12

The Director General of the World Intellectual Property Organization announced on May 25, 1973, the deposit by the United States of letters of ratification of Articles 1–12 of the Paris Convention for the Protection of Industrial Property of 1883, as revised at Stockholm on July 14, 1967, with the declaration of applicability to all territories and possessions of the United States, including the Commonwealth of Puerto Rico. By operation of the Convention, Articles 1–12 will enter into force with respect to the United States on August 25, 1973, three months after the date of the above notification by the Director.

To carry into effect provisions of the Stockholm Revision of the Paris Convention, the United States has enacted Public Law 92-358, July 28, 1972, which in section (1) amends 35 U.S.C. 119 to accord under certain circumstances rights of priority to a U.S. patent application based on an earlier filed application for an inventor's certificate and in section (2) amends 35 U.S.C. 102(d) to provide that under certain circumstances an inventor's certificate becomes a statutory bar to the grant of a U.S. patent.

By the terms of this statutory enactment, Section (1) will enter into force with respect to the United States on the date when Articles 1–12 of the Stockholm Revision of the Paris Convention of March 20, 1883 come into force with respect to the United States, which will be August 25, 1973. A Patent Office rule change implementing this section of the public law by the addition of a new paragraph (c) to § 1.55 (37 CFR 1.55(c)) has been adopted and has been published in the FEDERAL REGISTER, Vol. 38, No. 71, on April 13, 1973.

This statutory enactment also provides that section (2) will take effect six months from the date when Articles 1–12 of the Stockholm Revision of the Paris Convention come into force with respect to the United States. Accordingly, this date will be February 25, 1974.

The full text of Public Law 92-358, dated July 28, 1972 together with the implementing Patent Office regulation, are reproduced below:

PUBLIC LAW 92-358, JULY 28, 1972

To carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents," is amended by adding at the end thereof the following paragraph:

"Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing."

SEC. 2. Subsection 102(d) of title 35 of the United States Code is amended to read as follows:

"(d) the invention was first patented or caused to be patented; or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or."

SEC. 3. (a) Section 1 of this Act shall take effect on the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

(b) Section 2 of this Act shall take effect six months from the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply to applications thereafter filed in the United States.

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

§ 1.55 *Serial number and filing date of application.* * * *

(c) An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended July 28, 1972), the applicant or his attorney or agent, when submitting a claim for such right as specified

in paragraph (b) of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he has satisfied himself that to the best of his knowledge the applicant, when filing his application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

Dated: August 20, 1973.

RENE D. TEGTMEYER,
Acting Commissioner of Patents.

Approved: August 22, 1973.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.73-18260 Filed 8-28-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1786 Docket No. FDC-D-643; NDA No. 4-353 etc.]

CERTAIN COMBINATION DRUGS CONTAINING ORGANIC NITRATES

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 1786) published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective for their various labeled indications. The drugs have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

NDA No.	Drug	NDA holder
8-708...	Metamine with Butabarbital Tablets containing trolnitrate phosphate and butabarbital.	Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
11-439..	Metamine with Butabarbital Sustained Tablets containing trolnitrate phosphate and butabarbital.	Pfizer Laboratories.
12-749..	Duotrate 45 with Phenobarbital Plateau Caps containing pentaerythritol tetranitrate and phenobarbital.	Marion Laboratories, Inc., 10236 Bunker Ridge Rd., Kansas City, Mo. 64137.
12-538..	Pentaerythritol tetranitrate and phenobarbital (sustained release capsules).	Nysco Laboratories, Inc., 34-24 Vernon Blvd., Long Island City, N.Y. 11106.
12-266..	Peritrate with Phenobarbital SA Tablets containing pentaerythritol tetranitrate and phenobarbital.	Warner Chilcott Laboratories, Division Warner Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
8-852...	Those parts of NDA 8-852 pertaining to Pencard with Phenobarbital and Pencard No. 2 with Phenobarbital Tablets containing pentaerythritol tetranitrate and phenobarbital; and Pencard-A Capsules containing pentaerythritol tetranitrate and theophylline.	Cole Pharmacal Co., Inc., 3721 Laclede Ave., St. Louis, Mo. 63108.
10-972..	Pentraline Tablets containing pentaerythritol tetranitrate, sodium butabarbital, and reserpine.	McNeil Laboratories, Inc., Camp Hill Rd., Fort Washington, Pa. 19034.
4-353...	Nitranitol with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Rd., Cincinnati, Ohio 45215.
2-779...	Maxitrate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Pennwalt Prescription Products Division, Pennwalt Corp., 755 Jefferson Rd., Rochester, N.Y. 14623.
12-093..	That part of NDA 12-093 pertaining to Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital.	Ives Laboratories, Inc., 685 Third Ave., New York N.Y. 10017.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) or pertinent parts thereof and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before September 28, 1973 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) or pertinent parts thereof.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before September 28, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after September 28, 1973, a

written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–18153 Filed 8–28–73;8:45 am]

USE OF IMPACT-RESISTANT LENSES IN EYEGLASSES AND SUNGLASSES

Notice of Public Meeting

In the FEDERAL REGISTER of February 2, 1972 (37 FR 2503) a final order was published on § 3.84 *Use of impact-resistant lenses in eyeglasses and sunglasses* (21 CFR 3.84). This order became effective on the date of publication in the FEDERAL REGISTER.

Since that time, the Food and Drug Administration has required that most eyeglass lenses be impact-resistant. This regulation applies to prescription lenses, sunglass lenses, and nonprescription lenses. Such lenses may be made impact-resistant by heat or chemical treatment of glass or by shatter-resistant materials such as transparent plastics.

In the course of enforcing these regulations, the Food and Drug Administration has gained experience which suggests that exchange of knowledge with respect to impact-resistant lenses should be promoted.

To encourage open discussion about consumer, professional, and industry interest in this subject, a conference has been scheduled for September 5, 1973, at 9:00 a.m. in Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

Interested organizations and individuals are invited to attend and make oral or written presentations on the subject.

Dated: August 24, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–18364 Filed 8–28–73;8:45 am]

National Institutes of Health

BEHAVIORAL SCIENCES RESEARCH CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Behavioral Sciences Research Contract Review Committee of the National Institute of Child Health and Human Development, September 13–14, 1973, at 9 a.m., National Institutes of Health, Landow Building, Conference Room C–418. This meeting will be open to the public from 9 a.m. to 5 p.m., September 13 and 14 to discuss orientation of this new committee to the contract program of the Behavioral Sciences Branch, Center for Population Research. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Jerry Combs, Executive Secretary of the Committee, Room C–719, Landow Building, National Institutes of Health, 496–1174.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

[FR Doc.73–18282 Filed 8–28–73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, September 24 and 25, 1973, National Institutes of Health, Building 31, 1st Floor, "A" Wing, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m., September 24, 1973 and from 9 a.m. to 12 noon, September 25, 1973, at which time the meeting will adjourn. The nature of contracting will be discussed. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open meeting and roster of board members.

Dr. Nathaniel I. Berlin, Executive Secretary, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301–496–4345), will provide substantive program information.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73–18278 Filed 8–28–73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a special meeting of the Cancer Control Advisory Committee, National Cancer Institute, September 24–26, 1973 from 9:00 a.m. to 5:00 p.m. each day in the Urban Life Center, American City Building, Columbia, Maryland 20014. This special meeting will be open to the public throughout the entire meeting and will consist of working conferences of the Cancer Control Advisory Committee to discuss, develop, and advise the National Cancer Institute on: (1) More definitive planning to assure the rapid and effective use of research results in the areas of cancer control; (2) establish specific cancer control programs for implementation during the rest of fiscal year 1974; (3) identify other programs to be initiated in subsequent years; (4) prepare an overall conference report for the Cancer Control Advisory Committee to use for advising the National Cancer Institute. Any member of the public wishing to make a statement on this meeting may do so in writing by filing a statement with the Committee's Executive Secretary within ten (10) days after the close of this meeting. Such statements will be provided to the Committee for consideration. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911), will furnish minutes of the open meeting and a roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Building 31, Room 10A19, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1946), will provide substantive program information.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73–18275 Filed 8–28–73;8:45 am]

CONTRACEPTIVE DEVELOPMENT CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Contraceptive Development Contract Review Committee of the National Institute of Child Health and Human Development, September 13–14, 1973, at 9 a.m., National Institutes of Health, Landow Building, Conference Room C–418. This meeting will be open to the public from 9 a.m. to 5 p.m., September 13 and 14, to discuss orientation of this new committee to the contract program of the Contraceptive Development Branch, Center for Population Research. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Kenneth Savard, Executive Secretary of the Committee, Room B–706, Landow Building, National Institutes of Health, 496–1661.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

[FR Doc.73–18284 Filed 8–28–73;8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee of the National Institute of Child Health and Human Development, September 13–14, 1973, at 9 a.m., National Institutes of Health, Landow Building, Conference Room C–418. This meeting will be open to the public from 9 a.m. to 5 p.m., September 13 and 14 to discuss orientation of this new committee to the contract program of the Fertility Regulating Methods Evaluation Branch, Center for Population Research. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Heinz Berendes, Executive Secretary of the Committee, Room A–716, Landow Building, National Institutes of Health, 496–4924.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

[FR Doc.73–18283 Filed 8–28–73;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute, September 21, 1973, 8:15 a.m., National Institutes of Health, Building 31, NHLI Conference Room 5A16. This meeting will be open to the public from 8:15 a.m. to 5 p.m., September 21, 1973, to review the status of the Lipid Research Clinic Program and to receive a report on nutritional facets of the Program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496–1681.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18281 Filed 8–28–73;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Subcommittee on Adolescence of the National Advisory Child Health and Human Development Council, National Institute of Child Health and Human Development, September 10, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m., September 10 to discuss the expanded research program in adolescence of the National Institute of Child Health and Human Development. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Executive Secretary of the Council, Room C–633, Landow Building, National Institutes of Health, 496–1756.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

[FR Doc.73–18277 Filed 8–28–73;8:45 am]

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Alcohol Abuse and Alcoholism, National Institute of Mental Health, September 17 and 18, 1973, 9:30 a.m. to 5 p.m., RCA Building, National Center for Alcohol Education, 1901 North Lynn St., Rooms 102, 103, & 104 (Lower Lobby), Rosslyn, Arlington, Virginia 22209. This meeting will be open to the public from 9:30 a.m. to 5 p.m. on September 17 and 18, 1973, to discuss Institute policy, Legislative actions affecting the NIMH/NIAAA, budgetary matters, reorganization, and program developments.

Attendance by the public will be limited to space available.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C 15 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3306.

The Acting Executive Secretary from whom substantive program information may be obtained is Mr. Martin K. Trusty, Acting Executive Officer, NIAAA, Room 16–105, 5600 Fishers Lane, Rockville, Maryland 20852, telephone number, 301–443–4373.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18279 Filed 8–28–73;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a special meeting of the National Heart and Lung Advisory Council, September 17 and 18, 1973, at 9 a.m., Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. This meeting, which will be open to the public, is for discussion of the implementation of the National Heart, Blood Vessel, Lung, and Blood Diseases Program and the Council's Annual Report on the progress of the Program toward the accomplishment of its objectives. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Landow Building, Room C–918, telephone 301–496–4236, will furnish summaries of the minutes and rosters of the National Heart and Lung Advisory Council members and Dr. Jerome G.

Green, Director of the Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, telephone 301–496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.346, Heart and Lung Research—Research Grants, No. 13.374, Heart and Lung Research—Specialized Research Centers (SCOR), and 13.382, Heart and Lung Research—Pulmonary Academic Awards.)

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18280 Filed 8–28–73;8:45 am]

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Mental Health Council, National Institute of Mental Health, September 10 and 11, 1973, at the Parklawn Building, Room 14–105, 5600 Fishers Lane, Rockville, Maryland. This meeting will be open to the public from 9:30 a.m. September 10 until its adjournment on September 11. The agenda will include a discussion of administrative, legislative, and program developments. The Council will also discuss the law and mental health.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Mr. David F. Kefauver, Assistant Director for Extramural Programs, National Institute of Mental Health, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–4266.

Dated: August 21, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18276 Filed 8–28–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 12881; Reference Notice No. 73–16]

AIR TRANSPORTATION OF HANDICAPPED PERSONS

Notice of Public Hearing

The Federal Aviation Administration will hold a series of six public hearings in order to receive the views of all interested persons regarding the safety aspects of the air carriage of handicapped persons and, in particular, concerning Advance Notice of Proposed Rulemaking (ANPRM) No. 73–16 (38 FR 14757), which concerns the air carriage of handicapped persons. The hearings will be conducted in accordance with the following schedule of dates and at the indicated locations:

September 27, 1973:
Miami Springs Villas, 500 Deer Run, Miami Springs, Florida 33166, Phone: (305) 871–6000 (Florida Room).

October 2, 1973:
Mayo Civic Auditorium, P.O. 895, 30 SE 2nd Avenue, Rochester, Minnesota 55901, Phone: (509) 288–8475.

October 4, 1973:
JFK Federal Building, Government Center, New Cambridge Street, Boston, Massachusetts 02203, Phone: (617) 223–2906 (Room 2003A).

October 10, 1973:
Concord Motor Inn, 6565 Mannheim Road, Rosemont, Illinois 60018, Phone: (312) 827–6121.

October 16, 1973:
Rochelles Motel and Restaurant, 3333 Lakewood Boulevard, Long Beach, California 90808, Phone: (212) 421–9494.

October 18, 1973:
Federal Aviation Administration, Auditorium—3rd Floor, 800 Independence Avenue SW., Washington, D.C. 20591, Phone: (202) 426–8357.

Each meeting is to convene at 9 in the morning.

In the event that there is a response to this notice of public hearing that exceeds the time that has been allocated to any one hearing (each has been planned not to exceed one day in length), the overflow will be accommodated by extending the hearing scheduled for October 18, 1973, at Washington, D.C., to the following day, October 19, 1973.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At each hearing an FAA spokesman will make a brief opening statement regarding ANPRM 73–16. Since the hearings will not be of the evidentiary or judicial type, there will be no cross-examination of those persons presenting statements. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so in the same order in which initial statements were made.

All interested persons are invited to attend the hearings and each such person is invited to present oral or written statements concerning ANPRM 73–16 at one of the hearings. Such statements will be made a part of the record of the hearings. Any person who wishes to make an oral statement at one of the hearings must notify the FAA by stating the date and place of the hearing at which he desires to make such statement and stating the amount of time requested for his initial statement. In addition, any person may submit relevant written comments. Written comments must be received by the FAA by October 30, 1973, so that they may be made a part of the record of the hearings. Written comments and all other communications concerning these hearings should be addressed to the Office of General Counsel, Rules Docket, AGC–24, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20591, marked "Attention: Presiding Officer, Public Hearing on ANPRM 73–16."

ANPRM 73–16 was issued by the FAA on May 30, 1973, pursuant to the FAA's policy for the early institution of public participation in rulemaking proceedings. An "advance" notice is issued to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem. In this instance, the FAA is seeking the comments and recommendations of the public in regard to possible amendments to the Federal Aviation Regulations to permit, to the maximum extent possible, air transportation of physically handicapped persons while maintaining an acceptable level of safety in air carrier and air taxi operations.

ANPRM 73–16 presented background information on the air carriage of handicapped persons and solicited the views of interested persons concerning the establishment of an acceptable level of safety commensurate with the carriage of the maximum number and types of handicapped persons. In that Notice, the FAA expressed a particular interest in receiving comments regarding the following questions:

(1) What types of physical/functional disabilities or limitations should be allowed consistent with present evacuation criteria?

(2) What types of handicapped persons or physical/functional disabilities should be allowed if a special attendant or assistance is provided to accomplish an emergency evacuation from an aircraft?

(3) Should a regulation be adopted which would permit (or limit) the carriage of a number and type of handicapped persons without the accommodation of that number and type in the criteria established for emergency evacuation demonstrations?

(4) How many unassisted handicapped persons may be accepted as passengers on an aircraft without requiring the use of a special attendant or able-bodied helper? Should this limit be a fixed number or should it be a number which is a percentage of the full passenger seating capacity?

(5) For large groups of handicapped passengers what means of emergency evacuation might be employed to provide as acceptable level of safety?

(6) Should the length of the planned flight be a consideration in determining the number and/or type of handicapped persons to be accepted as passengers?

(7) Would an identification card which certifies the ability of a handicapped person to perform certain physical tasks be useful in eliminating uncertainties regarding his acceptance as an unaccompanied passenger? If so, who should issue the card?

(8) If you are a handicapped person, have you considered how you might evacuate an aircraft unassisted by other persons? Would you care to describe your functional limitations and any method by which you could effect an evacuation? (This information may be helpful in developing evacuation procedures and/or evacuation devices.)

(9) If you are a handicapped person, considering the possibility of being involved in an emergency evacuation, does the notion that you could be the last passenger evacuated from an aircraft seriously concern you?

In addition to the foregoing questions, the FAA would appreciate comments regarding the additional questions set forth below as well as in any other areas regarding the safety aspects relating to transportation of handicapped persons by air carriers.

(1) How many persons who are handicapped may be accepted as passengers on an aircraft for any one flight?

(2) Is there any one portion of the aircraft that is more favorable for the seating of handicapped persons than any other?

(3) In case of an emergency evacuation, are there measures that can be taken to minimize the danger that might be created by appliances such as leg braces coming into contact with fiber emergency evacuation chutes?

(4) Is there special equipment available that could aid in the evacuation of handicapped persons in the event of an emergency?

(5) What problems exist in regard to persons who are immobile being accepted as passengers on a commercial flight?

(6) Where aboard the aircraft should handicapped persons be seated in relation to the locations of exits?

(7) The present regulations require that an emergency evacuation demonstration be conducted to show that the aircraft can be evacuated in 90 seconds. The passengers in the evacuation demonstration include a mixture of passengers (male, female, young, and elderly), but do not include handicapped persons. Considering this information, should the number of handicapped persons permitted on any passenger flight be based on a passenger load factor such that the final load, including handicapped persons, can be evacuated in 90 seconds? Should the 90 second evacuation criteria be adjusted upward and, if so, to what level?

The FAA will carefully consider all statements presented at the hearing and relevant written comments received and made a part of the record and, in the light of those statements and comments, may issue an appropriate notice of proposed rulemaking.

A transcript of the hearings will be made and anyone may purchase a copy of them from the reporter.

(Sections 313(a), 601, 603, 604, and 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1485) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 24, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.73-18176 Filed 8-28-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—GAS COOLED FAST BREEDER REACTOR SUBCOMMITTEE

Notice of Meeting

AUGUST 24, 1973

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Gas Cooled Fast Breeder Reactors will hold a meeting on September 11 and 12, 1973 at the La Jolla Village Inn, 3299 Holiday Court, La Jolla, California 92037. The purpose of this meeting will be to review various topics applicable to the conceptual design of a gas cooled fast breeder reactor.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, September 11, 1973, 9:00 a.m.–5:00 p.m.

Review of various topics generic to gas cooled fast breeder reactors (presentations by the AEC Regulatory Staff and Gulf General Atomic will be made and discussion with these groups will be held).

Wednesday, September 12, 1973, 8:00 a.m.–12:00 Noon

Continued review of topics relating to the conceptual design of the gas cooled fast breeded reactor (continued discussions with the AEC Regulatory Staff and Gulf General Atomic).

In connection with the above agenda item, the Subcommitte will hold an executive session at 8:00 a.m. on September 11, which will involve a discussion of its preliminary views and an exchange of opinions of the Subcommittee members. At the conclusion of the discussions on September 12, the Subcommittee may hold an executive session to formulate a recommendation to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions 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 Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 4, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon Gulf General Atomic reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on September 11, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled 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 10, 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 Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection on and after September 17, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after November 12, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73-18313 Filed 8-28-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON D. C. COOK NUCLEAR PLANT, UNITS 1 & 2

Notice of Meeting

AUGUST 24, 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' Subcommittee on D. C. Cook Nuclear Plant, Units 1 & 2, will hold a meeting on September 12, 1973, in the Santa Maria Room at the Holiday Inn, 100 Main Street, St. Joseph, Michigan 49085. The purpose of the meeting will be to commence the Operating License review of this project, which is located in Lake Township near Benton Harbor, Michigan.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, SEPTEMBER 12, 1973,
9:30 a.m.-3:30 p.m.

Presentations by representatives of Indiana Michigan Electric Company and the AEC Regulatory Staff and discussions with these groups.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations and formulation of recommendations to the ACRS. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions 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 Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than September 5, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for the D. C. Cook Nuclear Plant and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled 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 11, 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 Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after November 12, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73-18310 Filed 8-28-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON REACTOR PRESSURE VESSELS

Notice of Meeting

AUGUST 24, 1973.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Pressure Vessels will hold a meeting on September 5, 1973, in Room 1062, at 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is a draft report to the full Committee on light water reactor pressure vessel integrity.

The Subcommittee is meeting with their consultants and a Regulatory Staff participant to formulate recommendations in the form of a report to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will be to discuss a document which falls within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73-18312 Filed 8-28-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

AUGUST 24, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on September 4, 1973, in Room 1062, at 1717 H Street NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed Regulatory Guides.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73-18311 Filed 8-28-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued one revised and two new guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.58, "Qualification of Nuclear Power Plant Inspection, Examination, and Testing Personnel," describes an acceptable method of complying with the Commission's regulations with regard to qualification of nuclear power plant inspection, examination, and testing personnel. Regulatory Guide 1.59, "Design Basis Floods for Nuclear Power Plans," describes an acceptable method

of determining for sites along streams or rivers the design basis floods that nuclear power plants must be designed to withstand without loss of safety-related functions. It further discusses the phenomena producing comparable design basis floods for coastal, estuary, and Great Lakes sites. Regulatory Guide 1.29 (Revision 1) "Seismic Design Classification," describes an acceptable method of complying with the Commission's regulations with regard to identifying and classifying those plant features that should be designed to withstand the effects of the Safe Shutdown Earthquake.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Powerplant
Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multiunit Sites
Physical Independence of Safety Related Electric Systems
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
Requirements for Assessing Ability of Material Underneath Nuclear Powerplant Foundations to Withstand Safe Shutdown Earthquake
Design Phase Quality Assurance Requirements for Nuclear Powerplants
Qualification Tests of Electric Valve Operators for Use in Nuclear Powerplants
Fire Protection Criteria for Nuclear Powerplants
Protective Coatings for Nuclear Reactor Containment Facilities
Additional Material Requirements for Bolting
Inservice Surveillance of Grouted Prestressing Tendons
Design Response Spectra for Seismic Design of Nuclear Power plants
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Preservice Testing of In-Situ Components
Installation of Over-Pressure Devices
Nondestructive Examination of Tubular Products
Category I Structural Foundations
Manual Initiation of Protective Actions
Electric Penetration Assemblies in Nuclear Powerplant Containment Structures
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
Damping Values for Seismic Design of Nuclear Power plants
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Applicability of Nickel-base Alloys and High Alloy Steels
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Design Basis for Tornadoes for Nuclear Powerplants
Requirements for Auditing of Quality Assurance Programs for Nuclear Powerplants
Preoperational and Initial Startup Test Programs for Water-Cooled Power Reactors
Assumptions used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services

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

Dated at Bethesda, Md., this 22nd day of August, 1973.

For the Atomic Energy Commission.

ROBERT B. MINOGUE,
Acting Director of Regulatory Standards.

[FR Doc.73-18308 Filed 8-28-73; 8:45 am]

CIVIL AERONAUTICS BOARD

UNITED STATES POSTAL SERVICE

Notice of Meeting

Notice is hereby given that a meeting with the Postal Service will be held on September 11, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., to present its plans and objectives, especially as they may relate to the use of air transportation.

Dated at Washington, D.C., August 24, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-18348 Filed 8-28-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CERTAIN ADDITIONAL SPRAY ADHESIVES

Banning as Imminent Hazard

By order published in the FEDERAL REGISTER of August 22, 1973 (38 FR 22569), the Consumer Product Safety Commission found that the distribution for household use of certain spray adhesives 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 (15 U.S.C. 1261(q)(1)(B). The products thus banned are as follows:

(1) "Foil Art Adhesive" manufactured by the Minnesota Minning 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.

The conclusion by the Commission that the distribution of certain spray adhesive products for household use presents an imminent hazard to the public health was based on research indicating a strong causal connection between exposure to such products and the potential for serious personal injury or illness to the subsequent children of a parent or parents so exposed. Such exposure may cause chromosome damage leading to severe genetic birth defects.

Although the particular chemical component or components, or combination thereof, believed to be responsible for the chromosome damage has not been identified, the Commission has determined that certain additional spray adhesive products, which have the same or similar chemical formulations as those spray adhesives heretofore banned, may also cause chromosome damage and resultant genetic birth defects in the children of a parent or parents so exposed.

The Commission finds that available evidence is sufficient to show that the spray adhesives listed below 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.

Proceedings to issue regulations under section 2(q)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(B)) have been initiated by the commencement of an investigation to determine the precise causative agent or agents. As soon as practicable, the Commission will publish proposed regulations and afford all interested persons an opportunity to present their views in accordance with section 701(e) of the Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)) as prescribed by section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)).

The finding by the Commission that the spray adhesive products listed below 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 (15 U.S.C. 1264).

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) "Marshall's Photo-Mount Spray Adhesive" manufactured by Borden, Inc., Columbus, Ohio and New York, New York (distributed by the John G. Marshall Manufacturing Company, Brooklyn, New York).

(2) "Sears Multi-Purpose Spray Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (Sold by Sears, Roebuck and Company, Chicago, Illinois).

(3) "Scotch Brand Multipurpose Spray Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(4) "Scotch-Grip Brand Floral Adhesive 77" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(5) "3M Brand Shipping Mate Palletizing Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(6) "3M Brand Spray Trim Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota.

(7) "Tuff-Bond Spray-Hesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Goodloe E. Moore, Incorporated, Danville, Illinois).

(8) "Bear Brand Spray Trim Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by the Norton Company, Troy, New York).

(9) "Tri Chem Spray Mist Adhesive" manufactured by the Minnesota Mining and Manufacturing Company, St. Paul, Minnesota (distributed by Tri Chem, Incorporated, Distributors, Belleville, New Jersey).

Dated: August 27, 1973.

SAMUEL M. HART,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-18398 Filed 8-28-73;8:45 am]

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGIST, INDIANAPOLIS, INDIANA

Notice of Estabishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has increased special minimum salary rates and rate ranges as follows:

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic Coverage: Indianapolis, Indiana.
Effective Date: First day of the first pay period beginning on or after September 2, 1973.

(PER ANNUM RATES)[1]

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$8,722	$8,979	$9,236	$9,493	$9,750	$10,007	$10,264	$10,521	$10,778	$11,035

[1] This special rate schedule for computer purposes is designated as Table No. 348.

All new employees in the specified occupational level will be hired at the minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

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

[FR Doc.73-18226 Filed 8-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Energy and Minerals (Energy), Office of the Secretary.

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

[FR Doc.73-18326 Filed 8-28-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Special Litigation Section, Internal Security Division, Office of Litigation.

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

[FR Doc.73-18328 Filed 8-28-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Commissioner, Immigration and Naturalization Service, Office of the Commissioner.

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

[FR Doc.73-18327 Filed 8-28-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of sec. 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, September 13, 1973.
Thursday, September 20, 1973.
Thursday, September 27, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of sec. 10(d) of Public Law 92-463.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

AUGUST 24, 1973.

[FR Doc.73-18321 Filed 8-28-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

AUGUST 22, 1973.

On May 30, 1973, there was published in the FEDERAL REGISTER (38 FR 14184) a letter dated May 16, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing an administrative mechanism to exempt from the limitations of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, certain traditional Pakistan Items, produced or manufactured in Pakistan and exported to the United States, which had been certified for exemption by the Government of Pakistan. One of the requirements is that each certification for exempt items must include the signature of an official authorized to issue such certifications. The Government of Pakistan has requested that Mr. Shamsuddin Ansari be so authorized, in addition to the eight officials previously designated.

Accordingly, there is published below a letter of August 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. Shamsuddin Ansari be authorized to issue certifications for exempt Pakistan Items. A facsimile of Mr. Ansari's signature is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

AUGUST 22, 1973.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of May 16, 1973, from the Chairman, Committee for the Implementation of Textile Agreements that directed you, effective as soon as possible and until further notice, to exempt from the levels of restraint applicable to the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the United States and Pakistan certain traditional Pakistan Items. One of the requirements is that each certification for exempt items must include the signature of an official authorized to issue such certifications.

Pursuant to the aforementioned authority and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 16, 1973, is hereby amended to authorize Mr. Shamsuddin Ansari to issue certifications for exempt items, in addition to the eight officials previously designated. A facsimile of Mr. Ansari's signature is enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Specimen Signature of Additional Government of Pakistan Certifying Officer for Traditional Pakistan Items.

Official	Signature
Shamsuddin Ansari, TDF Assistant Director Export Promotion Bureau Karachi	Shamsuddin Ansari

[FR Doc.73-18438 Filed 8-28-73;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 22, 1973.

Under the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, the Government of the Republic of Korea has undertaken to limit its exports of wool and man-made fiber textile products to the United States to certain designated levels. On May 29, 1973, the Governments of the United States and the Republic of Korea established an administrative mechanism to exempt from the limitations of the aforementioned bilateral agreement certain traditional Korean Items comprising Annex C of the agreement, produced or manufactured in the Republic of Korea and exported to the United States, which have been certified for exemption by the Government of the Republic of Korea. The purpose of this notice is to announce the implementation of this administrative mechanism.

Accordingly, there is published below a letter of August 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that certain traditional Korean Items, certified exempt by the Government of the Republic of Korea, shall henceforth and until further notice not be subject to the levels of restraint established by the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20009.

AUGUST 24, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on September 28, 1972 by the Chairman of the Committee for the Implementation of Textile Agreements which designated levels of restraint for certain wool and man-made fiber textile products produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on October 1, 1972. It also amends but does not cancel the directive of May 19, 1972 which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products produced or manufactured in the Republic of Korea.

Pursuant to paragraph 11(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972; effective as soon as possible and until further notice, the traditional Korean Items listed below, produced or manufactured in the Republic of Korea and entered into the United States in accordance with the provisions of this directive shall neither be subject to nor counted in any level of restraint now or hereafter put into effect pursuant to this agreement;

1. Chima—The long, formless and ample skirt portion of the traditional Korean Chima-Chogori dress set;

2. Chogori—The short halter type blouse or top portion of the traditional Korean Chima-Chogori dress set;

3. Bosun—An ankle boot-type article, wholly of cloth, worn by Korean women indoors;

4. Fabrics, not exceeding 24x48 inches in size, containing hand embroidered or hand-painted Korean scenes and used primarily as decorations or art objects;

5. Handmade carpets, i.e., in which the pile was inserted or knotted by hand and classified by the U.S. Customs under TSUSA numbers 360.0500, 360.1000, 360.1500, or 360.7540.

To qualify for exemption from the designated levels of restraint, each shipment of the Korean Items listed above shall be accompanied by a certification issued by the Government of the Republic of Korea. The certification shall be a stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or other commercial invoice when such form is used). Each certification will consist of the authorized signature and title of the official issuing the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. A facsimile of the stamp, along with the signature of the official authorized to issue the exempt certification is enclosed.

All merchandise covered by an invoice which has an exempt certification but contains both exempt and non-exempt textile items will be prohibited entry.

In addition to the certification stamp, each shipment of Korean Items will be accompanied by a visa in accordance with the

visa arrangement agreed to by the Governments of the United States and the Republic of Korea on April 27, 1972, as amended.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-18437 Filed 8-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 313]

CANADIAN BROADCAST STATIONS
Notification List

AUGUST 16, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (ft.)	Ground system: Number of radials	Ground system: Length (ft.)	Proposed date of commencement of operation
				630 kHz					
CJLA.....	Lachute, Que., N. 45°35'10", W. 74°19'00", (assignment of call letters).	0.5D/1N.....	DA-2	U	III	.....			
CKIQ.....	Kelowna, British Columbia, N. 49°50'52", W. 119°27'54" (increase in daytime power and change in mode of operation).	*10D/1N*.....	*ND-D-196 DA-N*	*1150 kHz* U	III	.....			
				1190 kHz					
(New).....	Mississauga, Ont., N. 43°26'10", W. 79°43'06".....	10.....	DA-D	D	II	.....			E.I.O. 8-20-74.
				1540 kHz					
CKNR...	Elliot Lake, Ont., N. 46°22'40", W. 82°37'58" (increase in daytime power).	*1D*/0.25N.....	ND-195	U	IV	199	120	300	
				1490 kHz					
(New).....	Ste-Anne-des-Monts, Que., N. 49°00'03", W. 66°29'14".	1D/0.25N.....	ND-190	U	IV	165	120	264	E.I.O. 8-20-74.

HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73-18213 Filed 8-28-73;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH EUROPE-U.S. PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 18, 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.

NORTH EUROPE-U.S. PACIFIC FREIGHT CONFERENCE

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

H. G. Brandt, Secretary, North Europe-U.S. Pacific Freight Conference, Diergaardesingel 73-A, P.O. Box 341, Rotterdam 3, Holland.

Agreement No. 93-9, among the member lines of the above-named conference, expands the scope of the Agreement to include cargo moving from (1) Ports in Eire and (2) Interior points in Sweden, Norway, Denmark, Finland, East Germany, West Germany, The Netherlands, Belgium, Luxemburg, France, Switzerland, Austria, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Yugoslavia when moving via conference ports.

By Order of the Federal Maritime Commission.

Dated August 24, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18316 Filed 8-28-73;8:45 am]

[Docket No. 73-54]

WINDJAMMER CRUISES, INC. AND WINDJAMMER CRUISES, LTD.

Order of Investigation and Hearing

Windjammer Cruises, Inc. and/or Windjammer Cruises, Ltd d/b/a "Windjammer Cruises" P.O. Box 120, Miami Beach, Florida 33139, with offices at 120 McArthur Causeway, Miami Beach, Florida 33139, is/are the owners and/or operators of the Schooners Yankee Clipper and Yankee Trader and Barquentine Flying Cloud, each having passenger accommodations for more than 50 passengers.

Based upon information and belief, "Windjammer Cruises" is alleged to have embarked passengers on the Flying Cloud at Mayaguez, Puerto Rico on or about December 18, 1972 and to have embarked a passenger or passengers on

the Yankee Trader at Miami Beach, Florida on or about February 16, 1973.

Section 2 of Public Law 89–777 requires owners or charterers of American or foreign vessels having berth or stateroom accommodations for 50 or more passengers, and embarking passengers at United States ports, to establish financial responsibility to meet any liability incurred for death or injury to passengers or other persons on voyages to or from United States ports.

Section 3 of Public Law 89–777 provides that no person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and which is to embark passengers at United States ports without first establishing financial responsibility for indemnification of passengers for nonperformance of transportation.

Section 540.3 of this Commission's General Order 20 provides as follows:

> No person in the United States may arrange, offer, advertise, or provide passage on a vessel unless a Certificate (Performance) has been issued to or covers such person.

Section 540.22 of this Commission's General Order 20 provides as follows:

> No vessel shall embark passengers at U.S. ports unless a Certificate (Casualty) has been issued to or covers the owner or charterer of such vessel.

Now, Therefore, It Is Ordered, That, pursuant to Section 22 of the Shipping Act, 1916 (46 U.S.C. 821), Section 2 of Public Law 89–777 (46 U.S.C. 817d) and Section 3 of Public Law 89–777 (46 U.S.C. 817e) the Commission on its own motion enter upon an investigation and hearing to determine whether Windjammer Cruises has violated:

1. Section 2, Public Law 89–777, by embarking passengers, or having embarked passengers, at United States ports without having complied with the financial responsibility requirements of Section 2 of Public Law 89–777, and/or
2. Section 3, Public Law 89–777, by arranging, offering, advertising or providing passage, or having arranged, offered, advertised or provided passage on a vessel without having complied with the financial responsibility requirements of Section 3 of Public Law 89–777, and/or
3. Section 540.3 and/or 540.22 Federal Maritime Commission General Order 20 (46 C.F.R. 540.3 and 540.22) promulgated to implement Sections 2 and 3 of Public Law 89–777.

It Is Further Ordered, That Windjammer Cruises are hereby named respondents in this proceeding and that the matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge; and

It Is Further Ordered, That notice of this Order and notice of hearing be published in the FEDERAL REGISTER and that a copy of such Order and notice of hearing be served upon respondents and upon the Commission's Bureau of Hearing Counsel; and

It Is Further Ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding, and desiring to intervene herein, shall file a petition to intervene in accordance with Rule 5(1) (46 C.F.R. 502.72) of the Commission's rules of practice and procedure, with a copy to all parties; and

It Is Further Ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18315 Filed 8-28-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

AUGUST 22, 1973.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on July 24, 1973, tendered for filing Second Substitute Second Revised Sheet No. 3–A and Third Substitute Second Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1, pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision (PGAC) set forth in sec. 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The Company maintains that Second Substitute Second Revised Sheet No. 3–A, proposed to become effective August 1, 1973, is being filed to reflect an increase in purchased gas cost to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), effective August 1, 1973, as a result of a rate increase filed by Texas Eastern on July 13, 1973, in Docket No. RP72–98. Algonquin Gas states that the proposed changes would increase revenues from jurisdictional sales and service by $305,055, based on the 12 months ended June 30, 1973.

Algonquin Gas states that Third Substitute Second Revised Sheet No. 3–A proposed to become effective September 1, 1973, is necessary because of the filing of Second Substitute Second Revised Sheet No. 3–A. On July 17, 1973, Algonquin Gas filed Substitute Second Revised Sheet No. 3–A, a 0.02 cents per Mcf rate reduction effective September 1, 1973, to reflect application of the amortization of deferred gas account provision of Algonquin Gas' PGAC. Since the July 17, 1973 filing did not reflect higher cumulative adjustment to the base rate, which is the subject of Second Substitute Second Revised Sheet No. 3–A, the new tariff sheet, designated Third Substitute Second Revised Sheet No. 3–A, is being filed to show such higher cumulative adjustment, according to Algonquin Gas' statement.

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 September 5, 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.73-18338 Filed 8-28-73;8:45 am]

[Docket No. CP73-307]

BROCKTON TAUNTON GAS CO.

Notice of Petition

AUGUST 22, 1973.

Take notice that on August 10, 1973, Brockton Taunton Gas Company (Petitioner), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP73–307, a petition to amend the order authorizing the importation of liquefied natural gas (LNG) pursuant to Section 3 of the Natural Gas Act by extending the time in which Petitioner may import LNG purchases from Gaz Metropolitain, Inc., Montreal, P.Q., Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by order issued July 31, 1973, in the instant docket to import 4,583,440 U.S. gallons of LNG at 12.742 cents per U.S. gallon, equivalent to approximately 400 billion Btu at a price of $1.46 per million Btu between June 15, 1973, and September 15, 1973.

As a result of a delay in commencement of deliveries Petitioner now proposes to complete the authorized importation and to transport said quantities of LNG to its storage facilities at Easton, Massachusetts, by October 31, 1973, in lieu of the September 15, 1973.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18329 Filed 8-28-73;8:45 am]

[Docket No. RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Amended Rate Filing

AUGUST 23, 1973.

On August 14, 1973, Columbia Gas Transmission Corporation (Columbia) tendered for filing proposed alternative revised tariff sheets to Columbia's FPC Gas Tariff, Original Volume No. 1. The filing is described in the company's letter of transmittal as follows:

(Substitute Eighth Revised Tariff Sheet No. 16) * * * bears an issue date of August 14, 1973, and an effective date of September 14, 1973.

In its "Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets, Providing for Hearing, Permitting Intervention, and Consolidating Proceedings," issued herein on April 13, 1973, the Commission stated, "In accepting the proposed rates for filing, we note that the entire rate increase had been applied to the commodity rate level. However, comparison of Columbia's cost of service classified on unmodified *Seaboard* to the revenues generated by such increased commodity rate indicates that these rates fail to recover the classified commodity rates by some $72 million. To the extent that these rates as filed do not recover fully allocated *Seaboard* costs, as may be determined herein, Columbia may be required to absorb the impact of any undercollections under these rates as may occur.

As a result of the Commission's statement, the aforementioned tariff sheet contains rates which give effect to the originally filed for rate increase in this proceeding, but redesigned to recover Columbia's commodity cost of service on the basis of costs classified on the unmodified *Seaboard* method.

In addition to the redesign of the suspended rates to reflect the unmodified *Seaboard* cost classification, the proposed tariff sheet reflects the Purchased Gas Adjustment increase filed by Columbia on July 16, 1973, as revised on August 2, 1973, which is to become effective on September 1, 1973.

As an alternative, Columbia herewith submits for filing the following revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1:

Alternate Substitute Eighth Revised Sheet No. 16.

Such alternate tariff sheet reflects the rates as originally filed in this docket, adjusted only for the Purchased Gas Adjustment filing to become effective September 1, 1973, and is being submitted in the event the Commission determines that the proposed *Seaboard* redesigned rates cannot replace the suspended rates without an additional suspension period beyond that prescribed by the Commission's Order of April 13, 1973.

Columbia states that it has served a copy of this filing on its jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street 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 September 7, 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.73-18343 Filed 8-28-73;8:45 am]

[Docket Nos. RP72-150, *et al.*]

EL PASO NATURAL GAS CO.

Notice Deferring Procedural Dates

AUGUST 23, 1973.

On August 17, 1973, El Paso Natural Gas Company filed a motion for further postponement of procedural dates fixed by notice issued June 25, 1973. By letter dated August 21, 1973, El Paso Natural Gas Company stated that no party objected to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matters relating to the Southern Division System are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18342 Filed 8-28-73;8:45 am]

[Docket No. CP73-334]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

AUGUST 23, 1973.

On August 17, 1973, El Paso Natural Gas Company filed a motion for an extension of time to file its case-in-chief as required by the order issued August 7, 1973, in the above-designated matter. The motion states that staff counsel, Tucson Gas and Electric Company, Salt River Project Agricultural Improvement and Power District have no objection to the request.

Upon consideration, notice is hereby given that the date is extended to and including August 31, 1973, within which El Paso may file its case-in-chief in the above-designated matter. The hearing date is unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18341 Filed 8-28-73;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Rejecting Tariff Sheets and Providing for Refunds

AUGUST 8, 1973.

On June 13, 1972, Indiana & Michigan Electric Company (I&M) tendered for filing revised tariff sheets which reflected a proposed increase in its wholesale electric rates to, among others, Richmond Power and Light of the City of Richmond, Indiana (Richmond) and Anderson Power and Light of the City of Anderson, Indiana (Anderson). By order issued August 11, 1972, the Commission accepted the tariff sheets for filing, suspended the effective date for five months, until January 13, 1973, and ordered a hearing. Richmond and Anderson applied for rehearing which was denied by Commission order on October 6, 1972.

As a result of the Petition for Review filed by Richmond and Anderson, the United States Court of Appeals for the District of Columbia Circuit reversed the Commission's orders accepting I&M's filing as to Richmond and Anderson and ordered refunds. *Richmond Power & Light of the City of Richmond, Indiana, et al.* v. *F.P.C.*, —— F2d —— (CADC 1973). In compliance with this decision, we will reject I&M's filing in this docket as it relates to Richmnod and Anderson and order refunds with interest of the incremental amounts collected by I&M from Richmond and Anderson from January 13, 1973, the date the rate schedules for Richmond and Anderson became effective.

The Commission orders:

(A) The tariff sheets filed in this docket by I&M are rejected as to Richmond and Anderson.

(B) I&M shall refund to Richmond and Anderson, respectively, the incremental amounts collected since January 13, 1973, the date the rate schedule became effective, with interest at seven percent per annum.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18331 Filed 8-28-73;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER AND LIGHT CO.

Notice of Increased Schedules of Rates and Charges

AUGUST 23, 1973.

Take notice that on August 17, 1973, Kansas City Power and Light Company (Company) tendered for filing new increased Schedules of Rates and Charges for Wholesale Firm Power Service to supersede and replace those rate provisions of the Company's contract rate schedules for Wholesale Firm Power Service with the following:

(1) City of Prescott, Kansas (Prescott) FPC No. 30.

(2) Missouri Public Service Company (MPSC) FPC No. 49.

(3) Missouri Power and Light Company (MPLC) FPC No. 51.

(4) City of Higginsville, Missouri Higginsville) FPC No. 60.

(5) City of Salisbury, Missouri (Salisbury) FPC No. 61.

(6) City of Armstrong, Missouri (Armstrong) FPC No. 62.

(7) City of Slater, Missouri (Slater) FPC No. 64.

(8) City of Gardner, Kansas (Gardner) FPC No. 66.
(9) Sugar Valley Electric Cooperative Association, Inc. (Sugar Valley) FPC No. 68.
(10) Coffey County Rural Electric Cooperative Association, Inc. (Coffey County) FPC No. 69.
(11) City of Pomona, Kansas (Pomona) FPC No. 71.

The Company states that the proposed effective date for each new increased Schedule of Rates and Charges is October 17, 1973, or the earliest date thereafter in accordance with the Company's existing contract with the wholesale customer.

According to the Company, the new Schedules of Rates and Charges reflect an increase of $743,773 in annual revenues to the Company based on its cost of service and sales to the wholesale customers during the 12-month test period ending on December 31, 1972. Further, the Company states that the changes embodied in the new Schedules of Rates and Charges include (1) increased rates for Demand and Energy Charges, and (2) a related pricing of the base "fuel cost" in the Fuel Adjustment Clause at 30.0¢ per million Btu to reflect the appropriate average fuel cost to the Company in 1972.

Moreover, the Company states that the new Schedules of Rates and Charges are designed to increase the Company's rate of return to 8.10% on its wholesale service to each class of customers based on its 1972 costs of service and sales to them.

According to the Company, the Company has experienced substantial increases in all elements of its costs, including fuel, labor, interest, taxes and construction to provide additional capacity and meet environmental requirements.

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 September 18, 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.73-18330 Filed 8-28-73;8:45 am]

[Docket No. E-8354]

LOUISVILLE GAS AND ELECTRIC CO.

Notice of Proposed Cancellation

AUGUST 23, 1973.

Take notice that on August 10, 1973, Louisville Gas and Electric Company (LG&E) tendered for filing the proposed cancellation of its Rate Schedule FPC No. 22, dated August 14, 1968, between LG&E and Salt River Rural Electric Cooperative Corporation (Salt River). According to LG&E, Salt River has contracted with East Kentucky Rural Electric Cooperative Corporation (East Kentucky) to purchase from it beginning September 13, 1973, the requirements heretofore served by LG&E.

LG&E requests that the proposed cancellation become effective September 12, 1973, and states that notice of the proposed cancellation has been served upon Salt River and East Kentucky.

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 September 7, 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.73-18340 Filed 8-28-73;8:45 am]

[Docket No. RP73-91]

McCULLOCH INTERSTATE GAS CORP.

Notice of Proposed Purchase Gas Adjustment Clause

AUGUST 23, 1973.

Take notice that McCulloch Interstate Gas Corporation (McCulloch) on August 1, 1973, tendered for filing copies of each of the following revised tariff sheet Nos. 28-31 to its FPC Gas Tariff, Original Volume No. 1, Sheet Nos. 28-31. McCulloch states that the present filing is a *refiling* under the Commission's letter of July 2, 1973.

McCulloch further states that these revised tariff sheets are designed to establish purchased gas cost adjustment provisions (PGAC) in McCulloch's FPC Gas Tariff, Original Volume No. 1, applicable to natural gas service rendered by the McCulloch Wyoming pipeline system. McCulloch requests that the proposed effective date for the tendered revised tariff sheets be September 1, 1973.

McCulloch contends that in view of the increasing natural gas shortage, and a general increase in the prices of natural gas, McCulloch, and its affiliated supplier, McCulloch Gas Processing Corporation, are being forced to pay premium prices in excess of the 22.18¢ per Mcf area price specified in the Commission's Rocky Mountain Area Rate order to continue McCulloch's jurisdictional natural gas service. McCulloch maintains that these natural gas contracts have also required increased prices for extraction and liquids, and will require above ceiling BTU adjustments and limited-term premium priced natural gas purchases. McCulloch further argues that if it, and its affiliated supplier, are to continue to make such purchases, the cost must be passed on as part of McCulloch Interstate's reasonable and prudent cost of continuing its jurisdictional natural gas service.

On August 10, 1973, McCulloch tendered for filing as supplements to the PGAC which was filed on August 1, 1973, the following:

1. A "Cost of Service Study", pursuant to § 154.38(d)(4)(i), for the 12-month period ended December 31, 1972.

2. A copy of McCulloch Interstate's recent rate increase request, filed in Docket No. RP73-103, on April 30, 1973. This filing contains a cost of service study with a test period (1973) ending less than 12 months prior to submission of the PGA clause, as set forth in § 154.38 (d)(4)(i). McCulloch's recent rate increase request in Docket No. RP73-103 is incorporated herein by reference.

3. An Original Sheet No. 32, which supplements Original Sheet Nos. 28 through 32, refiled on August 1, 1973.

4. In connection with Sheet No. 32, McCulloch states that the following amendments should be made to the proposed PGA clause:

(a) The words "Sheet No. 32" should be inserted in lieu of the words "Sheet No. 11" in Paragraph 1.2 of the PGA clause;

(b) The words "Sheet No. 32" should be inserted in lieu of "Sheet No. 11" in Paragraph 1.7;

(c) The words "and a Revised Sheet No. 32" should be inserted after the words "Revised Sheet No. 11" in Paragraph 1.8 of Original Sheet No. 32.

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 September 11, 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.73-18332 Filed 8-28-73;8:45 am]

[Docket No. CP72-114]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes Gas Tariff

AUGUST 23, 1973.

Take notice that Tennessee Gas Pipeline Company, a Division of Tenneco

Inc. (Tennessee), on August 6, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 2, to be effective June 7, 1973.

Tennessee states that the proposed changes reflect an amendatory letter agreement between Columbia Gulf Transmission Company (Columbia) and Tennessee dated August 15, 1972. On September 13, 1972, Tennessee and Columbia filed application in Docket CP72-114 to amend the Commission's order of April 17, 1972, so that Tennessee would be able to utilize its full share of the Western Shore capacity (192,400 Mcf per day). This amendment, approved by Commission order dated June 7, 1973, provides for Columbia's delivery of between 70,000 Mcf and 120,000 Mcf per day to Tennessee at the Cameron delivery point and the redelivery of equivalent volumes by Tennessee to Columbia at the Garden City and/or Erath delivery points, according to the Company's statement.

Tennessee further states that a copy of the filing was served upon Columbia Gulf Transmission Company.

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 September 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18333 Filed 8-28-73;8:45 am]

[Docket No. RP72-128]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes Gas Tariff

AUGUST 23, 1973.

Take notice that Transwestern Pipeline Company (Transwestern) on August 15, 1973, tendered for filing as part of its FPC Gas Tariff, First Revised Volume No. 1 the following sheets:

Third Revised Sheet PGA-1.
Thirty-second Revised Sheet No. 4.
Twenty-seventh Revised Sheet No. 6-A.
Eleventh Revised Sheet No. 6-D.
Twenty-first Revised Sheet No. 7.

These sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in Section 19 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. According to Transwestern, this provision was approved by order of the Federal Power Commission dated September 19, 1972, in Docket No. RP72-128. This change in Transwestern's rates reflects a cost of gas adjustment to track increased purchased gas costs and a surcharge adjustment to clear the balance of the Gas Cost Adjustment Account.

Transwestern proposes that these tariff sheets become effective on October 1, 1973.

The Company states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 September 20, 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 wtih the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18334 Filed 8-28-73;8:45 am]

[Docket No. RP72-23]

TRUNKLINE GAS CO.

Change in Tariff

AUGUST 22, 1973.

Take notice that on June 15, 1973, Trunkline Gas Company (Trunkline) tendered for filing Eighth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Trunkline states that the filing is in accordance with the provisions of Article V of the Stipulation and Agreement in Docket No. RP72-23, *et al.*, approved by the Commssion's Order of April 11, 1972, and pursuant to § 18 of the General Terms and Conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. The company submits that the foregoing tariff sheet reflects an increase of 0.24¢ per Mcf for advance payment tracking pursuant to the abovementioned Article V and also reflects a decrease in the current cost of gas and recovery of amounts in the deferred purchased gas account pursuant to § 18 of the General Terms and Conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. An effective date of August 1, 1973, is proposed.

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 September 5, 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.73-18337 Filed 8-28-73;8:45 am]

[Rate Schedule Nos. 43, *et al.*]

WARREN PETROLEUM CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 639

AUGUST 23, 1973.

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

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

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate Schedule No.	Buyer	Area
Aug. 13, 1973	Warren Petroleum Co., Tulsa, Okla. 74102.	43	El Paso Natural Gas Co.	Permian Basin.
Do	do	44	do	Do.
Aug. 8, 1973	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	22	Mississippi River Transmission Corp.	Other southwest Area.
Aug. 9, 1973	do	104	Arkansas Louisiana Gas Co.	Do.

[FR Doc.73-18339 Filed 8-28-73;8:45 am]

FEDERAL RESERVE SYSTEM

BANC OHIO CORP.

Acquisition of Bank

Banc Ohio Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Citizens National Bank of Ironton, Ironton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18248 Filed 8-28-73;8:45 am]

FARMER CITY AGENCY, INC.

Acquisition of Bank

Farmer City Agency, Inc., Farmer City, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 6.27 percent of the voting shares of National Bank of Chenoa, Chenoa, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18250 Filed 8-28-73;8:45 am]

FLORIDA NATIONAL BANKS OF FLORIDA, INC.

Acquisition of Bank

Florida National Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Northside Bank of Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 18, 1973.

Board of Governors of the Federal Reserve System, August 22, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18249 Filed 8-28-73;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of North Tampa, Tampa, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 18, 1973.

Board of Governors of the Federal Reserve System, August 22, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18251 Filed 8-28-73;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Northside Bank of Tampa, Tampa, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 18, 1973.

Board of Governors of the Federal Reserve System, August 22, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18252 Filed 8-28-73;8:45 am]

NCNB CORP.

Proposed Continuation of Certain Insurance Sales Activities

NCNB Corporation, Charlotte, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in insurance sales activities related to extensions of credit by its wholly-owned subsidiary, C. Douglas Wilson & Co., Greenville, South Carolina. Notice of the application was published on:

Date	Newspaper	City and State
Mar. 19, 1973	The State	Columbia, S.C.
Mar. 21, 1973	The Greenville News	Greenville, S.C.
Mar. 18, 1973	The Spartanburg Herald. The Spartanburg Journal and/or Spartanburg Herald-Journal.	Spartanburg, S.C.
Mar. 20, 1973	The News and Courier.	Charleston, S.C.
Do	Anderson Independent Daily.	Anderson, S.C.
Mar. 23, 1973	Florence Morning News.	Florence, S.C.

Applicant proposes to continue to engage in such insurance sales activities at an office located in each of these communities. Applicant proposes to continue to engage, indirectly through C. Douglas Wilson & Co., its wholly-owned subsidiary, in the sale, as agent, of credit life and credit health and accident insurance to mortgage customers of C. Douglas Wilson & Co. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18254 Filed 8-28-73;8:45 am]

TENNESSEE NATIONAL BANCSHARES, INC.

Order Denying Acquisition of Maryville Savings and Loan Corporation

Tennessee National Bancshares, Inc., Maryville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire 90 percent or more of the voting shares of Maryville Savings and Loan Corporation (an industrial loan and thrift company), Maryville, Tennessee (Company), a company that engages in the activities of an industrial loan company, including the making of loans, the sale of credit life insurance and credit accident and health insurance in connection therewith, the sale of comprehensive physical damage insurance on certain personal property taken as security in connection with loans, and the borrowing of funds at interest as provided by the applicable law. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(2) and (9)(ii)(a)).

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 10679). The time for filing comments and views has expired, and none has been timely received.

Applicant controls two banks with aggregate deposits of $56.3 million, representing 0.5 percent of total commercial bank deposits in the State.[1] Applicant's lead bank, The Blount National Bank of Maryville (Bank), Maryville, Tennessee (deposits of $50.9 million), is the smaller of two banks in Blount County and controls 45.5 percent of bank deposits therein. Both of the banks in Blount County are located in Maryville, a town of approximately 14,000 persons, situated 15 miles south of Knoxville, Tennessee and falling within the Knoxville SMSA. Bank had outstanding consumer instalment loans of the types made by consumer finance companies of $1.6 million as of June 30, 1972, representing 12.2 percent of outstanding consumer loans held by banks and consumer finance companies located in Blount County as of that date.

Contrary to the implications contained in its corporate title, Company (assets of $1.6 million) does not operate as a savings and loan association. It is an industrial loan and thrift company and has so served the Maryville area for over 40 years. Company issues "certificates of indebtedness" and with funds derived thereby makes signature, personal property, co-signor, and second mortgage loans. Company operates out of a single office in Maryville and had outstanding consumer loans of $939 thousand as of December 31, 1972. Company is the third largest of 10 consumer finance companies in Blount County with 12.7 percent of the outstanding loans of the consumer finance companies. As Company's sole office is located only several blocks from the main office of Bank, both offices draw customers from the same local service area. Approval of this transaction would increase Applicant's share of outstanding consumer loans made in the Maryville area from approximately 12 percent to approximately 19 percent, remove an alternative source of consumer credit, and eliminate direct competition for consumer loans between Applicant's lead bank and Company. Accordingly, the Board finds that the proposed acquisition would have adverse effects on competition.

Section 4(c)(8) of the Bank Holding Company Act requires the Board to find that performance by Company as an affiliate of Applicant "can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices." The basic balancing test of section 4(c)(8) requires a showing of positive public benefits that outweigh the adverse effects of the proposed acquisition described above. Applicant has the burden of demonstrating that the proposed acquisition will be in the public interest. In seeking to meet this burden, Applicant indicates that affiliation would increase the financial resources available to Company. Also, Applicant anticipates establishing additional offices for Company. However, upon consideration of the aforementioned anticompetitive factors, the Board finds that the public benefits to be derived from this affiliation do not outweigh the adverse competitive effects of the proposal.

Based on the foregoing and other considerations reflected in the record, the Board has determined that public interest benefits which the Board is required to consider under section 4(c)(8) of the Act do not outweigh the adverse effects. Accordingly, the acquisition is hereby denied.

By order of the Board of Governors,[2] effective August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 73-18253 Filed 8-28-73;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Order Approving Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the First State Bank of Lutz, Lutz, Florida (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Florida, controls 31 banks with aggregate deposits of $971.5 million, representing 5.69 percent of total deposits in commercial banks in Florida.[1] Approval of the proposed acquisition would not result in a significant increase in concentration of banking resources in Florida.

Bank is located in the town of Lutz, in the northern part of Hillsborough County, which along with the community of Land O' Lakes in Pasco County comprises the relevant banking market. Bank has total deposits of $6.8 million, less than 1 percent of the deposits in the market. While Applicant ranks as the third largest banking organization in the market, with 12.4 percent of aggregate deposits, its three banking subsidiaries are in the southern portion of the market, more than 15 miles away from Bank. Direct competition between Bank and Applicant's subsidiary banks in Tampa is nominal; Bank derives loans and time deposits from Tampa. Bank also competes in making conventional residential loans with Applicant's nonbanking subsidiaries, Marine Mortgage Corporation. The extent of this competition is not regarded as significant. The small size of Bank, the number of intervening banks and the distance between Bank and Applicant's subsidiaries make it unlikely that future competition would develop between them. Applicant will not gain sufficient assets by this acquisition to dominate the market or to foreclose future entry.

Considerations relating to the convenience and needs of the community to be served lend weight toward approval. Applicant proposes to expand Bank's loan portfolio by making instalment loans to consumers and also to offer trust services. The financial and managerial resources of Applicant, its existing subsidiary banks, and Bank are consistent with approval, particularly in view of Applicant's commitment to improve the capital position of several of its other subsidiary banks.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later

[1] All banking data are as of December 31, 1972, unless otherwise indicated.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Daane and Holland.

[1] All banking data are as of June 30, 1972, unless otherwise noted, and include formations and acquisitions approved by the Board through June 12, 1973.

than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18255 Filed 8-28-73;8:45 am]

UNITED VIRGINIA BANKSHARES INC.

Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the proposed successor by merger to the Bank of Spotsylvania, Spotsylvania, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 17, 1973.

Board of Governors of the Federal Reserve System, August 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assisant Secretary of the Board.

[FR Doc.73-18256 Filed 8-28-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-66]

AEROSPACE CONTRACTS
List of Contractors

The following is a list of aerospace contractors which received direct NASA awards totalling $10 million or more in Fiscal Year 1973. This list is published pursuant to section 6 of Public Law 91-119, as amended by section 7 of Public Law 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.). For related NASA reporting requirements, see 14 CFR Part 1208.

The Bendix Corp., Bendix Center, Southfield, Mich. 48076.
The Boeing Company, 7755 East Marginal Way, Seattle, Wash. 98124.
California Institute of Technology, 1201 E. California Blvd., Pasadena, Calif. 91109.
Chrysler Corp., P.O. Box 757, Detroit, Mich. 48231.
Computer Sciences Corp., 650 Sepulveda Blvd., El Segundo, Calif. 90245.
Fairchild Industries, Inc., Sherman Fairchild Technology Center, Fairchild Drive, Germantown, Md. 20767.
Federal Electric Corp., 621 Industrial Ave., Paramus, N.J. 07652.
General Dynamics Corp., Pierce Laclede Center, St. Louis, Mo. 63105.
General Electric Co., 570 Lexington Ave., New York, N.Y. 10022.
Grumman Aerospace Corp., South Oyster Bay Road, Bethpage, N.Y. 11714.
Honeywell, Inc., 2701-4th Ave. South, Minneapolis, Minn. 55408.
Hughes Aircraft Co., Centinela & Teale Street, Culver City, Calif. 90230.
International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
Kentron Hawaii, LTD., 233 Keawe Street, Honolulu, Hawaii 96813.
LTV Aerospace Corp., P.O. Box 5003, Dallas, Texas 75222.
Litton Systems, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90213.
Lockheed Electronics Co., Inc., U.S. Hwy. 22, Plainfield, N.J. 07061.
Lockheed Missiles & Space Co., Inc., P.O. Box 504, Sunnyvale, Calif. 94088.
Martin Marietta Corp., 277 Park Ave., New York, N.Y. 10017.
Massachusetts Institute of Technology, Massachusetts Ave., Cambridge, Mass. 02139.
McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
Northrop Services, Inc., 500 E. Orangethorpe Ave., Anaheim, Calif. 92801.
Philco-Ford Corp., Parklane Towers East, Suite 728, 1 Parklane, Dearborne, Mich. 48126.
RCA Corporation, 30 Rockefeller Plaza, New York, N.Y. 10020.
Rockwell International Corp., 600 Grant St., Pittsburgh, Pa. 15219.
Sperry Rand Corp., 1290 Ave. of the Americas, New York, N.Y. 10019.
TRW, Inc., 23555 Euclid Ave., Cleveland, Ohio 44117.
United Aircraft Corp., 400 Main Street, East Hartford, Conn. 06118.

GEORGE J. VECCHIETTI,
Director of Procurement, National Aeronautics and Space Administration.

[FR Doc.73-18295 Filed 8-28-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE AND TECHNOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of the Advisory Committee on Ethical and Human Value Implications of Science and Technology will be held at 9 a.m. on September 13, 1973, in room 540 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value implications of scientific and technological progress, in conjunction with cooperative programs of the National Endowment for the Humanities and the National Science Foundation.

The agenda for this meeting shall include:

MORNING

Opening Remarks—Director, National Science Foundation.
Introduction of Committee members and selection of interim Chairman.
Background of the program and charge to the Committee.
General discussion of scope of program and areas of emphasis.
Recess for lunch.

AFTERNOON

General discussion of priorities.
Prime target areas of encouragement of proposals.
Typical problem areas in which ethical and human value questions may be raised.
Priorities for typical problem areas for joint funding with NEH
Summary and recommendations of the Committee
Suggestions and consensus for date of next meeting
Adjournment

This meeting shall be open to the public on a space available basis. Individuals who plan to attend should notify Mr. Charles Maechling, Jr., Special Assistant to the Director, by telephone (202/632-5700) or by mail (room 251, 1800 G Street NW., Washington, D.C. 20550) not later than close of business on September 11, 1973.

For further information concerning this Committee, contact Mr. Charles Maechling, Jr., Special Assistant to the Director, room 251, 1800 G Street NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained from the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 20, 1973.

[FR Doc.73-18359 Filed 8-28-73;8:45 am]

ADVISORY PANEL FOR EXPERIMENTAL R&D INCENTIVES PRIVATE SECTOR SUBCOMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of the Private Sector Subcommittee of the Advisory Panel for Experimental R&D Incentives will be held at 9:30 a.m. on September 13, 1973, and at 9:00 a.m. on September 14, 1973, at the Faculty Club, Massachusetts Institute of Technology, 50 Memorial Drive, Cambridge, Massachusetts 02139. The purpose of this Subcommittee is to provide advice and recommendations as part of the review and evaluation process of major experiments, projects, and studies sponsored by the Experimental R&D Incentives Program.

The agenda for this meeting shall include:

SEPTEMBER 13

MORNING

9:30—Welcome—MIT hosts
9:40—Briefing on Experimental R&D Incentives Program with specifics on Experiment #3—Innovation Center Activities—Experimental R&D Incentives Staff
10:15—Description of goals, plans, and implementation procedure for center program—Principal Investigators of Innovation Center
12:00—Recess for lunch

[1] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Mitchell.

AFTERNOON

1:30—Discussion of plans and programs of Innovation Centers—Principal Investigators, Experimental R&D Incentives Staff, Advisory Panel for Experimental R&D Incentives
4:00—Adjournment

SEPTEMBER 14

MORNING

9:00—Briefing of current activities and plans for FY 1974 of Experimental R&D Incentives Program—Experimental R&D Incentives Staff
10:00—Discussion of potential incentive areas for investigation during FY 1974, especially relating to "start-up" problem
12:00—Recess for lunch

AFTERNOON

1:30—Continuation of discussion of potential incentive areas for FY 1974
2:30—Summary of discussions and plans for next meeting
3:00—Adjournment

The meeting shall be open to the public on a space available basis. Individuals who plan to attend should notify Mr. Robert Colton, Project Officer, Private Sector Office, Office of Experimental R&D Incentives, by telephone (202/632-7724) or by mail (room 543, 1800 G Street NW., Washington, D.C. 20550) not later than close of business on September 11, 1973.

For further information concerning this Subcommittee, contact Mr. Robert Colton, Project Officer, Private Sector Office, Office of Experimental R&D Incentives, room 543, 1800 G Street NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 20, 1973.

[FR Doc.73-18344 Filed 8-28-73;8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of the International Decade of Ocean Exploration Proposal Review Panel will be held at 8:30 a.m. on September 12, 13, and 14, 1973, in room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. This meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b), and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act.

For further information concerning this Panel, contact Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, room 710, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 20, 1973.

[FR Doc.73-18360 Filed 8-28-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

AUGUST 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973 through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18287 Filed 8-28-73;8:45 am]

[File No. 500-1]

BBI, INC.

Order Suspending Trading

AUGUST 21, 1973.

The common stock, $0.10 par value, of BBI, Inc., being traded on the American Stock Exchange and the PBWM Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973, through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18288 Filed 8-28-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

AUGUST 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is Ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973, through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18289 Filed 8-28-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES, INCORPORATED

Order Suspending Trading

AUGUST 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 21, 1973, through August 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18290 Filed 8-28-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORPORATION

Order Suspending Trading

AUGUST 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from August 22, 1973, through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18291 Filed 8-28-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INCORPORATED

Order Suspending Trading

AUGUST 21, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 22, 1973 through August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-18292 Filed 8-28-73;8:45 am]

TARIFF COMMISSION

[TEA-W-206]

FEDERAL MOGUL CORP., SOUTHFIELD, MICH.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance: Notice of Hearing

The U.S. Tariff Commission has ordered a hearing in connection with the investigation instituted on August 10, 1973, under section 301(c)(2) of the Trade Expansion Act of 1962 on the basis of a petition filed on behalf of the workers and former workers of the Detroit, Mich., plants of the Bower Roller Bearing Division of the Federal Mogul Corp., Southfield, Mich. Notice of the institution of this investigation was published in the FEDERAL REGISTER on August 17, 1973 (39 FR 22258). The hearing will be held at 10 a.m., E.D.T., on Thursday, September 6, 1973, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, August 31, 1973.

By order of the Commission.

Issued August 27, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-18480 Filed 8-28-73;8:45 am]

POSTAL RATE COMMISSION

ARTHUR D. LITTLE, INC.

Notice of Commencement of Contract Study

Pursuant to the Commission's request for proposals on the classification study announced in the FEDERAL REGISTER of June 7, 1973, the Commission has entered into a contract with the firm of Arthur D. Little, Inc., to perform the planned study. Members of the staff of the Commission will serve as contracting officers or administrators in monitoring the execution of the contract to ensure that work progress and cost incurrence are in accord with the requirements of the government as set forth in the schedule of work and other provisions of the contract. All conclusions reached by the contractor will reflect the contractor's own independent judgments; such judgments ultimately might or might not be in consonance with the views of or positions takenk by the Commission or its staff. The contractor will visit postal facilities to observe postal operations and to confer with knowledgeable postal personnel. Members of the staff of the Commission may sit in on these meetings or join in the field trips in their capacity as contract monitors or for the purpose of increasing their knowledge of postal operations. Such visits by the contractor and Commission employees to postal facilities will be bound by the prohibitions on *ex parte* communications contained in § 3001.7 of the Commission's rules of practice and procedure and by §§ 3000.735-501 and 502 of the Commission's standards of conduct. A tentative schedule of contractor contacts with the Postal Service is set forth below. Although this schedule reflects present plans, actual timing of meetings and field trips will be subject to the availability of personnel and the evolutionary nature of the work effort.

TENTATIVE SCHEDULE

Location	*Date*
Boston area postal facilities.	August 30-31
USPS Headquarters	September 5-7
New York area facilities	September 10-21
Cleveland area facilities and a visit to the Cincinnati post office.	September 10-21
Wilkes Barre, Pennsylvania data processing facility.	September 19
San Francisco area facilities.	September 17-21
USPS Headquarters	October 1-12

By Direction of the Commission.

Dated: August 28, 1973.

DAVID L. HARRIS, *Acting Secretary.*

[FR Doc.73-18508 Filed 8-28-73;11:09 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 330]

ASSIGNMENT OF HEARINGS

AUGUST 24, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35791 sub 1, General Increase, August 1973, Bulk Carrier Conference, now being assigned hearing October 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8096, The Squaw Transit Company—Investigation and revocation of Certificates—now assigned September 11, 1973, at Dallas, Tex., is postponed indefinitely.

Finance Docket No. 27438, National Railroad Passenger Corporation Discontinuance of Trains Nos. 98 & 99 Between Norfolk/Newport News and Richmond, Virginia now assigned September 24, 1973, at Newport News, Virginia, will be held in U.S. Post Office & Courthouse Building, Judge Hoffman's Courtroom, 101 25th Street; now assigned September 26, 1973 at Richmond, Va., will be held in Room 1035, 400 N. 8th Street.

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

[FR Doc.73-18355 Filed 8-28-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 24, 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 by September 13, 1973.

FSA No. 42738—*Compressed Gases (Sulphur Dioxide) from Tacoma, Washington.* Filed by Trans-Continental Freight Bureau, Agent (No. 484), for interested rail carriers. Rates on gases, compressed, viz.: Sulphur Dioxide, in tank carloads, as described in the application, from Tacoma, Washington, to West Norfolk, Virginia.

Grounds for relief—Water competition.

Tariff—Supplement 55 to Trans-Continental Freight Bureau, Agent, tariff 2-K, ICC No. 1852. Rates are published

to become effective on September 25, 1973.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18352 Filed 8-28-73;8:45 am]

[Exception No. 6]

ILLINOIS CENTRAL GULF RAILROAD CO.

Exception to Car Service Rules

It appearing, that there will be a large shipment of concrete pipe originating at Price, Mississippi, on the Illinois Central Gulf Railroad Company requiring the use of plain flat cars of 140,000 lbs. or greater capacity; that assembly of the necessary cars cannot be accomplished without the holding of a portion of the cars in excess of the time periods authorized by the provisions of Service Order No. 1112, Section (a), Paragraph (2).

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Service Order No. 1112, Section (a), Paragraph (1), Part (xiv), the Illinois Central Gulf Railroad Company is hereby authorized to assemble and hold for pipe loading at Price, Mississippi, a maximum of thirty-seven (37) empty plain flat cars of mechanical designation FM regardless of the provisions of section (a), paragraph (2) of Service Order No. 1112.

Effective August 24, 1973.

Expires September 6, 1973.

Issued at Washington, D.C., August 22, 1973.

RAILROAD SERVICE BOARD,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-18356 Filed 8-28-73;8:45 am]

[EX PARTE NO. 241; Exemption No. 48]

ILLINOIS CENTRAL GULF RAILROAD CO.

Exemption Under the Mandatory Car Service Rules

It appearing, that there is an emergency movement of two trainloads of concrete pipe from Price, Mississippi, to Spring City, Tennessee, requiring the use of 37 70-ton flat cars capable of handling concentrated loads; that these shipments will move in two consecutive train-lot movements; that the carriers involved are unable to supply sufficient cars of their own ownerships capable of handling these shipments; and that suitable cars of other ownerships can be made available to transport these shipments.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Illinois Central Gulf Railroad Company be, and it is hereby, authorized to accept from shipper at Price, Mississippi, and transport to Spring City, Tennessee, routed via its line thence Southern Railway Company; and the Southern Railway Company is authorized to return empty cars to Price, Mississippi, via reverse of loaded route, two trains of 37 flat cars of various ownership without regard to the provisions of Car Service Rules 1 and 2.

Effective September 6, 1973.

Expires September 30, 1973.

Issued at Washington, D.C., August 22, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-18357 Filed 8-28-73;8:45 am]

[Notice No. 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 24, 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 Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

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 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed by September 28, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-29910 (Deviation No. 25), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 S. 11th Street, Fort Smith, Arkansas 72901, filed August 17, 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 Dallas, Tex., over Interstate Highway 30 to junction Interstate Highway 40 at Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., serving the intermediate points of Springfield, Mo., and Muskogee and McAlester, Okla., (2) From Wagoner, Okla., over U.S. Highway 69 to Muskogee, Okla., thence over U.S. Highway 64 to Sallisaw, Okla., serving the intermediate point of Muskogee, Okla., (3) From Muskogee, Okla., over U.S. Highway 62 to Westville, Okla., thence over U.S. Highway 59 to Sallisaw, Okla., thence over U.S. Highway 64 to Fort Smith, Ark., serving all intermediate points, (4) From Fort Smith, Ark., over Arkansas Highway 22 to Dardanelle, Ark., thence over Arkansas Highway 7 to Russellville, Ark., thence over U.S. Highway 64 to Conway, Ark., and thence over U.S. Highway 65 to Pine Bluff, Ark., serving all intermediate points, and (5) From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Crystal City, Perryville, and Jackson, Mo., to junction Missouri Highway 34, thence over Missouri Highway 34 to Cape Girardeau, Mo., thence over Missouri Highway 74 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction unnumbered highway near Sikeston, Mo., thence over unnumbered highway via Sikeston to junction U.S. Highway 61, thence over U.S. Highway 61 to Blytheville, Ark., thence over U.S. Highway 61 to junction Arkansas Highway 77, thence over Arkansas Highway 77 via Turrell, Clarkedale, Jericho, and Marion, Ark., to W. Memphis, Ark., thence over U.S. Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, Ark., serving the intermediate points of Cape Girardeau and Sikeston, Mo.; Memphis, Tenn.; and Blytheville, West Memphis, Forrest City, Brinkley, Carlisle, Hazen, Lonoke, and North Little Rock, Ark.; and the off-route points of Caruthersville, Ferguson, and Robertson, Mo., points within two miles of Robertson, Mo.; Stuttgart and Camp Joseph T. Robinson, Ark.; Alton, East Alton, and Belleville, Ill.; and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and return over the same routes.

No. MC-109780 (Deviation No. 45), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Brenda Junction, Ariz., over Interstate Highway 10 to Tonopah, Ariz., thence over unnumbered Maricopa County road to junction U.S. Highway 80 south and east of Buckeye, Ariz., thence over U.S. Highway 80 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to San Bernardino, Calif., thence over unnumbered highway to junction U.S. Highway 99, thence over

U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 via Aguila, Ariz., to Phoenix, Ariz., and return over the same route.

By the Commission.

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

[FR Doc.73-18353 Filed 8-28-73;8:45 am]

[Notice No. 67]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 24, 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

APPLICATION ASSIGNED FOR ORAL HEARING

No. MC 125996 (sub-No. 38), filed August 6, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and rugs, carpet and rug padding, and materials and supplies* used in the installation thereof, from the plantsite and warehouse facilities of General Felt Industries, Inc., at Philadelphia, Pa., to points in Minnesota, Missouri, Michigan, Ohio, Indiana, Illinois, Wisconsin, and Iowa, restricted to traffic originating at the above-named origin and destined to points in the above named destination territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING.—October 10, 1973 (2 days) at 9:30 a.m. Daylight Saving Time, (or 9:30 a.m. United States Standard Time, if that time is observed), at Chicago, Ill. Location of hearing room will be by subsequent notice.

No. MC 135535 (sub-No. 4) (republication), filed November 24, 1972, published in the FEDERAL REGISTER issue of January 26, 1973, and republished this issue. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. An Order of the Commission, Operating Rights Board, dated August 3, 1973, and served August 15, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) (a) *fifth wheel travel trailers*, in truckaway service, and (b) *pickup trucks*, when moving in combination with fifth wheel travel trailers, between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming and the District of Columbia and (2) *motor homes*, in driveaway service, between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Kansas), under a continuing contract or contracts in both (1) and (2) above with El Dorado Industries, Inc., of Minneapolis, Kans., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 108057 (sub-Nos. 3 and 5) (Notice of filing of petition to modify permit), filed August 16, 1973. Petitioner: McDONNELL BROS., INC., 759 Riverside Avenue, Lyndhurst, N.J. 07071. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner presently holds *contract carrier* permits in No. MC 108057 (sub-Nos. 3 and 5) issued August 9, 1966 and March 30, 1967 respectively, authorizing transportation, over irregular routes, of *nonferrous scrap metal*, (1) in sub-No. 3 between Newark, N.J. on the one hand, and, on the other, Baltimore, Md., New York, N.Y., and points in Connecticut, Ohio, Pennsylvania, and Rhode Island, under a continuing contract or contracts with Calumet Sales Company, Ben Hirsch, Thomas Coleman, Emil Schroth, Inc., and Maxnor Metal Co., all of Newark, N.J.; (2) in sub-No. 5 between Elizabeth and Newark, N.J., on the one hand, and, on the other, Wilmington, Del., and points in New York, under a continuing contract or contracts with Maxnor Metal Co. of Newark, N.J., Berson Metals Co. and Ben Hirsch, both of Elizabeth, N.J. By the instant petition, petitioner seeks to delete Ben Hirsch as a contracting shipper from each of the permits listed in (1) and (2) above, and substitute in lieu thereof the name of Interstate Metals Separating Corp. of Kearny, N.J., as a contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by September 28, 1973.

No. MC 124770 and (sub-Nos. 8, 10, and 12) (Notice of filing of petition to modify permits), filed July 23, 1973. Petitioner: TELLERI TRUCKING CO., a corporation, 301 Allen Street, Elizabeth, N.J. 07202. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner presently holds motor *contract carrier* permits in No. MC-124770 and (sub-Nos. 8, 10, and 12) issued October 12, 1966, October 23, 1968, November 24, 1969, and February 3, 1971, respectively, authorizing transportation, over irregular routes of various meats and meat products, and in the lead permit, returned shipments of meats and meat products from or between specified points in New Jersey, New York, Pennsylvania, to points in Connecticut, New York, Rhode Island, Massachusetts, Maryland, and the District of Columbia, and in the lead permit, returned shipments of meats and meat products from points in New York, Pennsylvania, Connecticut, and Massachusetts to points in New Jersey and New York, restricted to a transportation service to be performed under a continuing contract or contracts (1) in the lead permit with Allen Packing Company of Linden, N.J., Jefferson Packing Company of Hoboken, N.J., and Bronx Independent Meat Co. of Bronx, N.Y.; (2) in sub-No. 8, with Food Fair Stores, Inc., and its subsidiaries, Allen Packing Co., and Midtown Veal & Mutton, Co., Inc.; (3) in sub-No. 10 with the same shippers as listed in (2) above; and (4) in sub-No. 12, with Allen Packing Co. and Midtown Veal & Mutton Co., Inc. By the instant petition petitioner seeks to (A) delete: Jefferson Packing Company, Bronx Independent Meat Co., Food Fair Stores, Inc., and Berliner & Marx, Inc., as contracting shippers in MC-124770; Food Fair Stores, Inc., in sub-Nos. 8 and 10; and (B) add Atalanta Products Corp. of New York, N.Y.; Celebrity Food Products, Inc., of New York, N.Y.; South East Food Products, Inc., of New York, N.Y.; Economy Hotel & Restaurant Purveyors, Inc., of Elizabeth, N.J.; and Linden Packing Co., Inc., of Newark, N.J., as additional contracting shippers to the

authority in MC–124770 and (sub-Nos. 8, 10, and 12) as described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition by September 28, 1973.

No. MC 135033 (Correction of two notices of filings of petition to add additional contracting shippers) filed May 13 and 16, 1973, published in the FEDERAL REGISTER issue of August 15, 1973, and annotated this issue. Petitioner: SILVEY & COMPANY, a corporation, Highway 275 and Gifford Road, Council Bluffs, Iowa 51501. Petitioner's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106.

NOTE.—The notice previously published August 15, 1973 in these petitions incorrectly listed the assigned docket number in the proceedings as No. MC–130533. The correct number should be No. MC–135033. The rest of the notices remain as previously published.

NOTICE FOR FILING OF PETITION

No. MC–135062 (Sub-No. 1), (notice of filing of petition for cancellation of permit and reinstatement of certificate of registration), filed July 12, 1973. Petitioner: M & T TRUCKING, INC. (successor in interest to Mike Mercure Trucking, Inc.), R.F.D. No. 1, New Waterford, Ohio 44445. Petitioner's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Petitioner holds Permit No. MC–135062 (Sub-No. 1), issued November 15, 1972, authorizing operation as a contract carrier by motor vehicle, over irregular routes, of coal, in bulk, in dump vehicles, from points in Elkrun and Middleton Township (Columbiana County), Ohio, to points in Beaver County, Pa., under a continuing contract, or contracts, with Ferris Coal Company, Inc., of East Palestine, Ohio. Petitioner also holds Ohio Intrastate Certificate No. 5383–I authorizing motor transportation service, on call of the public, in instrastate commerce, over irregular routes, (1) of property from and to Rogers, Ohio, and (2) of crushed limestone, gravel, stone, sand, aggregates, ashes, brick, tile, coal, and clay, in dump trucks, from and to any point in Columbiana County, Ohio. Both the permit and the intrastate certificate were obtained by transfer from petitioner's predecessor in interest, Mike Mercure Trucking, Inc., which formerly held Certificate of Registration No. MC–96995 (Sub-No. 1) authorizing operation in interstate commerce identical to that authorized in Certificate No. 5383–I. The Certificate of Registration was revoked at the request of Mike Mercure Trucking, Inc., to enable it to apply for the permanent contract carrier authority subsequently issued in Permit No. MC–135062 (sub-No. 1). By the instant petition, petitioner seeks to cancel its Permit No. MC–135062 (sub-No. 1), stating that it has become inoperative, and to reinstate the Certificate of Registration No. MC–96995 (sub-No. 1). 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 by September 28, 1973.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 17470 (sub-No. 1) (correction), filed June 7, 1973, published in the FEDERAL REGISTER issue of August 15, 1973, and republished, as corrected, this issue. Applicant: NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress Street, Springfield, Mass. 01103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this republication is to indicate the correct assigned number and date of publication of the finance proceeding related to this application. This application is a matter directly related to a Section 5 purchase proceeding in No. MC–F–11907, published in the FEDERAL REGISTER issue of June 20, 1973. Applicant states that the requested authority can be tacked at New York City with its existing authority to serve points in Massachusetts at Springfield, Mass. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Boston, Mass.

No. MC 30508 (sub-No.3), filed July 3, 1973. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Eppling Street, Exeter, N.H. 03833. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portsmouth, N.H., and Portland, Maine: From Portsmouth over U.S. Highway 1 to Portland and return over the same route, serving all intermediate points between Portsmouth and Biddeford, restricted to traffic moving to or from points in Massachusetts; and the intermediate and off-route points of Saco, Ocean Park, Pine Point, Dunstan, Scarboro, Thornton Heights, Cash Corner, Old Orchard Beach, Oak Hill, and South Portland, without restrictions.

NOTE.—Common control may be involved. The instant application is a matter directly related to MC–F–11928 published in the FEDERAL REGISTER issue of July 19, 1973. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 107515 (sub-No. 859), filed July 6, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baked goods, coffee whiteners, dessert base, dessert toppings, dry coffee rich, and dry whipped topping*, in mechanically refrigerated vehicles, from Buffalo, N.Y., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, (2) *baked goods, coffee whiteners, dessert base, dessert toppings, dry coffee rich, and dry whipped topping*, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Texas, Missouri, Minnesota, and Nevada, (3) *frozen foods*, from Appleton, Wis., to points in North Dakota, South Dakota, Wyoming, Montana, Idaho, Oregon, Ohio, Indiana, Pennsylvania, New York, New Jersey, Vermont, Rhode Island, Connecticut, Massachusetts, New Hampshire, and Maine, and (4) *meats, meat products and meat byproducts* as described in Section A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Denison, Des Moines, Fort Dodge, Glenwood, Iowa Falls, Sioux City, Sioux Center, Waterloo, and Spencer, Iowa, Omaha and West Point, Nebr., and Luverne, Minn., to New York, N.Y., and points in its commercial zone, restricted in part (1), (2), and (3) above to traffic originating at the plant sites of Rich Products Corporation and destined to the states named, and in part (4) to traffic originating at and destined to the points named.

NOTE.—The instant application is a matter directly related to MC–F–11932 published in the FEDERAL REGISTER issue of July 19, 1973. Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138958, filed June 27, 1973. Applicant: D'AGATA TRANSPORTATION, INC., 1104 York Road, Cherry Hill, N.J. 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Latrobe, Pa., to points in New Jersey; (2) *malt beverages*, in cans, bottles, and kegs, from Reading, Pa., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (3) *malt beverage containers*, from points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, to Reading, Pa.

NOTE.—Common control may be involved. The purpose of this application is to convert

applicant's Permit into a Certificate of Public Convenience and Necessity. The instant proceeding is a matter directly related to the Section 5 purchase application in MC–F 11924, published in the FEDERAL REGISTER issue of July 11, 1973. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11959. Authority sought for purchase by CONTINENTAL VAN LINES, INC., 891 Broadway Street, Seaside, Calif., of a portion of the operating rights of BESTWAY VAN LINES, INC., 400 North Vine Street, North Little Rock, Ark., and for acquisition by NORMAN E. WILEY, 325 Elder Ave., Seaside, Calif., and J. VERNON MYRES, 779 Anita St., Chula Vista, Calif., of control of such rights through the purchase. Applicants' attorney: James W. Hightower, 136 Wynnewood Prof. Bldg., Dallas, Texas. Operating rights sought to be transferred: *Household goods* as defined by the Commission, and *emigrant movables*, as a *common carrier* over irregular routes. Between Hobart, Okla., and points within 20 miles thereof, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas. Between points in Kiowa County, Okla., and points within 50 miles of Kiowa County (except points on and East of U.S. Highway 281), on the one hand, and, on the other, points in Kansas and Texas. Vendee is authorized to operate as a *common carrier* in Nevada, California, Oregon, Washington, Utah, Idaho, Wyoming, Colorado, Montana, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11960. Authority sought for purchase by MOTOR SERVICE COMPANY, INC., P.O. Box 448, Coshocton, Ohio 43812, of the operating rights and property of RIVER VIEW MARINE SERVICE, INC., 1605 Utica Pike, Jeffersonville, Indiana 47130, and for acquisition by JOHN R. HAFNER, P.O. Box 448, Coshocton, Ohio 43812, of control of such rights through the purchase. Applicants' Attorney: CARL U. HURST, P.O. Box E, Bowling Green, Kentucky 42101. Operating rights sought to be transferred: *Boats*, as a *common carrier* over irregular routes from Louisville, Ky. (except points in the Louisville, Ky., commercial zone, as defined by the Commission, in Floyd County, Ind.), to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. *Houseboats*, from Algonac, Mich., to Louisville, Ky. (except points in the Louisville, Ky., commercial zone, as defined by the Commission, in Floyd County, Ind.) Vendee is authorized to operate as a *common carrier* in all states in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11961. Authority sought for purchase by BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Indiana 46901, of a portion of the operating rights of SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago (Riverdale), Illinois 60627, and for acquisition by MOHIO LEASING CORPORATION, 1210 South Union Street, Kokomo, Indiana 46901, of control of such rights through the purchase. Applicants' attorneys: JACK GOODMAN, 39 South La Salle Street, Chicago, 60603 and SEYMOUR GOLDGEHN, 69 West Washington St., Chicago, Ill. 60602. Operating rights sought to be transferred: *General Commodities*, except those of unusual value, class A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, as a common carrier over irregular routes. Between points in Tipton County, Indiana, on the one hand, and, on the other, St. Louis, Missouri, and Louisville, Kentucky, Piqua and Cincinnati, Ohio, and all points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, and Holland, Grand Rapids, and Lansing, Michigan, and all points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State Line and all points in Illinois. Vendee is authorized to operate as a *common carrier* in Michigan, Ohio, Illinois, Indiana, Kentucky, Pennsylvania, Missouri, West Virginia, Iowa, Wisconsin, Tennessee, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, New York, Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11962. Authority sought for purchase by THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore, Maryland 21225, of the operating rights of WIEGMANN CO., INC., P.O. Box 44, Florence, Pennsylvania 15040, and for acquisition by FRED A. WEISS AND RALPH W. WEISS, 1111 Frankfurst Ave., Baltimore, Md. 21225, of control of such rights through the purchase. Applicants' attorney: SPENCER T. MONEY, 110 Park Lane Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Milk*, as a *common carrier* over irregular routes from points in Cross Creek and Jefferson Townships, Washington County, Pa., to Follansbee, W. Va., and *Empty milk containers*, from Follansbee, W. Va., to points in Cross Creek and Jefferson Townships, Washington County, Pa. General commodities, except those of unusual value, classes A and B explosives, milk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Cross Creek, Hanover, Hopewill, Independence, Jefferson, Mount Pleasant, Robinson, and Smith Townships, Washington County, Pa., on the one hand, and, on the other, points in Belmont, Carroll, Columbiana, Harrison, and Jefferson Counties, Ohio, and Brooke, Hancock, Marshall, and Ohio Counties, W. Va. Vendee is authorized to operate as a *common carrier* in Maryland, Washington, D.C., Virginia, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Delaware, Massachusetts, New Hampshire, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11963. Authority sought for purchase by CHURCHILL TRUCK LINES, INC., P.O. Box 250, Chillicothe, Mo. 64601, of a portion of the operating rights and property of STEVENS EXPRESS, INC., 502 North Main Hutchinson, Kans. 67501, and for acquisition by KENNETH F. CHURCHILL, HERBERT V. CHURCHILL, PAUL E. CHURCHILL, and HAROLD L. ATKINS, of P.O. Box 250, Chillicothe, Mo. 64601, and LOUISE A. ATKINS of 1909 Calhoun, Chillicothe, Mo. 64601, of control of such rights through the purchase. Applicants' attorneys: KENNETH F. CHURCHILL, P.O. Box 250, Chillicothe, Mo. 64601, WARREN A. GOFF, 5100 Poplar Avenue Memphis, Tenn. 38137, WENTHWORTH E. GRIFFIN and FRANK W. TAYLOR, JR., 1221 Baltimore Ave., Kansas City Mo. 64105. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Kansas City, Mo., and Hutchinson, Kans., serving no intermediate points but serving the off-route points of Hillsboro, and South Hutchinson, Kans.: Between St. Joseph, Mo., and Newton, Kans., serving the intermediate points of Atchison, Nortonville, Lawrence, Topeka, Manhattan, Junction City, Abilene, Salina, Lindsborg, and McPherson, Kans., between Kansas City, Mo., and Lawrence, Kans., serving the intermediate points of Kansas City, Victory Junction, Shawnes, Merriam, Zarah, De Soto, Eudora, Muncie, Bonner Springs, and Linwood, Kans., and the off-route points of Basehor, Lecompton, Tonganoxie, Stull, and Big Springs, Kans., between Hutchinson, Kans., and Kansas City, Mo., as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points, between Hutchinson, Kans., and Hutchinson Air Base Industrial Tract, serving no intermediate points, between Wichita, Kans., and Clay Center,

Kans., serving all intermediate points, and the off-route points of Canton, Hillsboro, Tampa, Roxbury, Hope, Ramona, and Navarre, Kans., between Hillsboro, Kans., and Hope, Kans., serving all intermediate points, and the off-route point of Delavan, Kans., between Hope, Kans., and Abilene, Kans., serving all intermediate points, between Council Grove, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Skiddy, Wilsey, Delavan, Allen, and Kansas City, Kans., and off-route points of North Kansas City and Sugar Creek, Mo.; *Dairy products*, from McPherson, Kans., to St. Joseph, Mo., serving the intermediate points of Lindsborg, Salina, Abilene, Junction City, Manhattan, Topeka, Lawrence, and Atchison, Kans.; *Livestock, agricultural machinery and parts, agricultural implements, and parts, binder twine, agricultural commodities, feed, fencing, and building materials, bale ties, fertilizer, filling station equipment, plumbing and heating supplies and equipment, containers* for petroleum products, and *petroleum products* in containers, between Lawrence, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Kans., and those within 10 miles of Lawrence, between North Kansas City, Mo., and Lawrence, Kans., serving the intermediate or off-route points of Kansas City, Mo., and all points within 10 miles of Lawrence, Kans., including Perry, Kans.; *Agricultural machinery and parts*, and *agricultural implements and parts*, between Independence, Mo., and Lawrence, Kans., serving the intermediate or off-route points of Kansas City, Kans., and points within 10 miles of Lawrence, Kans., including Perry, Kans. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC–F–11964. Authority sought for purchase by O. N. C. FREIGHT SYSTEMS, INC., 2800 West Bayshore Road, Palo Alto, California 94303, of a portion of the operating rights and property of B & W FREIGHT LINES, 200 North Buchanan, Amarillo, Texas 79105, and for acquisition by ROCOR INTERNATIONAL, 2800 W. Bayshore Rd., Palo Alto, Calif. 94303, of control of such rights through the purchase. Applicants' attorney: ROLAND RICE, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities* with exceptions, as a *common carrier* over regular routes between Amarillo, Tex., and Lawton, Okla., serving all intermediate points in Oklahoma and the off-route points of Tipton, Mangum, and Frederick, Okla. Vendee is authorized to operate as a *common carrier* in California, Arizona, New Mexico, Texas, Oregon, Washington, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11965. Authority sought for purchase by CUSTOM MOTOR FREIGHT, INC., P.O. Box 551, Columbus, Ohio 43216, of the operating rights of REX FORWARDING, INC., P.O. Box 14363, Cincinnati, Ohio 45214, and for acquisition by KENDALL K. HANNA, P.O. Box 186, Columbus, Ohio 43216, of control of such rights through the purchase. Applicants' attorney: Edward R. Kirk, Suite 1660, 88 E. Broad St., Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, from Akron, Ohio, to Cincinnati, Ohio, serving no intermediate points; *iron and steel products*, in truckloads, over irregular routes, from points in Kentucky within ten miles of Cincinnati, Ohio, to Butler Pa.; *steel* and *tin plate*, in truckloads, from Weirton and Beechbottom, W. Va., and points within ten miles of Weirton and Beechbottom, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio: *steel, tin plate*, and *hides*, in truckloads, from Wheeling, W. Va., and points within ten miles of Wheeling, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *steel, petroleum* and *petroleum products*, in truckloads, from points in Allegheny County, Pa., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *petroleum and petroleum products*, in containers, in truckloads, from Butler and Freedom, Pa., and St. Marys, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *antifreeze compounds*, in truckloads, from places of manufacture in that part of Kanawha County, W. Va., known as Belle, to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *glass*, in truckloads, from Owens and Huntington, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *glass products*, in truckloads, from Washington, Pa., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *waste paper and rags*, in truckloads, from Charleston and Huntington, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *oil* in containers, in truckloads, from Cabin Creek, W. Va., to Cincinnati, Ohio, and points within ten miles of Cincinnati, Ohio; *iron and steel products*, between Covington, Newport and Wilder, Ky., on the one hand, and, on the other, points in Ohio; *machinery and machinery parts*, and etc., between Newport and Wilder, Ky., on the one hand, and, on the other, points in Ohio, between points in Allegheny County, Pa., on the one hand, and, on the other, Newport and Wilder, Ky. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.73-18358 Filed 8-28-73;8:45 am]

[Notice No. 342]

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 18, 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–74446. By order of August 21, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Trecho Transport, Inc., Hornell, N.Y., of the operating rights in Certificate No. MC–126109 issued September 3, 1964, to L. E. Hilton Trucking Co., Inc., Geneva, N.Y., authorizing the transportation of fertilizer, in bulk, in dump vehicles, in bags, from points in Livingston and Wayne Counties, N.Y., to points in Bradford, Lackawanna, Potter, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa. S. Michael Richard, Registered Practitioner, 44 North Avenue, Webster, N.Y. 14580 representative for applicants.

No. MC–FC–74609. By order of August 21, 1973, the Motor Carrier Board approved the transfer to Leon Ledbetter Trucking, Inc., Amarillo, Tex., of Certificates Nos. MC–125000 (sub-No. 3), and MC–125000 (sub-No. 6), issued to Leon Ledbetter, Vega, Tex., authorizing the transportation of: Sand, gravel, stone, rock, dirt, etc., between specified points and areas in Texas, Oklahoma, and Colorado. John S. Fessenden, 618 Perpetual Bldg., Washington, D.C. 20004, attorney for applicants.

No. MC–FC–74643. By order of August 22, 1973, the Motor Carrier Board approved the transfer to Beverage Distributor's, Inc., Yakima, Wash. 98902, of Permit No. MC–135680 (sub-No. 2), issued March 30, 1973, to Fred C. Williams, Yakima, Washington 98902, authorizing the transportation of malt beverages, from Los Angeles and San Francisco, Calif., and Portland, Oreg., to Wenatchee and Ephrata, Wash., under contract with Columbia Distributing Company of Ephrata and Wenatchee, Wash. Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214, attorney for applicants.

No. MC-FC-74666. By order entered August 21, 1973, the Motor Carrier Board approved the transfer to P L Truck Service, Inc., Vancouver, Wash., of the operating rights set forth in Certificates Nos. MC-133333 (sub-No. 1), MC-133333 (sub-No. 4), and MC-133333 (sub-No. 5), issued by the Commission March 16, 1970, March 23, 1973, and November 5, 1971, respectively, to Jack A. Hart, doing business as Parts Locator Service, Vancouver, Wash., authorizing the transportation of used automobile and truck parts, between points in Washington and Oregon; uncrated used automobile and truck parts (except rebuilt parts), between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington; and used automobile and truck parts, uncrated, between points in California, on the one hand, and, on the other, points in Oregon, Washington, and Idaho. Lawrence V. Smart, Jr., 419 Northwest 23d Ave., Portland, Oreg., attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18354 Filed 8-28-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 24, 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. 54205, filed July 26, 1973. Applicant: PENINSULA AIR DELIVERY, 2443 Wyandotte St., Mountain View, Calif. 94040. Applicant's representative: Dennis D. Kendall, 3801 Magnolia Dr., Palo Alto, Calif. 94306. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided, between all points and places in and within 5 miles of points in the San Francisco Territory, which is described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean, thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101, southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simia to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive, southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and 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 semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank seimtrailers, 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. 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 Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 104 (sub-No. 2), filed August 15, 1973. Applicant: MURFREESBORO FREIGHT LINE CO., INC., P.O. Box 1113, Murfreesboro, Tenn. 37130. Applicant's representative: Val Sanford, 23rd Floor, Life and Casualty Tower, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment, between Memphis, Tenn., and Nashville, Tenn., over Interstate Highway 40 and return over the same route serving no intermediate points; to be used in conjunction with applicant's existing authority; but restricted against the transportation of freight originating at, or destined to, or interchanged at Nashville, the latter point being a point for tacking only. For operating convenience only, the following alternate route: From Murfreesboro, Tenn., via Tennessee Highway 96 to its junction with Tennessee Highway Highway 100, thence by Tennessee Highway 100 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis and return over the same route, serving no intermediate points. Intrastate, interstate and foreign commerce authority sought.

HEARING.—November 13, 1973, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4978 (sub-No. 2), filed August 9, 1973. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Road, Murfreesboro, Tenn. 37130. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment, between Murfreesboro, Tenn., and Memphis, Tenn., as follows: (1) From Murfreesboro over Interstate Highway 24 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points, and (2) From Murfreesboro over Tennessee Highway 96 to its junction with Tennessee Highway 100 thence over Tennessee Highway 100 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis, and return over the same route, serving no intermediate points. Said authority to be used in conjunction with applicant's existing authority subject only to the following restriction: "Restricted against the handling of any traffic which originates at, is destined to, or interchanged at any point in Davidson County, Tenn." Intrastate, interstate and foreign commerce authority sought.

HEARING.—October 17, 1973, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

By The Commission.

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

[FR Doc.73-18351 Filed 8-28-73;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.

1 CFR

Page

Ch. 1 20435

3 CFR

EXECUTIVE ORDERS:

EO of July 2, 1910 (revoked in part by PLO 5379) 22470
EO of July 22, 1913 (revoked in part by PLO 5379) 22470
EO of August 22, 1919 (revoked in part by PLO 5379) 22470
6143 (revoked in part by PLO 5374) 21168
6276 (revoked in part by PLO 5374) 21168
6583 (revoked in part by PLO 5374) 21168
10122 (amended by EO 11733) 20431
10400 (see EO 11733) 20431
11287 (amended by EO 11734) 20433
11548 (superseded by 11735) 21387
11708 (amended by EO 11736) 21387
11732 20429
11733 20431
11734 20433
11735 21243
11736 21387

PROCLAMATIONS:

863 (partially revoked by PLO 5378) 22550
4231 22115
4232 22117
4233 22213
4234 22365
4235 22367
4236 22369
4237 22883
4238 23309

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of June 29, 1973 20805

4 CFR

PROPOSED RULES:

406 21276

5 CFR

210 22535
213 ..... 21170, 21621, 21776, 21933, 22215, 22378, 22465, 22535, 23312

5 CFR—Continued

Page

451 22535
511 22536
534 22536
771 22960
1001 20817
2410 22765

6 CFR

102 21972
130 ..... 20461, 21170, 22790, 22961
140 ..... 20609, 21592, 21933, 22790
150 ..... 20462, 20463, 21170, 21592, 21933, 21978, 22119, 22536
155 21981

PROPOSED RULES:

150 22797

7 CFR

2 22955
6 23312
15 22465
26 21639
53 23312
70 22130
210 21777
215 ..... 20440, 21777
220 21777
225 ..... 21497, 21777
270 22465
271 ..... 21917, 22465
272 22466
301 ..... 21639, 22885
354 22466
409 21994
722 20840
777 22766
811 23317
814 23318
859 21268
876 22627
908 ..... 20609, 21171, 21498, 22130, 22629
910 ..... 20841, 22131, 22215, 22767
911 ..... 20840, 21642
915 21778
916 21389
917 ..... 20843, 21389
919 ..... 20842, 21778
924 21642
925 ..... 20842, 21643
926 ..... 21389, 21643

7 CFR—Continued

Page

927 21171
928 21269
930 22131
931 22885
946 22885
947 21644
948 ..... 21779, 21995, 22215
967 22371
989 ..... 21390, 22132, 22886
993 ..... 22216, 22886, 22887
1050 22216
1421 ..... 20440, 21644, 22371, 22372, 22446, 22543, 22630
1427 ..... 21995, 22543, 22768
1446 22887
1473 ..... 20843, 21779
1822 20440
1872 22544

PROPOSED RULES:

29 22239
44 21416
52 ..... 21785, 22406, 22654, 22897
56 20896
301 21935
722 22560
910 22149
928 22240
929 22554
930 22897
931 ..... 21271, 21499
946 21648
948 22964
959 22240
981 ..... 29965, 22966
989 20898
991 22040
993 20899
1001 22803
1002 ..... 22559, 22803
1004 22803
1006 22803
1007 22803
1011 22803
1012 22803
1013 22803
1015 22803
1030 22803
1032 22803
1033 22803
1036 22803

40 CFR—Continued Page

PROPOSED RULES—Continued

35 ... 21342
39 ... 22635
52 ... 20469, 20752, 20758, 20766, 20769, 20779, 20789, 20851, 21505, 21803, 22045, 22419, 22495, 23340
162 ... 22636
180 ... 21435, 22897
202 ... 20852
401 ... 22606
409 ... 22610
426 ... 22606

41 CFR

1-12 ... 21404
1-16 ... 21405
1-18 ... 21405
4-4 ... 21631
5A-1 ... 22124, 22475
5A-3 ... 22475
5A-16 ... 22476
5A-76 ... 22476
6-1 ... 22894
6-6 ... 22894
6-7 ... 22895
8-6 ... 21924
14-1 ... 21157, 21496, 22476
14-7 ... 21496
14-12 ... 21157
15-1 ... 21497
15-3 ... 20836
15-16 ... 21157
15-30 ... 20836, 20837
18-1 ... 23327
18-2 ... 23328
18-5 ... 23331
60-10 ... 21633
101-32 ... 22227, 22476
101-39 ... 22229
109-40 ... 22549
114-35 ... 22373
114-45 ... 20617

PROPOSED RULES:

15-60 ... 22637
50-201 ... 22408
114-51 ... 20617

42 CFR

37 ... 21784, 22122
57 ... 20447

PROPOSED RULES:

51 ... 20994
54b ... 22968
81 ... 20994, 22242

43 CFR

4 ... 21162
17a ... 21162
3110 ... 22230
4110 ... 22003
4120 ... 22003
4700 ... 22003

PROPOSED RULES:

6 ... 22036
1820 ... 22967
3000 ... 21416
3200 ... 21416
3860 ... 22897
9180 ... 22897

PUBLIC LAND ORDERS:

1726 (see PLO 5853) ... 22551
3965 (partially revoked by PLO 5377) ... 22550

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued

5158 ... 22470
5342 ... 22470
5354 ... 22002
5355 ... 22002
5362 ... 22002
5372 ... 21167
5373 ... 21168
5374 ... 21168
5375 ... 22550
5376 ... 22550
5377 ... 22550
5378 ... 22550
5379 ... 22470
5380 ... 22550
5381 ... 22551
5382 ... 22551
5383 ... 22551
5384 ... 22552
5385 ... 22552
5386 ... 22625

45 CFR

5 ... 22230
205 ... 22007
206 ... 22009
233 ... 22010, 23337
124 ... 21788
129 ... 21924
185 ... 21646
249 ... 21413

PROPOSED RULES:

67 ... 20465
205 ... 21936, 22042, 22141
249 ... 21936
250 ... 21936, 22242, 22415
405 ... 21936

46 CFR

10 ... 22787, 22788
12 ... 22787
31 ... 22787
71 ... 22787
72 ... 20448
91 ... 22787
92 ... 20448
105 ... 22787
111 ... 22788
160 ... 21784
175 ... 22787
176 ... 22787
187 ... 22787
188 ... 22787
189 ... 22787
190 ... 20448
294 ... 20807

PROPOSED RULES:

160 ... 22492, 22980
531 ... 21941, 22244
536 ... 21941, 22244
538 ... 22495
542 ... 21941

47 CFR

1 ... 22225
2 ... 20436, 20618, 22385
23 ... 22477
73 ... 20619, 20620, 21169, 21265, 21927, 21929, 22010, 22012, 22385, 22789
76 ... 20439
83 ... 22958
87 ... 21169, 22226
89 ... 20436, 22014, 22385

47 CFR—Continued Page

91 ... 20437, 22014, 22385
93 ... 20439, 22015, 22385

PROPOSED RULES:

73 ... 20469, 20627, 21651, 21940
95 ... 22046

49 CFR

1 ... 20449, 21413, 21930
85 ... 22388, 22789
171 ... 21990
172 ... 20838
173 ... 20838, 21990, 22552
178 ... 20839, 21990, 22552
571 ... 20449, 21930, 22125, 22390, 22397, 22790, 22958
572 ... 20449
1006 ... 21932
1033 ... 20621, 20622, 20840, 21170, 21414, 21638, 22398, 22482, 22552, 22625, 22790
1059 ... 21932
1107 ... 20623, 22125
1203 ... 21746
1300 ... 21932
1304 ... 21933
1307 ... 21933
1308 ... 21933
1309 ... 21933

PROPOSED RULES:

173 ... 22901
177 ... 22901
192 ... 21182, 22044
195 ... 21182
Ch. II ... 21503
217 ... 21797, 22043
221 ... 22417
390 ... 22244
391 ... 22244
392 ... 22244
393 ... 22244
394 ... 22244
395 ... 22244
396 ... 22244
397 ... 22244
571 ... 22417, 22493, 22904
575 ... 21939
581 ... 20899, 22492
1107 ... 21436
1201 ... 21436
1241 ... 22650
1310 ... 20852, 22654

50 CFR

1 ... 22015
10 ... 22015
20 ... 20456, 22021, 22626, 22896, 23312
28 ... 20624, 22482
32 ... 20461, 20624, 20625, 21414, 21415, 21497, 21776, 22024, 22025, 22125-22129, 22234, 22235, 22398, 22399, 22483, 22487, 22488, 22553, 22626, 22790, 22896, 22959, 23311
33 ... 22236, 22959
240 ... 22399

PROPOSED RULES:

18 ... 22143, 22967
19 ... 22967
32 ... 22036
216 ... 22133, 22490

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	Date
20423–20601	Aug. 1
20603–20798	2
20800–21139	3
21141–21235	6
21237–21380	7
21381–21479	8
21481–21613	9
21615–21735	Aug. 10
21737–21909	13
21911–21965	14
21967–22108	15
22109–22205	16
22207–22358	17
22359–22457	20
22459–22527	Aug. 21
22529–22614	22
22615–22758	23
22759–22876	24
22877–22947	27
22949–23301	28
23303–23388	29

federal register

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PART II

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

METAL AND NONMETALLIC MINE SAFETY

Health and Safety Standards

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetal mines, there was published on Saturday, December 9, 1972, a notice of proposed rulemaking in Part II of the FEDERAL REGISTER (37 FR 26378), to amend Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising and revoking certain standards currently in force and by adding a new standard. Each of the standards contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which is to be a mandatory standard was so designated by the word "Mandatory" which appeared at the beginning of the standard and if a standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, such standard was identified by the letters "MNM SAC." Under the provisions of subsection 6(e) of the Act (30 U.S.C. 725(e)) a standard recommended by the Advisory Committee was not subject to hearings.

Subject to the provisions of subsection 6(e) of the Act and in accordance with the provisions of subsection 6(d) (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed standard, which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the Administrative Procedure Act) on such objection.

Interested persons were afforded a period of 30 days from the date of publication of the proposed amendments in which to submit written data, views, arguments and requests for a hearing. Such period was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2219).

There were no hearings requested on the standards which are promulgated below. All of the data, views or arguments received concerning these standards were given careful consideration by the Department.

In response to a recommendation that proposed mandatory standard 55.4–48 specify the length of time that records are to be kept of employee instruction on fire alarm signals and applicable procedures to be followed in case of fire or other disaster, the proposed standard has been revised to provide that these records shall be retained for two years. In addition, an editorial change substituting "emergency" for "disaster" has been made in the proposed standard. The intention of this standard is to avert disasters by having pre-planned and disciplined response by employees to fires and other emergencies.

In order that the Secretary may carry out his responsibilities under the Federal Metal and Nonmetallic Mine Safety Act, and enforce mandatory health and safety standards by the systematic inspection and investigation of conditions and practices at each open pit mine covered by the Act, it is essential that the Secretary be notified of the approximate or actual date on which operations will commence at new mines or at reactivated mines and the closing of mines so that the Mining Enforcement and Safety Administration may efficiently schedule and conduct inspections and investigations which are required under the Act, and it is for these reasons § 55.26–1 has been proposed. In response to a suggestion received § 55.26–1 has been revised to provide that if an open pit mine is located in a State where a State Plan Agreement, approved by the Secretary under section 16 of the Act (30 U.S.C. 735), is in effect, the owner, operator or person in charge shall notify the appropriate State agency of the opening and closing of the mine.

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below:

Effective dates.—The effective dates of the new standards, and amendments, revisions, and revocation of standards are as follows:

1. Standards 55.4–48 and 55.26–1 shall become effective on August 29, 1973.

2. Standard 55.4–32 is revoked effective August 29, 1973.

3. The amendment and revision of standard 55.18–10 shall become effective on October 1, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

Part 55, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 55.4 [Amended]

1. Standard 55.4–32, promulgated on July 31, 1969 (34 FR 12505), is revoked.

2. New standard 55.4–48 is added to read as follows:

55.4–48 *Mandatory.*—All employees shall be instructed at least once each calendar year on fire alarm signals and applicable procedures to be followed in case of fire or other emergency. Records of instruction shall be kept for two years.

§ 55.18 [Amended]

3. Standard 55.18–10, promulgated on July 31, 1969 (34 FR 13509), is revised to read as follows:

55.18–10 *Mandatory.*—Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees.

4. A new § 55.26, Procedures, and new standard 55.26–1 are added to read as follows:

§ 55.26 Procedures.

NOTIFICATION OF COMMENCEMENT OF OPERATIONS AND CLOSING OF MINES

55.26–1 *Mandatory.*—The owner, operator, or person in charge of any metal or nonmetal mine shall notify the nearest Mining Enforcement and Safety Administration Metal and Nonmetal Mine Health and Safety subdistrict office or the State agency if the mine is located in a State which has a State Plan Agreement in effect, before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall notify the nearest subdistrict office or State agency as provided above, and indicate whether the closure is temporary or permanent.

[FR Doc.73-18228 Filed 8-28-73;8:45 am]

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise and promulgate health and safety standards for metal and nonmetal mines, there was published on Saturday, December 9, 1972 a notice of proposed rulemaking in Part II of the FEDERAL REGISTER (37 FR 26378), to amend Part 56, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising and revoking certain standards currently in force and by adding a new standard. Each of the standards contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which is to be a mandatory standard was so designated by the word "Mandatory" which appeared at the beginning of the standard and if a standard has been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, such standard was identified by the letters "MNMSAC." Under the provisions of subsection 6(e) of the Act (30 U.S.C. 725(e)) the standard recommended by the Advisory Committee was not subject to hearings.

Subject to the provisions of subsection 6(e) of the Act and in accordance with the provisions of subsection 6(d) (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed standard, which had not been

recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the Administrative Procedure Act) on such objection.

Interested persons were afforded a period of 30 days from the date of publication of the proposed amendments in which to submit written data, views, arguments and requests for a hearing. Such period was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2219).

There were no hearings requested on the standards which are promulgated below. All of the data, views, or arguments received concerning these standards were given careful consideration by the Department. In response to a recommendation that proposed mandatory standard 56.4–48 specify the length of time that records are to be kept of employee instruction on fire alarm signals and applicable procedures to be followed in case of fire or other disaster, the proposed standard has been revised to provide that these records shall be retained for 2 years. In addition, an editorial change substituting "emergency" for "disaster" has been made in the proposed standard. The intention of this standard is to avert disasters by having pre-planned and disciplined response by employees to fires and other emergencies.

In order that the Secretary may carry out his responsibilities under the Federal Metal and Nonmetallic Mine Safety Act, and enforce mandatory health and safety standards by the systematic inspection and investigation of conditions and practices at each sand, gravel, or crushed stone operation covered by the Act, it is essential that the Secretary be notified of the approximate or actual date on which operations will commence at new mines or at reactivated mines and the closing of mines so that the Mining Enforcement and Safety Administration may efficiently schedule and conduct inspections and investigations which are required under the Act, and it is for these reasons § 56.26–1 has been proposed. In response to a suggestion received § 56.26–1 has been revised to provide that if a sand, gravel, or crushed stone operation is located in a state where a State Plan Agreement, approved by the Secretary under section 16 of the Act (30 U.S.C. 735), is in effect, the owner, operator or person in charge shall notify the appropriate State agency of the opening and closing of the sand, gravel or crushed stone operation.

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below:

Effective dates.—The effective dates of the new standards, and amendments, revisions and revocations of standards are as follows:

1. Standards 56.4–48 and 56.26–1 shall become effective upon August 29, 1973.

2. Standard 56.4–32 is revoked effective August 29, 1973.

3. The amendment and revisions of standard 56.18–10 shall become effective on October 1, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

Part 56, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 56.4 [Amended]

1. Standard 56.4–32, promulgated on July 31, 1969 (34 FR 12512), is revoked.

2. New standard 56.4–48 is added to read as follows:

56.4–48 *Mandatory.*—All employees shall be instructed at least once each calendar year on fire alarm signals and applicable procedures to be followed in case of fire or other emergency. Records of instruction shall be kept for 2 years.

§ 56.18 [Amended]

3. Standard 56.18–10, promulgated on July 31, 1969 (34 FR 12515), is revised to read as follows:

56.18–10 *Mandatory.* — Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees.

4. A new § 56.26, Procedures, and a new standard 56.26–1 are added to read as follows:

§ 56.26 Procedures.

NOTIFICATION OF COMMENCEMENT OF OPERATIONS AND CLOSING OF MINES

56.26–1 *Mandatory.*—The owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest Mining Enforcement in Safety Administration Metal and Nonmetal Mine Health and Safety subdistrict office or the State agency if the mine is located in a State which has a State Plan Agreement in effect, before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall notify the nearest subdistrict office or State agency as provided above and indicate whether the closure is temporary or permanent.

[FR Doc.73–18227 Filed 8–28–73; 8:45 am]

PART 57—HEALTH AND SAFETY STANDARDS; METAL AND NONMETALLIC UNDERGROUND MINES

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetal mines, there was published in the FEDERAL REGISTER on Saturday, December 9, 1972, a notice of proposed rulemaking in Part II of the FEDERAL REGISTER (37 FR 26379–16380), to amend Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising and revoking certain standards currently in force and by adding new standards. Each of the standards contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which is to be a mandatory standard was so designated by the word "Mandatory" which appeared at the beginning of the standard and if a standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, such standard was identified by the letters "MNM SAC." On Friday, December 17, 1971, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (36 FR 24044–24046) proposing to renumber § 57.4–34 to § 57.4–47 and applicable to surface only and to add a new § 57.4–75 which applies to underground only. These revisions were recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee. Under the provisions of subsection 6(e) of the Act (30 U.S.C. 725(e)), standards recommended by the Advisory Committee are not subject to hearings.

Subject to the provisions of subsection 6(e) of the Act and in accordance with the provisions of subsection 6(d) (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed standard, which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the Administrative Procedure Act) on such objection.

Interested persons were afforded a period of 45 days from the date of publication of the proposed amendments on December 17, 1971, and a period of 30 days from the date of publication of the proposed amendments on December 9, 1972 in which to submit written data, views, arguments, and requests for a hearing (only for those proposed mandatory standards which were not recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee which were published on December 9, 1972). The 30 day period provided in the notice of December 9, 1972, was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2219).

There were no hearings requested on the standards which are promulgated below. All of the data, views, or arguments received concerning these standards were given careful consideration by the Department. In response to the data, views, and arguments received, the following changes in the proposed standards have been made:

A. It was recommended that proposed mandatory standard 57.4–48 specify the length of time that records are to be kept of employee instructions on fire alarm

signals and applicable procedures to be followed in case of fire or other disaster. The proposed standard has been revised to provide that these records shall be retained for 2 years. In addition, an editorial change substituting "emergency" for "disaster" has been made in the proposed standard. The intention of this standard is to avert disasters by having pre-planned and disciplined response by employees to fires and other emergencies.

B. It was recommended that proposed mandatory standard 57.4–74 be clarified. Since the standard applies only to persons working underground and to those surface personnel who are involved in escape and evacuation plans, the phrase "at an underground operation" has been clarified to specify that all employees "involved in the escape and evacuation plans for an underground operation" will be instructed on the plans. In response to a recommendation the proposed standard has been expanded to apply to employees who normally work in more than one area of an underground mine such as maintenance men, electricians, carpenters, laborers, supervisors and others by adding, "However, employees who normally work in more than one area of the underground mine shall be instructed at least once each calendar year in the location of escapeways for all areas of the mine in which they normally work or travel." The proposed standard has also been revised to provide that these records are to be retained for a period of two years.

C. Proposed mandatory standard 57.4–73 is also revised to provide that records of underground mine evacuation drills are to be retained for 2 years.

In order that the Secretary may carry out his responsibilities under the Federal Metal and Nonmetallic Mine Safety Act, and enforce mandatory health and safety by systematic inspection and investigation of conditions and practices at each underground mine covered by the Act, it is essential that the Secretary be notified of the approximate or actual date on which operations will commence at new mines or at reactivated mines and the closing of mines so that the Mining Enforcement and Safety Administration may efficiently schedule and conduct inspections and investigations which are required under the Act, and it is for these reasons § 55.26–1 has been proposed. In response to a suggestion received, § 57.26–1 has been revised to provide that if an underground mine is located in a State where a State Plan Agreement, approved by the Secretary under section 16 of the Act (30 U.S.C. 735), is in effect, the owner, operator, or person in charge shall notify the appropriate State agency of the opening and closing of the mine.

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below:

Effective dates.—The effective dates of the new standards, and amendments, revisions, and revocations of standards are as follows:

1. Standards 57.4–48, 57.4–73, 57.4–74, and 57.26–1 shall become effective on August 29, 1978.

2. Standard 57.4–32 is revoked effective on August 29, 1978.

3. Standards 57.11–58, 57.18–10, the renumbering of standard 57.4–34 to 57.4–47, 57.4–75, and the revocation of standard 57.18–27 shall become effective on October 1, 1973.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

Part 57, Title 30, Code of Federal Regulations, is amended and revised as follows:

§ 57.4 [Amended]

1. Standard 57.4–32, promulgated on July 31, 1969 (34 FR 12519), is revoked.

2. Standard 57.4–34, promulgated on July 31, 1969 (34 FR 12519), which applies to surface and underground operations, is renumbered 57.4–47, and applies to surface operations only.

3. New standard 57.4–48, which applies to surface operations only, is added to read as follows:

57.4–48 *Mandatory.*—All employees shall be instructed at least once each calendar year on fire-alarm signals and applicable procedures to be followed in case of fire or other emergency. Records of instruction shall be kept for 2 years.

4. New standard 57.4–73, which applies to underground operations only, is added to read as follows:

57.4–73 *Mandatory.*—Mine evacuation drills shall be held for each shift once every 6 months. These evacuation drills shall involve all employees on each shift and shall include:

(a) Activation of the fire-alarm system.

(b) Evacuation of all men from their work areas to the surface or to designated central evacuation points at some time other than a shift change.

Records of such drills, showing the time and date, shall be kept for at least 2 years after each drill.

5. New standard 57.4–74, which applies to underground operations only, is added to read as follows:

57.4–74 *Mandatory.*—All employees involved in the escape and evaluation plan for an underground operation shall be instructed at least once each calendar year on current escape and evaluation plans, fire-alarm signals, and applicable procedures to be followed in case of fire or other emergency. New employees shall receive such instructions before going underground. Whenever an employee is assigned to work in another area of the mine he shall be instructed on the escapeway for that area at the time of such assignment. However, employees who normally work in more than one area of the mine shall be instructed at least once each calendar year in the location of escapeways for all areas of the mine in which they normally work or travel. Whenever a change is made in escape and evaluation plans and procedures for any area of the mine, all affected employees shall be instructed of such change. Records of instruction shall be kept for 2 years.

6. New standard 57.4–75, which applies to underground operations only, is added to read as follows:

57.4–75 *Mandatory.*—Belt conveyors shall be equipped with slippage and sequence switches.

§ 57.11 [Amended]

7. New standard 57.11–58, which applies to underground operations only, is added to read as follows:

57.11–58 *Mandatory.*—Each operator of an underground mine shall establish a check-in and check-out system which shall provide an accurate record of persons in the mine. These records shall be kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazards. Every person underground shall carry a positive means of being identified.

§ 57.18 [Amended]

8. Standard 57.18–10, promulgated on July 31, 1969 (34 FR 12524), is revised to read as follows:

57.18–10 *Mandatory.*—Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees.

9. Standard 57.18–27, promulgated on July 31, 1969 (34 FR 12524), is revoked.

10. A new § 57.26, *Procedures*, and a new standard 57.26–1 are added to read as follows:

§ 57.26 Procedures.

NOTIFICATION OF COMMENCEMENT OF OPERATIONS AND CLOSING OF MINES

57.26–1 *Mandatory.*—The owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest Mining Enforcement and Safety Administration Metal and Nonmetal Mine Health and Safety subdistrict office or the State agency if the mine is located in a State which has a State Plan Agreement in effect, before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall notify the nearest subdistrict office or State agency as provided above and indicate whether the closure is temporary or permanent.

[FR Doc.73–18235 Filed 8–28–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 55]

METAL AND NONMETALLIC OPEN PIT MINES

Proposed Health and Safety Standards

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetal mines, it is proposed to amend Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by adding, revoking, and revising certain standards pertaining to air quality and physical agents, explosives, rotary jet piercing, electricity, personal protection, and man hoisting as set forth below. These standards have been developed after consultation with the Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard will be preceded by the word "Mandatory" and the letters "MNMSAC" in this manner *"Mandatory—MNMSAC."*

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) proposed mandatory standards which have been recommended by the Advisory Committee, are not subject to hearings.

Interested persons may on or before October 15, 1973, submit written data, views, arguments, or objections to the proposals. All communications should be addressed to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

§ 55.5 [Amended]

1. It is proposed to revise mandatory standard 55.5–1, promulgated on December 8, 1970 (35 FR 18587), as follows:

55.5–1 *Mandatory—MNMSAC.*—Except as permitted by § 55.5–5:

(a) The exposure to airborne contaminants, excluding asbestos, shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1972 edition of the Conference's publication, entitled "TLV's Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, which are hereby incorporated by reference and made a part hereof. This publication may be obtained from the American Conference of Governmental Industrial Hygienists by writing to the Secretary-Treasurer, P.O. Box 1937, Cincinnati, Ohio 45201, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) The time weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 x magnification (4 millimeter objective) phase contrast illumination, as set forth in the 1972 edition of the Conference's publication, entitled "TLV's Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, as incorporated in subsection (a) of this section except that the intended change in TLV's for asbestos (all types) on page 37 shall be the threshold limit value for the purposes of this section. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

2. It is proposed to revise mandatory standard 55.5–5, promulgated on December 8, 1970 (35 FR 18587), as follows:

55.5–5 *Mandatory.*—Control of employee exposure to harmful airborne contaminants shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Mining Enforcement and Safety Administration approved respirators which are applicable and suitable for the purpose intended shall be furnished, and employees shall use the protective equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute and entitled "American National Standards Practices for Respiratory Protection ANSI Z88.2–1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

3. It is proposed to revise the heading of § 55.5 to read § 55.5 *Air quality and physical agents* and to add a new mandatory standard 55.5–50, as follows:

55.5–50 *Mandatory—MNMSAC.*—(a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting the specifications contained in ANSI S1.4–1971, published by the American National Standards Institute and entitled "American National Standard Specification for Sound Level Meters, ANSI S1.4–1971," approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

PERMISSIBLE NOISE EXPOSURES

Duration per day, hours of exposure	*Sound level dBA, slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

NOTE.—When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum $\frac{C_1}{T_1}+\frac{C_2}{T_2}+\cdots\frac{C_n}{T_n}$ exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total time of exposure at a specified noise level, T_n indicates the total time of exposure permitted at that level.

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to within permissible levels, personal protective equipment shall be provided and used to reduce personnel sound-level exposures to within the values of the table.

§ 55.6 [Amended]

4. It is proposed to revise mandatory standard 55.6–5, promulgated on December 8, 1970 (35 FR 18587), as follows:

55.6–5 *Mandatory—MNMSAC.*—Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of rubbish, brush, dry grass, or trees (other than live trees 10 or more feet tall), for a distance not less than 25 feet in all directions, and other unnecessary combustible materials for a distance of not less than 50 feet.

5. It is proposed to add a new mandatory standard 55.6–12, as follows:

55.6–12 *Mandatory—MNMSAC.*—Prior to interior repair of facilities for storage of explosives, including blasting agents, all materials stored within the facility shall be removed and the interior cleaned. Prior to the exterior repair of such facilities, all materials stored within the facility shall be removed if there exists a possibility that such repairs may produce a spark or flame. The explosives removed from storage facilities to be repaired shall be placed either in other storage facilities appropriate for the storage of such materials under this section or a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed and the materials have been returned to storage within the facilities.

§ 55.8 [Amended]

6. It is proposed to add a new mandatory standard 55.8–6, as follows:

55.8–6 *Mandatory—MNMSAC.*—The oxygen intake coupling on jet-piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

7. It is proposed to add a new mandatory standard 55.8–7, as follows:

55.8–7 *Mandatory—MNMSAC.*—The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

§ 55.12 [Amended]

8. It is proposed to revise advisory standard 55.12–32, promulgated on July 31, 1969 (34 FR 12507) and to make it mandatory, as follows:

55.12–32 *Mandatory—MNMSAC.*—Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

§ 55.15 [Amended]

9. It is proposed to revoke advisory standard 55.15–12, promulgated on February 25, 1970 (35 FR 3664).

§ 55.19 [Amended]

10. It is proposed to revise mandatory standard 55.19–17, promulgated on July 31, 1969 (34 FR 12509) as follows:

55.19–7 *Mandatory—MNMSAC.*—All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

11. It is proposed to add a new mandatory standard 55.19–13, as follows:

55.19–13 *Mandatory — MNMSAC.*—Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

12. It is proposed to revise mandatory standard 55.19–24, promulgated on February 25, 1970 (35 FR 3665), as follows:

55.19–24 *Mandatory — MNMSAC.* — The rope shall be attached to the load by the thimble-and-clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble-and-clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead-end" of the rope, and the distance between clips shall comply with the figures in the accompanying table.

(c) The following number of clips and clip nut torques shall be used for right regular or lang lay wire rope, 6 x 19 class or 6 x 37 class, fiber core or independent wire rope core (IWRC):

(Follow manufacturer's recommendation for other kinds of wire rope and clips.)

Wire rope diameter (inches)	Minimum number of clips	Spacing of clips (inches)	Torque required (ft.-lbs.)	
			U-bolt	Fist grip
¼	3	2	6	20
5/16	3	2½	12	20
⅜	3	2½	20	35
7/16	3	2¾	40	65
½	3	3	40	65
9/16	3	3½	75	125
⅝	4	3¾	75	125
¾	4	4½	120	220
⅞	4	5¼	220	220
1	5	6	220	220
1⅛	6	6¾	220	360
1¼	6	7½	360	360
1⅜	7	8¼	360	500
1½	7	9	360	500
1⅝	7	9¾	430	
1¾	7	10½	500	
1⅞	8	11¼	750	
2	8	12	750	
2¼	8	13	750	
2½	8	14	750	

(d) Apply the initial load and retighten clip nuts to the recommended torque.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in paragraph (c) of this standard.

13. It is proposed to revise advisory standard 55.19–26, promulgated on July 31, 1969 (34 FR 12509) and make it mandatory, as follows:

* * * * *

55.19–26 *Mandatory—MNMAC.*—Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

14. It is proposed to add a new standard 55.19–109, as follows:

* * * * *

55.19–109 *Mandatory—MNMSAC.*—Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

15. It is proposed to add a new standard 55.19–129, as follows:

55.19–129 *Mandatory—MNMSAC.*—Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

[FR Doc.73–18229 Filed 8–28–73;8:45 am]

[30 CFR Part 56]

SAND, GRAVEL AND CRUSHED STONE OPERATIONS

Proposed Health and Safety Standards

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetal mines it is proposed to amend Part 56, Subchapter H, Chapter I, Title 30, Code of Federal Regulations, by adding, revoking, and revising certain standards pertaining to air quality and physical agents, explosives, rotary jet piercing, electricity, personal protection and man hoisting, as set forth below. These standards have been developed after consultation with the Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard will be preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "*Mandatory—MNMSAC.*"

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objections.

Pursuant to the provisions of section (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended by the Advisory Committee, are not subject to hearings.

Interested persons may, on or before October 15, 1973, submit written data, views, arguments or objections to the proposals. All communications should be addressed to the Administrator, Mining

Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

§ 56.5 [Amended]

1. It is proposed to revise mandatory standard 56.5–1 promulgated on December 8, 1970 (35 FR 18589), as follows:

56.5–1 *Mandatory—MNMSAC.*—Except as permitted by § 56.5–5:

(a) The exposure to airborne contaminants, excluding asbestos, shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, which are hereby incorporated by reference and made a part hereof. This publicaion may be obtained from the American Conference of Governmental Industrial Hygienists by writing to the Secretary-Treasurer, P.O. Box 1937, Cincinnati, Ohio 45201, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) The time weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 x magnification (4 millimeter objective) phase contrast illumination, as set forth in the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, as incorporated in subsection (a) of this section, except that the intended change in TLV's for asbestos (all types) on page 37 shall be the threshold limit value for the purposes of this section. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

2. It is proposed to revise mandatory standard 56.5–5, promulgated on December 8, 1970 (35 FR 18589), as follows:

* * * * *

56.5–5 *Mandatory.*—Control of employee exposure to harmful airborne contaminants, shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of the work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Mining Enforcement and Safety Administration approved respirators which are applicable and suitable for the purpose intended shall be furnished, and employees shall use the protective respiratory equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute and entitled "American National Standard Practices for Respirator Protection, ANSI Z88.2–1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

* * * * *

3. It is proposed to revise the heading of § 56.5 to read § 56.5 *Air quality and physical agents* and to add a new mandatory standard 56.5–50, as follows:

56.5–50 *Mandatory—MNMSAC.*—(a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting the specifications contained in ANSI S1.4–1971, published by the American National Standards Institute and entitled "American National Standard Specifications for Sound Level Meters, ANSI S1.4–1971," approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York; New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

PERMISSIBLE NOISE EXPOSURES

Duration per day, hours of exposure	*Sound level dBA, slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

NOTE.—When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum $C_1/T_1+C_2/T_2+ \cdots C_n/T_n$

exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total times of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to permissible levels, personal protective equipment shall be provided and used to reduce personnel sound-level exposures to within the values of the table.

§ 56.6 [Amended]

4. It is proposed to revise advisory standard 56.6–5, promulgated on February 25, 1970 (35 FR 3667), and make it mandatory, as follows:

56.6–5 *Mandatory—MNMSAC.*—Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of rubbish, brush, dry grass, or trees (other than live trees 10 or more feet tall), for a distance not less than 25 feet in all directions, and other unnecessary combustible materials for a distance of not less than 50 feet.

5. It is proposed to add a new mandatory standard 56.6–12, as follows:

56.6–12 *Mandatory—MNMSAC.*—Prior to interior repair of facilities for storage of explosives, including blasting agents all materials stored within the facility shall be removed and the interior cleaned. Prior to the exterior repair of such facilities, all materials stored within the facility shall be removed, if there exists a possibility that such repairs may produce a spark or flame. The explosives removed from storage facilities to be repaired shall be placed either in other storage facilities appropriate for the storage of such materials under this section or a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed and the materials have been returned to storage within the facilities.

§ 56.8 [Amended]

6. It is proposed to add a new mandatory standard 56.8–6, as follows:

56.8–6 *Mandatory—MNMSAC.*—The oxygen intake coupling on jet-piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

7. It is proposed to add a new mandatory standard 56.8–7, as follows:

56.8–7 *Mandatory—MNMSAC.*—The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

§ 56.12 [Amended]

8. It is proposed to revise advisory standard 56.12–32, promulgated on July 31, 1969 (34 FR 12513), and to make it mandatory, as follows:

56.12–32 *Mandatory—MNMSAC.*—Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

§ 56.15 [Amended]

9. It is proposed to revoke advisory standard 56.15–12, promulgated on February 25, 1970 (35 FR 3670).

§ 56.19 [Amended]

10. It is proposed to revise mandatory standard 56.19–7, promulgated on July 31, 1969 (34 FR 12515), as follows:

56.19-7 *Mandatory—MNMSAC.*—All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

11. It is proposed to add a new mandatory standard 56.19-13, as follows:

56.19-13 *Mandatory—MNMSAC.* — Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

12. It is proposed to revise mandatory standard 56.19-24, promulgated on February 25, 1970 (35 FR 3670), as follows:

56.19-24 *Mandatory — MNMSAC.* — The rope shall be attached to the load by the thimble-and-clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble-and-clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "dead-end" of the rope, and the distance between clips shall comply with the figures in the accompanying table.

(c) The following number of clips and clip nut torques shall be used for right regular or lang lay wire rope, 6 x 19 class or 6 x 37 class, fiber core or independent wire rope core (IWRC):

(Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Wire rope diameter (inches)	Minimum number of clips	Spacing of clips (inches)	Torque required (ft.-lbs.)	
			U-bolt	Flat grip
1/4	3	2	6	20
5/16	3	2 1/4	12	20
3/8	3	2 1/2	20	35
7/16	3	2 3/4	40	65
1/2	3	3	40	65
9/16	3	3 1/2	75	125
5/8	4	3 1/2	75	125
3/4	4	4 1/2	120	220
7/8	4	5 1/4	220	220
1	5	6	220	220
1 1/8	6	6 3/4	220	360
1 1/4	6	7 1/2	360	360
1 3/8	7	8 1/4	360	500
1 1/2	7	9	360	500
1 5/8	7	9 3/4	430	----
1 3/4	7	10 1/2	500	----
1 7/8	8	11 1/4	750	----
2	8	12	750	----
2 1/8	8	13	750	----
2 1/4	8	14	750	----

(d) Apply the initial load and retighten clip nuts to the recommended torque.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in paragraph (c) of this standard.

13. It is proposed to revise advisory standard 56.19-26, promulgated on July 31, 1969 (34 FR 12516), and to make it mandatory, as follows:

56.19-26 *Mandatory—MNMSAC.*—Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

14. It is proposed to add a new standard 56.19-109, as follows:

56.19-109 *Mandatory—MNMSAC.*—Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

15. It is proposed to add a new standard 56.19-129, as follows:

56.19-129 *Mandatory—MNMSAC.*—Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shaft.

[FR Doc.73-18230 Filed 8-28-73;8:45 am]

[30 CFR Part 57]

HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Proposed Health and Safety Standards

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721-740) to promulgate health and safety standards for metal and nonmetal mines it is proposed to amend Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by revising the definition of "working level," and by adding, revoking, and revising certain standards pertaining to ground control, air quality, ventilation, radiation, and physical agents, explosives, rotary jet piercing, electricity, personal protection and man hoisting, as set forth below. These standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the section in which the standard is prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard will be preceded by the word "Mandatory" and the letters "MNMSAC" in this manner *"Mandatory—MNMSAC."*

Subject to te provisions of subsection (e) of section 6 (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objection and requesting a public hearing (subject to the provisions of the Administrative Procedure Act) on such objection.

Pursuant to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) proposed mandatory standards which have been recommended by the Advisory Committee, are not subject to hearings.

Interested persons may, on or before October 15, 1973, submit written data, views, arguments, or objections to the proposals. All communications should be addressed to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1973.

1. It is proposed to transfer the prefatory statement defining the term "working level" before mandatory standard 57.5-37 and under the heading "Radiation," promulgated on February 25, 1970 (35 FR 3672), to § 57.2 "Definitions" and revised the definition as follows:

§ 57.2 Definitions, MNMSAC.

* * * * *

"Working level" (WL) means any combination of the short-lived radon daughters in one liter of air that will result in ultimate emission of 1.3 x 10^5 MeV (million electron volts) of potential alpha energy, and exposure to these radon daughters over a period of time is expressed in terms of "working level months" (WLM). Inhalation of air containing a radon daughter concentration of 1 WL for 173 hours results in an exposure of 1 WLM.

* * * * *

§ 57.3 [Amended]

2. It is proposed to revoke advisory standard 57.3-27, promulgated on July 31, 1969 (34 FR 12519).

§ 57.5 [Amended]

3. It is proposed to revise mandatory standard 57.5-1, promulgated on December 8, 1970 (35 FR 18591) which applies to surface and underground, as follows:

57.5-1 *Mandatory—MNMSAC.*—Except as permitted by § 57.5-5:

(a) The exposure to airborne contaminants, excluding asbestos, shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, which are hereby incorporated by reference and made a part hereof. This publication may be obtained from the American Conference of Governmental Industrial Hygienists by writing to the Secretary-Treasurer, P.O. Box 1937, Cincinnati, Ohio 45201, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) The time weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 x magnification (4 millimeter objective) phase contrast illumination, as set forth is the 1972 edition of the Conference's publication, entitled "TLVs Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1972," pages 1 through 52, as incorporated in subsection (a) of this section except that the intended change in TLVs for asbestos (all types) on page 37 shall be the threshold limit value for the purpose of this section. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

4. It is proposed to revise mandatory standard 57.5–5, promulgated on December 8, 1970 (35 FR 18591), which applies to surface and underground, as follows:

57.5–5 Mandatory.—Control of employee exposure to harmful airborne contaminants shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of the work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Mining Enforcement and Safety Administration approved respirators which are applicable and suitable for the purpose intended shall be furnished, and employees shall use the protective respiratory equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute entitled "American National Standard Practices for Respiratory Protection, ANSI Z88.2–1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

5. It is proposed to revise the heading of § 57.5 to read § 57.5 *Air quality; ventilation, radiation and physical agents,* and to add a new mandatory standard 57.5–50 which applies to surface and underground, as follows:

57.5 *Mandatory—MNMSAC.*—(a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting the specifications contained in ANSI S1.4–1971, published by the American National Standards Institute and entitled "American National Standard Specifications for Sound Level Meters, ANSI S1.4–1971", approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mining Enforcement and Safety Administration.

PERMISSIBLE NOISE EXPOSURES

Duration per day, hours of exposure	*Sound level dBA, slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

NOTE.—When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum $C_1/T_1+C_2/T_2+\cdots C_n/T_n$

exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to permissible levels, personal protective equipment shall be provided and used to reduce personnel sound-level exposures to within the values of the table.

§ 57.6 [Amended]

6. It is proposed to revise mandatory standard 57.6–5, promulgated on December 8, 1970 (35 FR 18591), which applies to surface and underground, as follows:

57.6–5 *Mandatory—MNMSAC.*—Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of rubbish, brush, dry grass, or trees (other than live trees 10 or more feet tall), for a distance not less than 25 feet in all directions, and other unnecessary combustible materials for a distance of not less than 50 feet.

7. It is proposed to add a new mandatory standard 57.6–12 which applies to surface and underground, as follows:

57.6–12 *Mandatory—MNMSAC.*—Prior to interior repair of facilities for storage of explosives, including blasting agents, all materials stored within the facility shall be removed and the interior cleaned. Prior to the exterior repair of such facilities, all materials stored within the facility shall be removed, if there exists a possibility that such repairs may produce a spark or flame. The explosives removed from storage facilities to be repaired shall be placed either in other storage facilities appropriate for the storage of such materials under this section or a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed and the materials have been returned to storage within the facilities.

§ 57.8 [Amended]

8. It is proposed to add a new mandatory standard 57.8–6 which applies to surface only, as follows:

57.8–6 Mandatory—MNMSAC.—The oxygen intake coupling on jet-piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

9. It is proposed to add a new mandatory standard 57.8–7 which applies to surface only, as follows:

57.8–7 Mandatory—MNMSAC.—The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

§ 57.12 [Amended]

10. It is proposed to revise advisory standard 57.12–32, promulgated on July 31, 1969 (34 FR 12522) which applies to surface and underground, and to make it mandatory, as follows:

57.12–32 Mandatory—MNMSAC.—Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

§ 57.15 [Amended]

11. It is proposed to revoke advisory standard 57.15–12, promulgated on February 25, 1970 (35 FR 3676) which is applicable to surface and underground.

§ 57.19 [Amended]

12. It is proposed to revise mandatory standard 57.19–7, promulgated on July 31, 1969 (34 FR 12524), as follows:

57.19–7 Mandatory—MNMSAC.—All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

13. It is proposed to add a new mandatory standard 57.19–13, as follows:

57.19–13 *Mandatory—MNMSAC.*—Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

14. It is proposed to revise mandatory standard 57.19–24, promulgated on February 25, 1970 (35 FR 3676), as follows:

57.19–24 *Mandatory—MNMSAC.*—The rope shall be attached to the load by the thimble-and-clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbit metal or lead for socketing wire rope is prohibited. If the thimble-and-clip method is used, the following shall be observed:

(a) The rope shall be attached to the load by passing one end around an oval thimble

that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips.

(b) The U-bolt of each clip shall encircle the short or "deadend" of the rope, and the distance between clips shall comply with the figures in the accompanying table.

(c) The following number of clips and clip nut torques shall be used for right regular or lang lay wire rope, 6 x 19 class or 6 x 37 class, fiber core or independent wire rope core (IWRC):

(Follow manufacturer's recommendations for other kinds of wire rope and clips.)

Wire rope diameter (inches)	Minimum number of clips	Spacing of clips (inches)	Torque required (ft-lbs)	
			U-bolt	Fist grip
1/4	3	2	6	20
5/16	3	2 1/4	12	20
3/8	3	2 1/2	20	35
7/16	3	2 3/4	40	65
1/2	3	3	40	65
9/16	3	3 1/2	75	125
5/8	4	3 3/4	75	125
3/4	4	4 1/2	130	220
7/8	4	5 1/4	220	220
1	5	6	220	220
1 1/8	6	6 3/4	220	360
1 1/4	6	7 1/2	360	360
1 3/8	7	8 1/4	360	500
1 1/2	7	9	360	500
1 5/8	7	9 3/4	430	
1 3/4	7	10 1/2	590	
1 7/8	8	11 1/4	750	
2	8	12	750	
2 1/4	8	13	750	
2 1/4	8	14	750	

(d) Apply the initial load and retighten clip nuts to the recommended torque.

(e) When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in paragraph (c) of this standard.

15. It is proposed to revise advisory standard 57.19–26, promulgated on July 31, 1969 (34 FR 12524), and to make it mandatory, as follows:

57.19–26 *Mandatory — MNMSAC.*—Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

16. It is proposed to add a new standard 57.19–109 as follows:

57.19–109 *Mandatory — MNMSAC.*—Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

17. It is proposed to add a new standard 57.19–129 as follows:

57.19–29 *Mandatory — MNMSAC.*—Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

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