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PART I

HIGHLIGHTS OF THIS ISSUE

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

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(The 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.)

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Special Assistant to the Assistant Director for Operations, Office of Management and Budget, is excepted under Schedule C.

Effective on October 23, 1973, § 213.3303(a)(15) is added as set out below.

§ 213.3303 **Executive Office of the President.**

(a) *Office of Management and Budget.* * * *

(15) One Special Assistant to the Assistant Director for Operations.

* * * * *

(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.73-22474 Filed 10-19-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary and Personal Assistant to the Assistant Secretary for Public Affairs is excepted under Schedule C.

Effective on October 23, 1973, § 213.3304(y) is added as set out below.

§ 213.3304 **Department of State.**

* * * * *

(y) *Office of the Assistant Secretary for Public Affairs.* (1) One Secretary and Personal Assistant to the Assistant Secretary for Public Affairs.

* * * * *

(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.73-22482 Filed 10-19-73;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the position of Director, Office of Emergency Preparedness, is excepted under Schedule C.

Effective on October 23, 1973, § 213.3337(a)(15) is added as set out below.

§ 213.3337 **General Services Administration.**

(a) *Office of the Administrator.*

* * * * *

(15) Director, Office of Preparedness.

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

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

[FR Doc.73-22589 Filed 10-19-73;9:59 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL

Phase IV Price Regulations

The purpose of these amendments is to make minor technical changes in Subpart Q applicable to food manufacturing activities.

ONE BASE PERIOD FOR MEAT MANUFACTURING

The previous definition of base period for revenue control purposes under Subpart Q made it clear that only one base period may be selected with respect to all food manufacturing activities other than slaughtering and meat manufacturing. The definition of base period was silent with respect to the number of base periods which might be used in connection with meat activities, as was the original gross margin rule for meat promulgated in Phase III.

This omission on the part of the Council was intended to leave undisturbed, as much as possible, the established practice of meat firms under the prior gross margin rule. The Council was not certain as to the practice of meat firms in this respect since reports were not filed under the old gross margin rule. However, the Council has now been informed that the practice of meat firms was generally to use one base period for all slaughtering and meat manufacturing under the original gross margin regulation in order to simplify compliance and to avoid "joint costing" problems. The Council has therefore amended the definition of base period in § 150.603 to make it clear that only one base period may be selected with respect to the slaughtering and processing of livestock and the manufacturing of meat products and only one base period may be selected with respect to all other food manufacturing activities. This change reflects the Council's view that in the absence of special factors the regulations should apply in the same way to meat manufacturing activities and to all other food manufacturing activities.

ITEMS PURCHASED AND RESOLD WITHOUT CHANGE

Section 150.606(c)(4)(i) previously stated that food raw material purchased and resold without change in form must be excluded in computing food or food raw material units and food raw material costs for any fiscal quarter ending after the effective date of Subpart Q. In view of the fact that some firms customarily do not maintain separate cost and revenue records with respect to this material, the section cited has been amended to require exclusion during the quarter concerned to the extent that customary practices and records permit identification of the material in question. This section has also been amended to extend its application to food items purchased and resold without change in form as well as to food raw material purchased and resold without change in form.

HEDGING ACTIVITIES

The provision concerning hedging activities under the gross margin rule has been restructured and restated to provide greater clarity.

BASE PERIOD FOR NEW PRODUCT LINES

Prior to these amendments, the base period for new product lines was the fiscal quarter in which the first sale occurs. In order to provide a longer base period in those cases where an early base period is selected for purposes of the pre-existing product lines and the new product line concerned is introduced after that base period but before the end of the last fiscal quarter which ended prior to May 11, 1973, Subpart Q now provides that the base period for the new product line is the first fiscal quarter in which a sale occurs plus any immediately ensuing consecutive fiscal quarter or quarters, not to exceed three, which ended prior to May 11, 1973. For new product lines first offered for sale after the end of the last fiscal quarter which ended before May 11, 1973, the base period remains the first fiscal quarter in which a sale occurs.

Because the purpose of these amendments is to provide immediate guidance

and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t., September 9, 1973.

Issued in Washington, D.C., on October 12, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

§ 150.603 [Amended]

1. The definition of base period in § 150.603 is amended to read as follows:

"Base period" means:

(a) With respect to the slaughtering and processing of livestock and the manufacturing of meat products, any four consecutive fiscal quarters, at the option of the firm concerned, which began after May 25, 1970, and which ended prior to May 11, 1973; and

(b) With respect to all other food manufacturing activities, any four consecutive fiscal quarters, at the option of the firm concerned, of the eight fiscal quarters which ended prior to May 11, 1973.

(c) Only one base period may be selected with respect to the activities described in paragraph (a) and only one base period may be selected with respect to the activities described in paragraph (b) of this definition.

2. Section 150.606(c)(4)(i) is amended to read as follows:

§ 150.606 Food manufacturing: Price rules.

* * * * *

(c) *Price rules.* * * *

(4)(i) Food or food raw material purchased and resold without change in form may be excluded in computing the total sales revenue during the base period. To the extent that the customary accounting practices and records of the firm concerned permit identification of food or food raw material purchased and resold without change in form, those items or materials shall be excluded in computing food or food raw material units, food raw material costs, and revenues for any fiscal quarter ending after the effective date of this section.

* * * * *

3. Section 150.606(c)(4)(iii) is amended to read as follows:

§ 150.606 Food manufacturing: Price rules.

* * * * *

(c) *Price rules.* * * *

(4)(i) * * *

(iii)(A) *Applicability.*—This subparagraph applies only to firms which use the futures market in a nonspeculative manner to hedge against price risks.

(B) *Base period hedging.*—Any net hedging losses with respect to the purchase of food raw material concerned during the base period may be included as a food raw material cost during the base period and any net hedging gains with respect to the purchase of food raw material concerned during the base period may be included as an offset to food raw material costs during the base period. Any net hedging losses with respect to food sales during the base period may be included as an offset to total sales revenues during the base period and any net hedging gains with respect to food sales during the base period may be included as an addition to total sales revenues during the base period. However, a firm which includes any net loss pursuant to the preceding two sentences shall include as an offset any net gain as a result of hedging activities in accordance with the preceding two sentences.

(C) *Current quarter hedging.*—Any net hedging losses with respect to the purchase of food raw material concerned during the fiscal quarter concerned may be included as a food raw material cost for the fiscal quarter concerned and any net hedging gains with respect to the purchase of food raw material concerned during the fiscal quarter concerned shall be included as an offset to food raw material costs for the fiscal quarter concerned. Any net hedging losses with respect to food sales during the fiscal quarter concerned may be included as an offset to total sales revenues for the fiscal quarter concerned and any net hedging gains with respect to food sales during the fiscal quarter concerned shall be included as an addition to total sales revenues for the fiscal quarter concerned.

* * * * *

4. The first sentence of § 150.606(c)(5) is amended to read as follows:

§ 150.606 Food manufacturing: Price rules.

* * * * *

(c) *Price rules.* * * *

(5) For purposes of paragraph (c) of this section, the base period with respect to a new product line is, (i) in the case of a new product line first offered for sale after the end of the last fiscal quarter which ended prior to May 11, 1973, the first fiscal quarter in which a sale occurs; and (ii) in the case of a new product line first offered for sale before the end of the last fiscal quarter which ended prior to May 11, 1973, and after the base period selected for the other product lines concerned, the first fiscal quarter in which a sale occurs, plus any immediately ensuing consecutive fiscal quarter or fiscal quarters, not to exceed three, which ended prior to May 11, 1973.

* * * * *

[FR Doc.73-22557 Filed 10-18-73;1:01 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Grapefruit [1]

On August 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 21785), regarding a proposed revision of the U.S. Standards for Grades of Canned Grapefruit (7 CFR 52.1141-52.1154). Corrections were subsequently published in the FEDERAL REGISTER of August 27, 1973 (38 FR 22897).

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover cost of such services.

Statement of consideration leading to the revision of the standard.—Interested persons were given until September 15, 1973, to study the proposal and submit written views, data, or arguments for consideration.

It was proposed to revise the current U.S. Standards for Grades of Canned Grapefruit to overcome problems associated with mechanized segmenting and filling operations.

One comment was received from a consumer. It was a general objection to any change without citing any reason or specific section.

The Florida Canners Association representing all of the processors of canned grapefruit favors adoption of the proposal with the following clarification:

The score points for character published in the descriptive section of the standards should be corrected. They are correctly stated elsewhere in the standard.

After consideration of all comments presented and except for editorial changes, the U.S. Standards for Grades of Canned Grapefruit are adopted as proposed and are set forth below pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

IDENTITY AND GRADES

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

AUTHORITY.—Sec. 205, 60 Stat. 1090 (7 U.S.C. 1624).

IDENTITY AND GRADES

§ 52.1141 Identity.

"Canned Grapefruit" means the canned product prepared from clean, sound, and mature grapefruit (Citrus paradisi Macfadyen), as such product is defined in the standards of identity for canned grapefruit (21 CFR 27.90) issued pursuant to the Federal Food, Drug and Cosmetic Act.

§ 52.1142 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapefruit that:

(1) Has an average drained weight of not less than 53 percent of the water capacity of the container, of which not less than 65 percent by weight of the drained grapefruit consists of whole or practically whole segments;

(2) Has a good color;

(3) Is practically free from defects;

(4) Has a good character;

(5) Has a good flavor and odor; and

(6) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapefruit that:

(1) Has an average drained weight of not less than 53 percent of the water capacity of the container, of which not less than 50 percent by weight of the drained grapefruit consists of whole or practically whole segments (sample average);

(2) Has reasonably good color;

(3) Is reasonably free from defects;

(4) Has a reasonably good character;

(5) Has a reasonably good flavor and odor; and

(6) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Broken" is the quality of canned grapefruit that:

(1) Has an average drained weight of not less than 53 percent of the water capacity of the container, of which less than 50 percent by weight of the drained grapefruit consists of whole or practically whole segments (sample average);

(2) Has at least a reasonably good color;

(3) Is at least reasonably free from defects;

(4) Has at least a reasonably good character;

(5) Has at least a reasonably good flavor and odor; and

(6) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned grapefruit that fails to meet the requirements of U.S. Grade B and U.S. Broken.

LIQUID MEDIA AND BRIX MEASUREMENTS

§ 52.1143 Liquid media and Brix measurements.

(a) Brix measurement requirements for the liquid media in canned grapefruit are not incorporated in the grades of the finished product since syrup, or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designation of liquid packing media and Brix measurements, where applicable, is as follows:

Designation	*Brix measurements*
Water	Not applicable.
Grapefruit juice	Not applicable.
Grapefruit juice and water	Not applicable.
Slightly sweetened water	12° or more, but less than 16°.
Slightly sweetened grapefruit juice	12° or more, but less than 16°.
Sirup	16° or more, but less than 18°.
Grapefruit juice sirup	16° or more, but less than 18°.
Heavy sirup	18° or more.
Heavily sweetened grapefruit juice sirup	18° or more.

(b) The densities of the packing media, as listed in this section, are measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20°C. (68°F.), but without correction for invert sugars or other substances. The degrees Brix of the packing media may be determined by any other method which gives equivalent results.

(c) Brix determination is made on the packing media 15 days or more after the grapefruit is canned or on the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

FILL OF CONTAINER

§ 52.1144 Fill of container.

(a) The fill of container for canned grapefruit is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with grapefruit without impairment of quality.

(b) Canned grapefruit shall also meet the fill of container requirements as set forth in the Regulations of Food and Drug Administration (21 CFR 27.92).

DRAINED WEIGHTS

§ 52.1145 Minimum drained weights.

(a) *General.*—The minimum drained weight requirements for the various container sizes are listed in Table I. The drained weight of the grapefruit is not less than 53 percent of the water capacity of the container.

(b) *Definitions.*—(1) Sample average—average of all the drained weights of the sample containers representing a lot.

(2) $\bar{X}_d$—means a specified minimum sample average drained weight.

(3) LL—lower limit for individual container drained weight.

(c) *Method for ascertaining drained weight.*—The drained weight of canned grapefruit is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch (2.3 mm), ± 3 percent square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17° to 20° to facilitate drainage and allow to drain for 2 minutes. The weight of drained grapefruit is the weight of the sieve and product less the weight of the dry sieve. A sieve 8 inches in diameter is used if the contents of the container is less than 3 pounds and a sieve 12 inches in diameter is used if the contents of the container is 3 pounds or more.

(d) *Compliance with drained weight requirements.*—A lot of canned grapefruit is considered as meeting the minimum drained weight requirement when the following criteria are met:

(1) The sample average meets the specified minimum sample average drained weight (designated as "$\bar{X}_d$" in Table I); and

(2) The number of containers which fail to meet the minimum drained weight for individual containers (designated as "LL" in Table I) does not exceed the applicable acceptance number ceed the applicable acceptance number specified in Table II.

TABLE I—MINIMUM DRAINED WEIGHTS

Container Designation	$\bar{X}_d$	LL
	ounces	ounces
8Z (211 x 304)	4.60	4.25
No. 303 (303 x 406)	8.95	8.50
No. 3 Cyl. (404 x 700)	27.40	26.30

TABLE II—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBERS

Sample Size (No. of sample containers)	3	6	13	21	29	38	48	60
Acceptance numbers	0	1	2	3	4	5	6	7

SAMPLE UNIT SIZE

§ 52.1146 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit

comprised of the entire contents of one container, irrespective of container size.

FACTORS OF QUALITY

§ 52.1147 Ascertaining the grade of a sample unit.

(a) *General.*—The grade of a sample unit of canned grapefruit is ascertained by considering the factor of flavor and odor which is not scored; the ratings for the factors of wholeness, color, defects, and character which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.*—The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor are:

Factors:	Points
Wholeness	25
Color	25
Defects	25
Character	25
Total	100

(c) *Definition.*—(1) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1148 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "23 to 25 points" means 23, 24, or 25 points.)

§ 52.1149 Wholeness.

(a) *General.*—(1) A "whole segment" means any grapefruit segment that is substantially intact and retains its apparent original conformation.

(2) A "practically whole segment" means any portion of a grapefruit segment that is not less than 75 percent of its apparent original size and is not excessively trimmed.

(b) (*A*) *classification.*—Sample units of canned grapefruit that consist of not less than 65 percent by weight of the drained grapefruit in whole and/or practically whole segments may be given a score of 21 to 25 points.

(c) (*B*) *classification.*—Sample units of canned grapefruit that consist of less than 65 percent but not less than 40 percent by weight of the drained grapefruit in whole and/or practically whole segments may be given a score of 17 to 20 points. In addition the sample average (average of all sample units representing a lot) shall not be less than 50 percent by weight of whole and/or practically whole segments. Sample units of canned grapefruit that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.)

(d) (*Broken*) *classification.*—Sample units of canned grapefruit that individually consist of less than 40 percent by weight of the drained grapefruit in whole and/or practically whole segments, or average (average of all sample units) is less than 50 percent by weight of the drained grapefruit in whole and/or practically whole segments may be given a score of 0 to 16 points. Sample units of canned grapefruit that fall into this classification shall not be graded above U.S. Broken, regardless of the total score for the product. (This is a limiting rule.)

§ 52.1150 Color.

(a) (*A*) *classification.*—Canned grapefruit that has a good color may be given a score of 23 to 25 points. "Good color" means a practically uniform, bright, typical color free from any noticeable tinge of amber.

(b) (*B*) *classification.*—Canned grapefruit that has a reasonably good color may be given a score of 21 or 22 points. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means a fairly bright color which may be variable but is not off-color for any reason.

(c) (*SStd.*) *classification.*—Canned grapefruit that fails to meet the requirements in paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

§ 52.1151 Defects.

(a) *General.*—The factor of defects refers to the degree of freedom from extraneous vegetable material, from seeds, from portions of albedo, from portions of tough membrane, from damaged units, and from other similar defects.

(1) "Extraneous vegetable material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(2) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension.

(3) "Large seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/8 inch in any dimension.

(4) "Damaged unit" means any grapefruit segment or portion thereof that is damaged by lye peeling, by discoloration, or by similar injury or that is otherwise damaged to such an extent that the appearance or eating quality of the unit is materially affected.

(b) (*A*) *classification.*—Canned grapefruit that is practically free from defects may be given a score of 23 to 25 points. "Practically free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, do not more than slightly affect the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and in the entire sample do not exceed the allowances specified in Table III.

(c) (B) *classification.*—Canned grapefruit that is reasonably free from defects may be given a score of 21 to 22 points. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, may materialy, but not seriously, affect the apearance or edibility of the product; and

(2) The defects that may be present in a sample unit and in the entire sample do not exceed the allowances specified in Table IV.

(d) (*SStd.*) *classification.*—Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

TABLE III—ALLOWANCES FOR DEFECTS IN CANNED GRAPEFRUIT

U.S. GRADE A

Defects	8Z (211×304)		No. 303 (303×406)		No. 3 Cyl. (404×700)	
	Sample Unit	Sample Average	Sample Unit	Sample Average	Sample Unit	Sample Average
	Maximum		Maximum		Maximum	
Extraneous Vegetable Material.	1 Piece	0.25 Piece	1 Piece	0.50 Piece	1 Piece	0.75 Piece.
Seeds and large seeds.	Total of 3 seeds including not more than 1 large seed.	1.6 seeds including not more than 0.4 large seed.	Total of 4 seeds including not more than 2 large seeds.	3.2 seeds including not more than 0.8 large seed.	Total of 10 seeds including not more than 3 large seeds.	
Albedo and Tough Membrane.	1 Square inch.	½ Square inch.	2 Square inches.	1 Square inch.	5 Square inches.	4 Square inches.
Damaged Units	¼ ounce		½ ounce		1½ ounces	
Total—All Defects Specified Above and/or any Other Defects That May be Present.	Cumulative Effect—Does not More Than Slightly Affect the Appearance or Eating Quality of the Product.					

TABLE IV—ALLOWANCES FOR DEFECTS IN CANNED GRAPEFRUIT

U.S. GRADE B

Defects	8Z (211×304)		No. 303 (303×406)		No. 3 Cyl. (404×700)	
	Sample Unit	Sample Average	Sample Unit	Sample Average	Sample Unit	Sample Average
	Maximum		Maximum		Maximum	
Extraneous Vegetable Material.	2 Pieces	0.50 Piece	2 Pieces	0.75 Piece	2 Pieces	1 Piece.
Seeds and Large Seeds.	Total of 6 seeds including not more than 2 large seeds.	4.8 seeds including not more than 1.2 large seeds.	Total of 12 seeds including not more than 3 large seeds.	9.6 seeds including not more than 2.4 large seeds.	Total of 20 seeds including not more than 5 large seeds.	
Albedo and Tough Membrane.	1½ square inches.	¾ square inch.	3 square inches.	2 square inches.	7½ square inches.	6 square inches.
Damaged Units	¾ ounce		1½ ounces		4 ounces	
Total—All defects Specified Above and/or Any Other Defects That May Be Present.	Cumulative Effect—May Materially, but not Seriously, Affect the Appearance of Eating Quality of the Product.					

§ 52.1152 **Character.**

(a) *General.*—The factor of character refers to the structure and condition of the cells of the grapefruit and reflects the maturity of the grapefruit.

(b) *(A) classification.*—Canned grapefruit that has a good character may be given a score of 23 to 25 points. "Good character" means that the grapefruit segments are moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells, or "ricey" cells, or fibrous cells that materially affects the appearance or eating quality of the product.

(c) *(B) classification.*—Canned grapefruit that has a reasonably good character may be given a score of 21 or 22 points. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good character" means that the grapefruit segments may be affected, but not seriously so, by dry cells, "ricey" cells or fibrous cells that detract from the appearance or eating quality of the product.

(d) *(SStd.) classification.*—Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

LOT INSPECTION AND CERTIFICATION

§ 52.1153 **Ascertaining the grade of a lot.**

The grade of a lot of canned grapefruit covered by these standards is determined by the procedures set forth in the Regulation Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.1154 **Score sheet for canned grapefruit.**

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Brix measurement
Syrup designation

Factors		Score Points	
Wholeness	25	(A)	21–25
		(B)	[1] 17–20
		(Broken)	[1] 0–16
Color	25	(A)	23–25
		(B)	[1] 21–22
		(Broken)	[1] 21–25
		(SStd.)	[1] 0–20
Defects	25	(A)	23–25
		(B)	[1] 21–22
		(Broken)	[1] 21–25
		(SStd.)	[1] 0–20
Character	25	(A)	23–25
		(B)	[1] 21–22
		(Broken)	[1] 21–25
		(SStd.)	[1] 0–20
Total score	100		
Flavor and odor	Good; Reasonably Good		
Grade			

[1] Indicates Limiting Rule.

It is hereby found that good cause exists for not postponing the effective date of this revision until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that:

(1) The processing of canned grapefruit will begin in mid-October in Florida, the only producing area;

(2) Processors of canned grapefruit are aware of the provisions of this revision, its purpose, and the effect it will have on the evaluation of canned grapefruit; and

(3) No changes in production are required that cannot be effectuated immediately.

Effective date.—The revisions to the U.S. Standards for Grades of Canned Grapefruit shall be effective October 25, 1973.

Dated October 16, 1973.

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

[FR Doc.73-22384 Filed 10-19-73;8:45 am]

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

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

This document authorizes the Idaho-Eastern Oregon Onion Committee to spend not more than $152,580 for its operations during the fiscal period ending June 30, 1974, and to collect $0.035 per hundredweight on assessable onions handled by first handlers.

The committee was established under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the October 3 FEDERAL REGISTER (38 FR 27405) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than October 12, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following budget and rate of assessment should be issued.

§ 958.217 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate, will amount to $152,580.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.035 per hundredweight, or equivalent quantity, of assessable onions handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 958.44.

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period.

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

Dated October 16, 1973.

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

[FR Doc.73-22407 Filed 10-19-73;8:45 am]

PART 966—TOMATOES GROWN IN FLORIDA

Expenses and Rate of Assessment

This document authorizes the Florida Tomato Committee to spend not more than $139,500 for its operations during the fiscal period ending July 31, 1974, and to collect one-half cent per 30-pound equivalent of assessable tomatoes handled by first handlers.

The committee was established under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the October 3 FEDERAL REGISTER (38 FR 27405) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than October 15, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following budget and rate of assessment should be issued:

§ 966.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1974, by the Florida Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate will amount to $139,500.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per 30-pound container or equivalent quantity of assessable tomatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 966.44(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 39 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period.

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

Dated October 16, 1973.

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

[FR Doc.73-22408 Filed 10-19-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

MISCELLANEOUS AMENDMENTS

Statement of considerations.—Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the Animal and Plant Health Inspection Service is amending certain provisions of the regulations under said Acts in Subchapters A and B 9 CFR, Ch. III. All changes except those in item 10 are word corrections, deletions, or substitutions to correct language in the regulations, or for accuracy of information.

The first change in item 10 reflects a change in codification. Prior to enactment of the Egg Products Inspection Act (EPIA) in 1970 (21 U.S.C. 1031 et seq.), egg products were required to be inspected under the regulations in 7 CFR Part 55, if they were to be used in the preparation of a meat food product for human consumption. However, upon enactment of the EPIA, the regulations for inspection of egg products were revised and published in 7 CFR Part 59. Therefore, in § 318.6(b)(9) of the Federal meat inspection regulations, the reference to 7 CFR Part 55 will be changed to 7 CFR Part 59.

The second change made in item 10 reflects the change in codification of the poultry products inspection regulations. After extensive revisions of the Poultry Products Inspection Act in 1968 (21 U.S.C. 451 et seq.), the poultry products inspection regulations had to be revised. A proposal to accomplish that was published in the FEDERAL REGISTER on May 27, 1971 (36 FR 9716–9754). That proposal was to revise the regulations then codified in 7 CFR Part 81. Subsequent to publishing that proposal, and as a result of a departmental reorganization, the revised poultry products inspection regulations were published in the FEDERAL REGISTER in final form on May 16, 1972 (37 FR 9706–9747), and codified under 9 CFR Part 381. Therefore, in § 318.-b(b)(9) of the Federal meat inspection regulations, the reference to 7 CFR Part 81 will be changed to 9 CFR Part 381.

Accordingly, the provisions of 9 CFR Ch. III, are hereby amended to make the following corrections or changes:

PART 303—EXEMPTIONS

1. In § 303.1(g), the word "Administration" is changed to "Administrator."

PART 308—SANITATION

2. In § 308.12(a), in the caption for § 308.12, and in the Table of Contents for § 308.12, the word "Secondhand" is changed to "Second-hand."

PART 309—ANTE-MORTEM INSPECTION

3. In § 309.2(k), the word "authorities" is deleted.

4. In § 309.4(b), the word "official" is deleted, and the words "that Division" are changed to read "said unit."

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

5. In § 311.2(d)(2), the word "Inspection" is inserted between the words "Health Service."

PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES

6. In § 312.6(b), the phrase reading paragraphs (a), (b), and (c) of this section" is changed to read "paragraph (a) of this section."

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

7. In § 316.16, the word "three-eights" is changed to "three-eighths."

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

8. In § 317.4(a), the words "through the inspector in charge" are deleted in both places and the words "in Washington, D.C." are added after the word "Program" in both places.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

9. In § 318.1(d), the reference to "§ 318.7(b)(4)" is changed to "§ 318.7(c)(4)."

10. In § 318.6(b)(9), the reference to "7 CFR Part 55, 70, or 81" is changed to read "7 CFR Part 59 or 70, or 9 CFR Part 381."

11. In 318.7(c)(4) in that portion of the chart dealing with "Coloring agents (artificial)," under the "Class of Substance" column, the reference to "officer in charge" in the "Substance" column is changed to "inspector in charge."

12. In that portion of the chart in § 318.7(c)(4) dealing with "Emulsifying agents" under the "Class of Substance" column, "Steryl-2-lactylic acid," in the "Substance" column is changed to "Stearyl-2-lactylic acid," and "Steryl monoglyceridyl" in the "Substance" column is changed to "Stearyl monoglyceridyl."

13. In § 318.8, paragraph (1) is redesignated as paragraph (i).

14. In § 318.13, the word "proveded" is changed to "provided."

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

15. In the Table of Contents for Part 319, in the heading for Subpart Q, the words "Soups Mixes" are changed to "Soup Mixes."

16. In § 319.15(d), the word "Hydrolized" is changed to "Hydrolyzed."

17. In the last sentence of § 319.81, the word "are" is changed to "is."

18. In the fifth sentence in § 319.100, the word "are" is changed to "is."

PART 325—TRANSPORTATION

19. In § 325.10(b), the word "Director" is changed to "Program official."

20. In § 325.11(e)(2), the word "of" is inserted between the words "consists" and "less."

PART 327—IMPORTED PRODUCTS

21. In § 327.3(a), the word "adultrated" is changed to "adulterated."

22. In § 327.3(b)(1), the word "labled" is changed to "labeled."

23. In § 327.6(g), where the word "that" appears twice in succession, the second "that" is deleted.

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

24. Immediately following § 350.3(d), enclosed in parentheses, the abbreviation "Secs." is changed to "Sec."

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

25. In § 355.33, the word "officials" is changed to "official."

26. The address of the Regional Director for the Western Region, given in the footnote to § 301.2(iii), is changed to read as follows: Room 102, Building 2C, 620 Central Avenue, Alameda, CA 94501.

27. In §§ 350.3(a)(2), (b), (c), and (d) the word "subchapter" is changed to "chapter."

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); secs. 203, 205, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624); 37 FR 28464, 28477).)

These amendments are mainly editorial in nature and contain no change in policy. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures concerning the amendments are impracticable and unnecessary and good cause is found for making the amendments effective in less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective October 23, 1973.

Done at Washington, D.C., on October 16, 1973.

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

[FR Doc.73-22382 Filed 10-19-73;8:45 am]

Title 17—Commodities and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5428, 34-10421, 35-18111, AS-147]

PART 210—FORM AND CONTENT OF FINANC'AL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITIES HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940

Improved Disclosure of Leases

A. *Introduction.*—The Securities and Exchange Commission today adopted amendments to Rule 3-16 of Regulation S-X (17 CFR 210.3-16) which require increased disclosure of lease commitments by lessees in the footnotes to financial statements filed with the Commission. The proposal to amend Regulation S-X for this purpose was published for comment in Securities Act Release No. 5401 (Securities Exchange Act Release No. 10203, Public Utility Holding Company Act Release No. 17987) on June 6, 1973 (38 FR 16085). Many letters of comment have been received and considered.

In its release proposing these amendments the Commission noted that it was acting to provide adequate information to investors in regard to an important and dramatically growing form of asset acquisition and financing. It also observed that it had referred the basic problem of accounting measurement of leases to the Financial Accounting Standards Board in Accounting Series Release No. 132 (37 FR 26516).

Subsequent to the date of the Commission's proposal the Accounting Principles Board of the American Institute of Certified Public Accountants reversed its previously announced decision to take no action on lease disclosure and issued its Opinion No. 31 dealing with this subject. The disclosure called for in this Opinion was substantially less than that identified in the Commission's release as needed by investors. The Commission has carefully considered the contents of Opinion No. 31 to determine whether it provided for sufficient disclosure to meet the needs of investors and has concluded that it does not, although much of the disclosure called for by the Opinion will be useful to investors. Specifically, the Commission believes that disclosure of the present value of financing leases and of the impact on net income of capitalization of such leases, neither of which is required by Opinion No. 31, are essential to investors. Accordingly, the amendments adopted herein require such disclosure. In other respects, the disclosure requirements herein have been substantially conformed to those in the Opinion so as to minimize duplication of effort by registrants. The additional disclosures required by the amendments are felt necessary to enable investors to compare meaningfully the capital and asset structures and the operating results of companies making use of different methods of acquiring and financing assets.

The Commission does not intend by adopting these amendments to prejudge the issues of lease accounting now being considered by the Financial Accounting Standards Board. At such time as that body develops improved standards of accounting for leases, the Commission expects to reconsider the disclosure requirements set forth herein.

B. *Interpretations and comments.*—In the comments received on the proposal a number of questions were raised. Some of these were the basis for certain changes in the proposals, while others seemed to call for clarifying interpretive comments which did not warrant inclusion in the text of the rule. These items are discussed below in the order in which they appear in Rule 3-16(q) (§ 210.3-16(q)).

1. *Renewal options.*—It was pointed out by many commentators that renewal options are generally a matter of prudent business precaution by lessees and do not necessarily constitute an assured stream of financial payments to the lessor. The Commission accepted these comments and deleted renewal options from the period to be used in determining whether the lease covers 75 percent of the economic life of the property. However, if the terms of the renewal option (or the nature and useful life of any lessee-provided improvements to the leased property) are such that the probability of the option being exercised is extremely high, the renewal period may in substance be part of the noncancelable period and it should be treated as such in applying the 75 percent test. In the normal case renewal options with such terms are likely to require capitalization of leases under the building up equity test of APB Opinion No. 5.

2. *Recovery of the lessor's investment.*—A number of questions were raised as to whether a lease (such as a leveraged lease), where both the lessor's recovery of investment and his return are based on the timing of tax benefits which he receives as well as lease payments, should be considered as one which meets the second criterion of a financing lease even though the lease payments alone would not have that effect. The Commission believes that such a lease does meet the test set forth since it does have terms which assure the lessor a recovery of his investment and an economic return. In measuring the lessor's investment any investment credit received by him should be treated as a reduction of investment.

3. *Fair market value of leased asset.*—It was pointed out that a lessor may sometimes have acquired an asset at a date far preceding the date a lease is entered into and, accordingly, his investment may be an unrealistic basis

for determining whether a financing lease is being entered into. Accordingly, the proposed rule's definition of a financing lease was changed to provide that the lessor should be assured recovery of the fair market value of the property. In the normal case the lessor's cost will represent fair market value unless a substantial time period has passed between acquisition and the date of lease except that in the case of a manufacturer-dealer lessor who meets the tests of Accounting Principles Board Opinion No. 27 for revenue recognition at the date of lease, the amount of revenue recognized may be used as a measure of fair market value.

4. *Minimum rentals.*—It was pointed out that in a number of circumstances contractual minimum rentals were not a good measure of the cash inflows anticipated by the lessor. In some such cases contractual minimum rentals would not recover the lessor's investment, but contingent rentals are set at such a level that the lessor is virtually certain to recover his investment plus a fair return. While the rule adopted deals only with minimum lease commitments, registrants are urged to look at the economic substance underlying the lease agreement. In cases where a lessor's recovery is in fact but not contractually assured, present value computations may be most meaningfully made on the basis of expected rental payments. Such a practice would be consistent with the rule adopted.

Other cases were cited where no minimum rental was called for in the lease agreement but the lessor's debt service was guaranteed by the lessee. In such a case it would normally be expected that the asset and related liability would be reflected on the balance sheet. If the total lease terms did not require capitalization, the guaranteed payments would constitute the minimum rentals required to be disclosed at their present value under this rule.

5. *Net lease payments.*—Many comments were received as to the difficulty in determining amounts included in lease payments applicable to taxes, insurance, maintenance and other operating expenses. In the case of financing leases, these items are frequently explicitly set forth or excluded from lease payments. The rule as adopted provides that an estimate of such costs be subtracted if practicable. If costs cannot be reasonably estimated for some leases, it is acceptable to disclose the present value of those lease payments on a gross basis, with disclosure of the amount so computed.

6. *Interest rate implicit in the terms of the lease.*—In most cases such interest rates are explicitly negotiated in financing leases. Where this is not the case, interest rates applicable to the financing of purchases of similar types of properties by the lessees at the times of entering into the lease agreements may be indicative of the interest rates implicit in the terms of the lease. Paragraphs 13 and 14 of Accounting Principles Board Opinion No. 21 also discuss this problem.

In some cases interest rates negotiated in leasing arrangements are variable and depend upon the rates for the short-term paper used to finance leased assets. In such situations present value must be calculated through the use of an estimated rate over the life of the lease, but calculations of the current impact on net income should use the current interest rate in determining the interest charge.

7. *Materiality.*—Comments indicated that the originally proposed test of materiality for present value disclosure which was based on debt and the present value of leases discriminated against the company with little or no debt. In response, the Commission has changed the test to require disclosure of present value only when the amount exceeds five percent of long-term capitalization (the sum of long-term debt, stockholders' equity and the present value of leases) or when the effect on net income of capitalizing leases is greater than three percent of average net income for the most recent three years. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test.

C. *Amendments to Regulation S–X—Commission action.*—The Commission hereby amends § 210.3–16 of Chapter II of Title 17 of the Code of Federal Regulations by the insertion of the words "and for item (q) as specified therein." at the end of the second sentence of the introductory text; the deletion of subparagraph (2) of paragraph (i) and redesignation of subparagraph (3) as new subparagraph (2); and the addition of new paragraph (q) as follows:

§ 210.3–16 General notes to financial statements.

* * * * *

(q) *Leased assets and lease commitments.*—Any contractual arrangement which has the economic characteristics of a lease, such as a "heat supply contract" for nuclear fuel, shall be considered a lease for purposes of this rule. Leases covering oil and gas production rights and mineral and timber rights are not to be considered leases for purposes of this rule. For purposes of this rule, a financing lease is defined as a lease which, during the noncancelable lease period, either: Covers 75 percent or more of the economic life of the property; or has terms which assure the lessor a full recovery of the fair market value (which would normally be represented by his investment) of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans. The disclosures set forth under paragraph (q) (1) and (2) of this section are only required if gross rental expense in the most recent fiscal year exceeds one percent of consolidated revenues.

(1) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on noncapitalized financing leases shall be shown separately for both categories of rentals reported.

(2) The minimum rental commitments under all noncancelable leases shall be disclosed, as of the date of the latest balance sheet presented, in the aggregate (with disclosure of the amounts applicable to noncapitalized financing leases) for (i) each of the five succeeding fiscal years; (ii) each of the next three five year periods; and (iii) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancelable subleases (with disclosure of the amounts of such rentals). For purposes of this rule, a noncancelable lease is defined as one that has an initial or remaining term of more than one year and is noncancelable, or is cancelable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(3) Additional disclosures shall be made to report in general terms: (i) The basis for calculating rental payments if dependent upon factors other than the lapse of time; (ii) existence and terms of renewal or purchase options, escalation clauses, etc.; (iii) the nature and amount of related guarantees made or obligations assumed; (iv) restrictions on paying dividends, incurring additional debt, further leasing, etc.; and (v) any other information necessary to assess the effect of lease commitments upon the financial position, results of operations, and changes in financial position of the lessee.

(4) For all noncapitalized financing leases there shall be disclosed:

(i) The present values of the minimum lease commitments in the aggregate and by major categories of properties, such as real estate, aircraft, truck fleets and other equipment. Present values shall be computed by discounting net lease payments (after subtracting, if practicable, estimated or actual amounts, if any, applicable to taxes, insurance, maintenance and other operating expenses) at the interest rate implicit in the terms of each lease at the time of entering into the lease. Such disclosure shall be made as of the date of any balance sheet presented. If the present value of the minimum lease commitments is less than five percent of the sum of long-term debt, stockholders' equity and the present value of the minimum lease commitments, and if the impact on net income required to be disclosed under paragraph (q) (4) (iv) of this section is less than three percent of

the average net income for the most recent three years, this disclosure is not required.

(ii) Either the weighted average interest rate (based on present value) and range of rates or specific interest rates for all lease commitments included in the amount disclosed under paragraph (q)(4)(i) of this section.

(iii) The present value of rentals to be received from existing noncancelable subleases of property included under paragraph (q)(4)(i) of this section based on the interest rate implicit in the terms of the subleases at the times of entering into the subleases.

(iv) The impact upon net income for each period for which an income statement is presented if all noncapitalized financing leases were capitalized, related assets were amortized on a straight-line basis and interest cost was accrued on the basis of the outstanding lease liability. The amounts of amortization and interest cost included in the computation shall be separately identified. If the impact on net income is less than three percent of the average net income for the most recent three years, that fact may be stated in lieu of this disclosure. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test.

The foregoing amendments are adopted pursuant to sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934; and sections 5(b), 14 and 20(a) of the Public Utility Holding Company Act of 1935.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 580, secs. 1, 2, 84 Stat. 1497, 15 U.S.C. 781, 78m, 78o(d) 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e, 79n, 79t.)

The amendments shall be effective with respect to financial statements filed with the Commission subsequent to November 30, 1973.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 5, 1973.

[FR Doc.73-22433 Filed 10-19-73;8:45 am]

[Release No. 34-10429]

PART 241—INTERPRETATIVE RELEASE RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Control Locations for Foreign Securities

Rule 15c3-3 (17 CFR 240.15c3-3) under the Securities Exchange Act of 1934 requires a broker or dealer promptly to obtain possession or control of all fully paid and excess margin securities carried for the account of its customers and to take action within designated time frames where possession or control has not been established. Subparagraphs (c)(4) and (c)(7) of Rule 15c3-3 deem control of customer securities to have been established if such securities are in the custody of a foreign depository, foreign clearing agency, foreign custodian bank, or such other location which the Commission upon application shall designate as a satisfactory control location for such securities.

INTRODUCTION

On January 30, 1973, in Securities Exchange Act Release No. 9969 (38 FR 3313) the Commission indicated it had received numerous requests to designate certain entities as satisfactory control locations for customers' foreign securities lodged in foreign locations (abroad) pursuant to paragraphs (c)(4) and (7) of Rule 15c3-3 in order that brokers or dealers may comply with the requirements of that rule to reduce such customer securities to their possession or control. The Commission anticipated that after reviewing the requests and obtaining such additional information as may be necessary it would publish guidelines for control locations for foreign securities. The release stated that the Commission had determined that, "to the extent a broker-dealer has utilized a foreign entity (e.g., a foreign custodian bank) for holding customers' foreign securities in a foreign location, or a domestic entity which holds such broker's or dealer's customers' foreign securities in a foreign location, as of January 15, 1973, or at any time within two years immediately preceding such date, such broker-dealer shall be permitted to utilize such entity as a satisfactory control location for such foreign securities under Rule 15c3-3 until May 31, 1973." On May 30, 1973, in Securities Exchange Act Release No. 10178 (38 FR 15622) the Commission announced its intention to continue the availability of these locations as permissible control locations for foreign securities and that it would publish guidelines for control locations for foreign securities.

The Commission has now determined to establish the following criteria for satisfactory control locations for foreign securities pursuant to paragraph (c)(4) and (7) of Rule 15c3-3.

CRITERIA FOR CONTROL LOCATIONS FOR FOREIGN SECURITIES

The Commission has determined:

(1) Pursuant to paragraph (c)(4) and (7) of Rule 15c3-3 that foreign securities lodged in the custody of foreign depositories, foreign clearing agencies, foreign custodian banks or foreign brokers or dealers for the account of customers of brokers or dealers shall be deemed to be lodged in satisfactory control locations for brokers or dealers subject to Rule 15c3-3; and

(2) Pursuant to paragraph (c)(7) of Rule 15c3-3 that foreign securities carried by registered brokers or dealers for the account of customers of other brokers or dealers shall be deemed in satisfactory control locations for brokers or dealers subject to Rule 15c3-3.

Provided, That:

(a) The foreign securities lodged abroad shall be considered to be in the control of the broker or dealer for whom they are held pursuant to paragraph (c)(4) and (7), (1) to the extent that such securities are not subject to any right, charge, security interest, lien or claim of any kind in favor of the foreign entity except for their safe custody or administration and (2) to the extent that beneficial ownership of such securities is freely transferable without the payment of money or value other than for safe custody or administration;[1] and

(b) With respect to a registered broker or dealer carrying such foreign securities for another broker or dealer, (i) such securities shall be carried by the carrying broker or dealer in an account to be designated as a "Special Custody Account for the Exclusive Benefit of Customers of (name of the broker or dealer)" pursuant to paragraph (c)(7), (ii) the account shall contain only the securities of customers of that particular broker or dealer and (iii) the particular broker or dealer for whose customers those securities are carried shall have instructed the carrying broker or dealer to maintain physical possession or control of such securities free of any charge, lien, or claim of any kind in favor of such carrying broker or dealer. Additionally, security transactions shall not be effected through the account; its purpose being exclusively for the custody of customers' foreign securities. The carrying broker or dealer must also comply with the conditions set forth in (a) above.

The Commission has also determined in addition to the above criteria that, within 120 days of the publication of this release, any broker or dealer utilizing such locations must submit to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, the name, address, and principal place of business of the foreign entity which serves as a location for the lodgment of customer's foreign securities and the name and address of the governmental agency or other regulatory authority which supervises or regulates the respective foreign entity or in the case where such securities are carried in a "Special Custody Account" as described above by another registered broker or dealer, the name of that broker or dealer must be

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[1] While the Commission recognizes that it is the practice in many foreign countries for the foreign entity to maintain a lien, claim, or other charge on customers' foreign securities for custody and administration charges, it is the broker's or dealer's responsibility to pay charges, claims, etc., promptly and to be certain that the amount of such charges, claims, etc., remain at all times minimal.

submitted.[2] Such submissions shall be considered an application to utilize such entities as satisfactory control locations pursuant to paragraph (c)(4) or (7) of Rule 15c3-3 and shall contain a representation of the broker or dealer that such entities meet the criteria specified above. An application submitted shall be considered accepted unless the Commission rejects such application within 90 days of its receipt by the Commission. During the 120 day period immediately following publication of this release, or during any period when an application is being considered by the Commission, to the extent a broker or dealer has utilized a foreign entity (e.g., a foreign custodian bank) for holding customer's foreign securities in a foreign location, or a domestic entity which holds such broker's or dealer's customers' foreign securities in a foreign location, as of January 15, 1973, or at any time within two years immediately preceding such date, such broker or dealer shall be permitted to continue to utilize such entities as satsifactory control locations for customers' foreign securities.

To the extent a broker or dealer wishes to utilize a new foreign entity or registered broker or dealer as a control location for customers' foreign securities and such entity meets the criteria outlined above he shall be permitted to do so provided he submits to the Secretary of the Commission the information required above prior to commencing the use of such locations.[3] An application submitted shall be considered accepted unless the Commission rejects such application within 90 days of its receipt by the Commission. Such new locations shall be deemed satisfactory control locations during any period that such applications are being considered by the Commission.

The above criteria are initial guidelines to be supplemented or altered as the Commission gains further experience in the operation of Rule 15c3-3. The Commission may find that any specific entity, although meeting the above criteria, shall not be a satisfactory control location for customers' foreign securities if the Commission determines that it would not be in the public interest or for the protection of investors to permit such entity to continue as a satisfactory control location.

In establishing the above criteria the Commission wishes to emphasize that these criteria are in no way intended to diminish a broker's or dealer's responsibility to (1) periodically compare and verify in conformity with the requirements of Rule 17a-13 under the Securities Exchange Act of 1934 foreign securities for which he has accountability; (2) be aware at all times of the amount of customers' fully paid foreign securities required to be in possession or control pursuant to Rule 15c3-3; and (3) take prompt steps to reduce fully paid foreign securities to the possession or control of the broker or dealer where such possession or control is required by Rule 15c3-3.

DEFINITION OF THE TERM CUSTOMER

Paragraph (a)(1) of Rule 15c3-3 defines the term customer for the purposes of that rule. The Commission has also determined that the term customer shall be further interpreted to include a broker or dealer to the extent he maintains with another broker or dealer an account designated as a "Special Custody Account for the Exclusive Benefit of Customers of (name of the broker or dealer)" which meets the criteria set forth above.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 12, 1973.

[FR Doc.73-22432 Filed 10-19-73;8:45 am]

[2] The submission shall be filed in duplicate and shall be entitled "Application for Control Locations for Foreign Securities" pursuant to paragraphs (c)(4) and (7), as appropriate. The Commission has examined the question of whether an "Application for Control Locations for Foreign Securities" should be treated as confidential and is satisfied that it may and should treat such applications as confidential. Under Section 24(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78x(a), the Commission is forbidden to require disclosure of trade secrets. The identity of these foreign entities is information that may fall within that description. Even if it is not, the Commission is satisfied that the identity of these foreign entities is the type of sensitive commercial information exempt from the disclosure requirements of the Freedom of Information Act under 5 U.S.C. 552(b)(4).

[3] If a broker or dealer wishes to utilize an entity other than a foreign depository, foreign clearing agency, foreign custodian bank or registered broker or dealer as a control location for foreign securities pursuant to paragraphs (c)(4) and (7) of Rule 15c3-3, it shall make application pursuant to paragraph (c)(7).

Title 19—Customs Duties

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

[T.D. 73-297]

PART 1—GENERAL PROVISIONS

Changes in Customs Field Organization

OCTOBER 11, 1973.

On July 31, 1973, a notice of a proposal to establish a consolidated Dallas/Fort Worth Customs port of entry with geographical limits to include the area within Dallas and Tarrant Counties, Texas, was published in the FEDERAL REGISTER (38 FR 20338). No comments were received regarding this proposal.

Accordingly, by virtue of the authority vested in the President by sec. 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Dallas and Forth Worth, Texas, are hereby consolidated as a Customs port of entry designated as the Dallas/Fort Worth Customs port of entry with the geographical limits to include all of the area within Dallas and Tarrant Counties, Texas, effective upon publication.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting "Dallas/Fort Worth, Texas (including territory described in T.D. 73-297)" directly above "Oklahoma City, Okla. (including territory described in T.D. 66-132)." and deleting "Dallas, Tex." and "Fort Worth, Tex. (T.D. 55792)." in the column headed "Ports of entry" in the Houston, Texas, district (Region VI).

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553 (d).

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

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-22415 Filed 10-19-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

Alternate Form

The Department of the Treasury has determined that it is necessary to amend its regulations governing Payment on Account of Deposits in the Postal Savings System, at 31 CFR Part 257, by adding a new § 257.3, to allow for the use of Standard Form No. 1055 (SF-1055) in lieu of Post Office Department Form 1680 (POD-1680) when supplies of the latter form are exhausted, or are otherwise unavailable.

Since the new section concerns a matter which is essentially procedural and has minimal public effect, notice and public procedure respecting this action is not deemed appropriate or necessary. Accordingly, Part 257, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended by: (1) amending the table of sections to read as follows:

§ 257.1 Scope of regulations.
§ 257.2 Application for payments by individuals.
§ 257.3 Alternate form.
§ 257.4 Interest.

and (2) adding a new § 257.3 to read as follows:

§ 257.3 Alternate Form.

Whenever the stock of Form No. 1680, the use of which is prescribed in this part, is exhausted, or the form is otherwise unavailable, Standard Form 1055 (SF-1055)—Claim Against the United

States for Amounts Due in the Case of a Deceased Creditor—may be used instead.

(5 U.S.C. 301.)

Dated October 16, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-22416 Filed 10-19-73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1604—SELECTIVE SERVICE OFFICERS

Signing Official Papers

Whereas, on September 14, 1973, the Director of Selective Service published a Notice of Proposed Amendment of Selective Service Regulations 38 FR 25704 of September 14, 1973; and

Whereas, more than thirty days have elapsed subsequent to such publication during which period no comment from the public has been received.

The amendment provides authority for additional persons to sign official papers of appeal boards.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sec. 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t. on October 27, 1973, as follows:

Section 1604.28 is revised to read as follows:

§ 1604.28 Signing official papers.

Official papers issued by an appeal board or panel may be signed by any member or compensated employee of the appeal board or panel or any compensated employee of the Selective Service System whose official duties require him to perform administrative duties at the appeal board or panel except when otherwise prescribed by the Director of Selective Service.

(50 App. U.S.C. 451 et seq.)

BYRON V. PEPITONE,
Director.

OCTOBER 17, 1973.

[FR Doc.73-22391 Filed 10-19-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals, or for the Treatment of Food-Producing Animals

AMPROLIUM, ETHOPABATE, 3-NITRO-4-HYDROXYPHENYLARSONIC ACID

The Commission of Food and Drugs has evaluated a new animal drug application (49-179V) filed by Merck Sharp & Dohme Research Labs., Div. of Merck & Co., Inc., Rahway, NJ 07065, proposing the safe and effective use of amprolium, ethopabate and 3-nitro-4-hydroxyphenylarsonic acid in chicken feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.210(c) is amended in Table 1 by adding a new subitem b. under item 7.1 as follows:

§ 121.210 Amprolium.

* * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* *	* *	* *	* *	* *
7.1 * * *					
a. 7.1 * * *					
b. 7.1		3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (.005%)	For broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter; as sole source of amprolium; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; 3-nitro-4-hydroxyphenylarsonic acid as provided by code No. 031 in § 135.501(c) of this chapter; approval for this combination granted to firm No. 023 as identified in § 135.501(c) of this chapter.	To aid in prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.
* * *	* *	* *	* *	* *	* *

2. Section 121.262(c) is amended by adding a new item 1.20 to Table 1 as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
1.20 3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	Amprolium + Ethopabate	113.5 (0.0125%) + 36.3 (0.004%)	§ 121.210(c), Table 1, subitem b. under item 7.1.	§ 121.210(c), Table 1, subitem b. under item 7.1.
*	*	*	*	*	*

Effective date.—This order shall be effective October 23, 1973.

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

Dated October 13, 1973.

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

[FR Doc.73-22326 Filed 10-19-73;8:45 am]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY PURPOSES

Label Statements, Findings of Fact, Conclusions, and Final Order

Correction

In FR Doc. 73-15690 appearing at page 20708 in the issue of Thursday, August 2, 1973, make the following changes:

1. In the table in the preamble (page 20714), in the fourth column from the left ("Children under 4 years of age"), the 10th and 12th entries reading "2" and "3" respectively, should read "3" and "5" respectively.

2. In the table to § 125.1(b), the heading of the first column, "Vitamins and minerals", should have a footnote number "1" following it; and in the third column, "Infants", the 11th entry, "0.15", should read "0.05".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1155]

PART 1033—CAR SERVICE

Lamoille County Railroad, Inc.

At a Session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D.C., on the 12th day of October 1973.

It appearing, that the St. Johnsbury & Lamoille County Railroad, in Finance Docket AB–65, was authorized to abandon its entire line of railroad; that the St. Johnsbury & Lamoille County Railroad will cease railroad operations on 1973; that the Lamoille County Railroad, Inc. has agreed to operate the trackage abandoned by the St. Johnsbury & Lamoille County Railroad; that the Commission is of the opinion that there is need for railroad service to industries located on this trackage; that operations over this trackage by the Lamoille County Railroad, Inc. are necessary to restore railroad service to these industries in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1155 Service Order No. 1155.

(a) *Lamoille County Railroad, Inc. authorized to operate over trackage abandoned by St. Johnsbury & Lamoille County Railroad.* The Lamoille County Railroad, Inc. be, and it is hereby, authorized to operate over trackage abandoned by the St. Johnsbury & Lamoille County Railroad pending disposition of its application in Finance Docket No. 27494 seeking permanent operating authority over this line.

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

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

(d) *Effective date.*—This order shall become effective at 11:59 p.m., October 12, 1973.

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., April 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–22464 Filed 10–19–73;8:45 am]

[S.O. No. 1156]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of October 1973.

It appearing, that the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to operate over its line between Herrington, Kansas, and Salina, Kansas, because of track damage; that RI operations to and from Salina can be accomplished by use of the Missouri Pacific Railroad Company (MP) between Herrington and Salina, a distance of approximately 36 miles; that the MP has consented to use of such tracks by the RI; that operation by the RI over the aforementioned tracks of the MP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1156 Service Order No. 1156.

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company.* The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of the Missouri Pacific Railroad Company (MP) between Herrington, Kansas, and Salina, Kansas, a distance of approximately 36 miles.

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

(c) *Rates applicable.*—Inasmuch as this operation by the RI over tracks of the MP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the MP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.*—This order shall become effective at 12:01 a.m., October 16, 1973.

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–22465 Filed 10–19–73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER I—OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—EMPLOYMENT AND BUSINESS OPPORTUNITY

[Docket No. R 73–100]

PART 135—EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

The purpose of these regulations is to set forth the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibilities, under sec. 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, to provide employment opportunities for businesses and lower-income persons in connection with assisted projects. The regulations here made final have been published twice in the form of a proposal.

Notice of a proposed amendment to Title 24 of the Code of Federal Regulations to include a new Part 76 entitled, "Employment Opportunities for Lower Income Persons in Connection with Assisted Projects," was published in the FEDERAL REGISTER on June 18, 1971 (36 FR 11744). Comments from interested persons were received and considered and after appropriate changes were made in the proposed regulations, the revised regulations were republished for additional comments as a proposed Part 135 of Title 24 entitled, "Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects," on August 3, 1973 (38 FR 20906).

This final regulation is essentially the same as the August 3, 1973, proposal with several minor changes identified by careful comparison of that proposal and the regulations published below.

Although a number of comments have been received from interested parties, analysis and comparison between these comments and those received on the June 1971 proposed regulation indicate that policy considerations regarding most of the issues raised had been given to similar comments in 1971. Those comments which were accepted were included within the changes adopted for the notice of proposed rulemaking dated August 3, 1973. Comments which raised new issues were carefully considered.

Some comments suggested that specific reference be made by the regulations to minority businesses, and that such businesses be accorded treatment reserved for area residents under the regulations although they were located outside the sec. 3 covered area. Those comments misconstrue the statutory language, which is directed only toward residents of a project area and not to minorities. Hence, the suggested changes are beyond the Department's authority under the statute.

Another comment suggested a two-step bidding procedure under which bidders could be called upon to submit information as to their ability to comply with sec. 3 requirements, and bids on the contract would be accepted only from those judged able to perform on the basis of these submissions. Such a procedure is rejected by the Department as imposing added delays on bidding and burdens on the contractors without materially increasing compliance with the regulations.

Other comments related to administrative clarifications and practices which are appropriate for inclusion in implementing handbook material rather than the published regulation. For example, one comment suggested specific requirements that periodic progress statements be submitted by contractors, and that reasons for rejection of a resident employment applicant be submitted to the responsible official and the applicant; others suggested inclusion of a minimum notice period before a hearing and a more specific description of the Department's registry of eligible business concerns and its procedures. Several comments suggested more specific standards for compliance than those supplied by sections dealing with good faith efforts and use of residents "to the greatest extent feasible." The Department has determined that such matters should be resolved by directives implementing the published regulation.

Accordingly, Title 24 of the Code of Federal Regulations is amended by adding a new Part 135 to read as follows:

Sec.

Subpart A—General

Subpart B—Utilization of Lower Income Area Residents as Trainees

Subpart C—Utilization of Lower Income Area Residents as Employees

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

Subpart E—Participation in Approved Programs

Subpart F—Grievance and Compliance Review

Subpart G—Miscellaneous

AUTHORITY.—Sec. 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 135.1 Purpose and scope of part.

(a)(1) The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibilities under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. That section requires that:

(2) In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

(i) Require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

(ii) Require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

(b) In the development of these regulations the Secretary has consulted with the Secretary of Labor and the Administrator of the Small Business Administration and mutual agreement has been reached with respect to the coordination of employment and training efforts and contracts awards under these regulations by the Department of Housing and Urban Development, the Department of Labor, and the Small Business Administration.

(c) The regulations as set forth in this part, particularly Subparts C and D of this part, shall serve to define "to the greatest extent feasible" as that term is applied in section 3 of the Housing and Urban Development Act of 1968.

(d) The Secretary will issue such further regulations in connection with his responsibilities under section 3 of the Housing and Urban Development Act of 1968, as he finds appropriate and may, as needed, amplify any regulations issued pursuant to section 3, through guidelines, handbooks, circulars, or other means.

§ 135.5 Definitions.

As used in this part—

(a) "Applicant" means any entity seeking assistance for a project including, but not limited to mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders, or property managers.

(b) "Business concerns located within the section 3 covered project area" means those individuals or firms located within the relevant section 3 covered project area as determined pursuant to § 135.15, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(c) "Business concerns owned in substantial part by persons residing in the section 3 covered project area" means those business concerns which are 51 percent or more owned by persons residing within the relevant section 3 covered project as determined pursuant to § 135.15, owned by persons considered by the Small Business Administration to be socially or economically disadvantaged, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(d) "Contracting party" means any entity which contracts with a contractor for the performance of work in connection with a section 3 covered project.

(e) "Contractor" means any entity which performs work in connection with a section 3 covered project.

(f) "Department" means the Department of Housing and Urban Development.

(g) "Lower income resident of the area" means any individual who resides within the area of a section 3 covered project and whose family income does not exceed 90 percent of the median income in the Standard Metropolitan Statistical Area (or the county if not within an SMSA) in which the section 3 covered project is located.

(h) "Political jurisdiction" means a politically organized community with a governing body having general governmental powers.

(i) "Recipient" means any entity who received assistance for a project including, but not limited to, mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders or property managers.

(j) "Secretary" means the Secretary of Housing and Urban Development.

(k) "Section 3" means section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u.

(l) "Section 3 clause" means the contract provisions set forth in § 135.20(b).

(m) "Section 3 covered project" means any nonexempt project assisted by any program administered by the Secretary in which loans, grants, subsidies, or other financial assistance are provided in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development (except where the financial assistance available under such program is solely in the form of insurance or guaranty). Projects, contracts, and subcontracts, connected with programs administered by the Secretary under section 235 and 236 of the National Housing Act, as well as any Public Housing program and which do not exceed $500,000 in estimated cost are exempted from the requirements of this part, as is any subcontract of $50,000 or under on such projects or contracts in excess of $500,000.

(n) "Subcontractor" means any entity (other than a person who is an employee of the contractor) which has agreed or arranged with a contractor to undertake a portion of the contractor's obligation or the performance of work in connection with a section 3 covered project.

§ 135.10 Delegation to Assistant Secretary for Equal Opportunity.

Except as otherwise provided in this part, the functions of the Secretary referred to herein are delegated to the Assistant Secretary for Equal Opportunity.

§ 135.15 Determination of the area of a section 3 covered project.

(a) The area of a section 3 covered project shall be determined as follows:

(1) The boundaries of a section 3 covered project located:

(i) Within a geographic area designated as an urban renewal area pursuant to the provisions of title I of the Housing Act of 1949, 42 U.S.C. 1450; or

(ii) Within a geographic area designated as Model Cities areas or Metropolitan Development Plan areas pursuant to the provisions of title I of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301; or

(iii) Within a geographic area designated as an Indian reservation (to include all territory within reservation boundaries including fee patented roads, waters, bridges and lands used for agency purposes),

shall be coextensive with the boundaries of that geographic area.

(2) The boundaries of a section 3 covered project not located within a geographic area designated pursuant to title I of the Housing Act of 1949, or title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be coextensive with the boundaries of the smallest political jurisdiction in which the project is located.

(3) To the extent that goals (established pursuant to Subparts B, C, and D of this part) cannot be met within a section 3 covered project area as determined pursuant to paragraph (a)(1) of this section, the boundaries of the smallest political jurisdiction in which the section 3 covered project is located shall be designated as the relevant section 3 covered project area. The determination to apply this subparagraph shall be made by the Assistant Secretary for Equal Opportunity or by the same official designated by the Assistant Secretary for Equal Opportunity to determine the section 3 covered project area pursuant to paragraph (a)(1) of this section.

(b) The Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director, as appropriate, shall determine the boundaries of each section 3 covered project.

§ 135.20 Assurance of compliance with regulations.

(a) Every contract or agreement for a grant, loan, subsidy, or other direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, entered into by the Department of Housing and Urban Development with respect to a section 3 covered project shall contain provisions requiring the applicant or recipient to carry out the provisions of section 3, the regulations set forth in this part, and any applicable rules and orders of the Department issued thereunder prior to approval of its application for assistance for a section 3 covered project.

(b) Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate, or cause to be incorporated, in all contracts for work in connection with a section 3 covered project, the following clause (referred to as a section 3 clause):

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR ———, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR ———. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR ——— and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR ———, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR ———.135.

§ 135.25 Bidding and negotiation requirements.

(a) Every applicant and recipient shall require prospective contractors for work in connection with section 3 covered projects to provide, prior to the signing of the contract, a preliminary statement of work force needs (skilled, semiskilled, unskilled labor and trainees by category) where known; where not

known, such information shall be supplied prior to the signing of any contract between contractors and their subcontractors.

(b) When a bidding procedure is used to let the contract, the invitation or solicitation for bids shall advise prospective contractors of the requirements of these regulations. When the contract is let pursuant to negotiation or methods other than formal bidding procedures, prospective contractors shall be advised by the contracting party of the requirements of these regulations as part of the contract specifications.

§ 135.30 Other applicant and recipient obligations.

Every applicant and recipient shall assist and actively cooperate with the Secretary in obtaining the compliance of their contractors and subcontractors with the requirements of these regulations, including cooperation and assistance in distributing and collecting forms and information, and in notifying contracting parties and contractors of violations of these regulations, and shall refrain from entering into any contract with any contractor after notification by the Department that the contractor has been found in violation of these regulations pursuant to § 135.110(j).

§ 135.35 Effectuation of applicant obligations in direct and indirect relationships.

(a) Where the applicant for assistance under a section 3 covered project and the recipient of such assistance are not one and the same, the recipient shall be regarded as the successor in interest of the applicant and shall have the same obligations as the applicant with respect to compliance with these regulations. These obligations shall be incorporated, specifically or by reference in the loan or grant agreement or other contract or agreement through which the assistance is provided to the recipient.

(b) Where the applicant or recipient itself will perform all or part of the work in connection with a section 3 covered project within the meaning of these regulations, with either permanent or temporary staff by force account, it will provide the Department with all forms and assurances required of a contractor or subcontractor by these regulations prior to the execution of any loan or grant agreement or other contract or agreement through which assistance is provided.

(c) Where the applicant, recipient or contractor sells, leases, transfers or otherwise conveys land upon which work in connection with a section 3 covered project within the meaning of these regulations is to be performed (for example, under the Urban Renewal or Neighborhood Development program), it shall include in each contract or subcontract for work on such land a clause requiring the purchaser, lessee, or redeveloper to assume the same obligations as a contractor for work under section 3 of these regulations (including the incorporation of the Assurance of Compliance language specified in § 135.20).

(d) Each such purchaser, lessee, or redeveloper shall be relieved of such obligations upon satisfactory completion of all work to be performed under the terms of the redevelopment contract.

Subpart B—Utilization of Lower Income Area Residents as Trainees

§ 135.40 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as trainees to the greatest extent feasible by:

(a) Utilizing the maximum number of persons in the various training categories in all phases of the work to be performed under the section 3 covered project; and

(b) Filling all vacant training positions with lower income project area residents except for those training positions which remain unfilled after a good faith effort has been made to fill them with eligible lower income project area residents.

§ 135.45 Establishing number of trainees.

(a) For the building construction occupations, the number of trainees or apprentices for each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project and in no event shall that number be less than the number of trainees or apprentices determined pursuant to regulations issued by the Secretary of Labor for each building construction occupation.

(b) For nonconstruction occupations or for any building construction occupations for which ratios are not determined pursuant to regulations of the Secretary of Labor, the number of trainees for each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project. The applicant, recipient, contractor, or subcontractor shall initially determine the maximum number of trainees for each occupation and submit that determination along with its justification to the Department.

§ 135.50 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by § 135.40 has been made to fill all training positions with lower income area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Ascertained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project, the boundaries of the section 3 covered project area; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(3) Maintained a list of all lower income area residents who have applied either on their own or on referral from any source, and employ such persons, if otherwise eligible and if a trainee vacancy exists. If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 135.45 apprentice or trainee positions in its organization immediately prior to undertaking work pursuant to a section 3 covered project shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

Subpart C—Utilization of Lower Income Area Residents as Employees

§ 135.60 Good faith effort.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as employees to the greatest extent feasible by:

(a) Identifying the number of positions in the various occupational categories including skilled, semiskilled, and unskilled labor, needed to perform each phase of the section 3 covered project;

(b) Identifying of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are currently occupied by regular, permanent employees;

(c) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are not currently occupied by regular, permanent employees;

(d) Establishing, of the positions identified in paragraph (c) of this section, a goal which is consistent with the purpose of this subpart within each occupational category of the number of positions to be filled by lower income residents of the section 3 covered project area; and

(e) Making a good faith effort to fill all of the positions identified in paragraph (d) of this section with lower income project area residents.

§ 135.55 General.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by paragraph (e) of § 135.55 has been made to fill all employment positions identified in paragraph (d) of § 135.55 with lower income project area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Ascertained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director

having jurisdiction over the section 3 covered project the boundaries of the section 3 covered project area; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 135.55(d) employment positions in its organization immediately prior to undertaking work pursuant to a section 3 covered contract shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

(c) When lower income resident workers apply, either on their own initiative or on referral from any source, the recipient, contractor, or subcontractor shall determine the qualifications of such persons and shall employ such persons if their qualifications are satisfactory and the contractor has openings. If the recipient, contractor, or subcontractor is unable to employ the workers, such persons shall be listed for the first available opening.

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

§ 135.65 General.

Each applicant, recipient, contractor, or subcontractor undertaking work on a section 3 covered project shall assure that to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to business concerns located within the section 3 covered project area or business concerns owned in substantial part by persons residing in the section 3 covered area. The Department, in consultation with the Small Business Administration will establish for the section 3 covered project area a registry of business concerns which meet the definition contained in § 135.5(b) and (c). Each applicant, recipient, contractor, or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligations to utilize business concerns located within or owned in substantial part by persons residing in the section 3 covered project area by developing and implementing an affirmative action plan.

§ 135.70 Development of an affirmative action plan.

In developing an affirmative action plan, each applicant, recipient, contractor, and subcontractor preparing to undertake work pursuant to a section 3 covered contract shall:

(a) Set forth the approximate number and dollar value of all contracts proposed to be awarded to all businesses within each category (type or profession) over the duration of the section 3 covered project in question.

(b) Analyze the information set forth in paragraph (a) of this section and the availability of eligible business concerns within the project area doing business in professions or occupations identified as needed in paragraph (a) of this section, and set forth a goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project.

(c) Outline the anticipated program to be used to achieve the goals for each business and/or professional category identified. This program should include but not be limited to the following actions:

(1) Insertion in the bid documents, if any, of the affirmative action plan of the applicant, recipient, contractor, or subcontractor letting the contract; and

(2) Identification within the bid document, if any, of the applicable section 3 project area.

(d) Indicate the anticipated process and steps which have been taken and/or will be taken to secure the cooperation of contractors, subcontractors, and unions in meeting the goals and carrying out the affirmative action plan developed pursuant to this subpart.

(e) Take steps to insure that the appropriate business concerns included in the Department's registry for the section 3 covered project area are notified of pending contractual opportunities either personally or through locally utilized media. All applicants, recipients, contractors and subcontractors which so notify concerns included in the Department's registry of available contracts and of opportunities to submit bids shall satisfy all requirements of this Part for notification of business concerns located within the section 3 covered project area and business concerns owned in substantial part by persons residing in the section 3 covered project area.

(f) Take steps to insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a section 3 covered project area.

(g) Where competitive bids are solicited, require the bidders to submit their utilization goals, and their affirmative action plans for accomplishing their goals, and in evaluating each bid, to determine its responsiveness, carefully evaluate the bidders' submission to determine whether the affirmative action plan proposed will accomplish the stated goals.

(h) Where advantageous, seek the assistance of local officials of the Department in preparing and implementing the affirmative action plan.

(i) In implementing its affirmative action plan, each applicant, recipient, contractor, or subcontractor shall make a good faith effort to achieve its goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project. Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort has been made to implement its affirmative action plan, as required by this paragraph, shall as a minimum, set forth evidence acceptable to the Secretary that it has implemented the steps required by paragraphs (c), (d), (e), (f), (g), and (h) of this section and has ascertained from the Department's Regional Administrator, Area Office Director, or FHA Office Director having jurisdiction over the section 3 covered project, the boundaries of the section 3 covered project area, if available, and attempted to recruit from the appropriate areas the necessary eligible business concerns through: Local advertising media, signs placed at the proposed site for the project; and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service, as well as the Chamber of Commerce and any equivalent organizations in the section 3 covered project area.

Subpart E—Participation in Approved Programs

§ 135.75 Participation as evidence of compliance with section 3 requirements.

Any applicant, recipient, contractor, or subcontractor may fulfill his obligations under Subparts B, C, and D of this part, respectively, to utilize lower income project area residents as trainees or employees on section 3 covered projects, and to award contracts to business concerns located in, or owned in substantial part by residents of, section 3 covered project areas by presenting evidence satisfactory to the Secretary that he is a cooperating participant in a federally assisted or other public program approved by the Department of Housing and Urban Development which provides training, employment, and/or business opportunities to lower income persons and business concerns which meet the definition in § 135.5 (b) and (c). The Secretary shall, from time to time, make public a list of those training, employment, and/or business opportunity programs approved by the Department.

Subpart F—Grievance and Compliance Review

§ 135.80 Who may file grievance.

Any lower income resident of the project area, for himself or as a representative of persons similarly situated, seeking employment or training opportunities with an applicant, recipient, contractor, or subcontractor, or any business

concern located in, or owned in substantial part by persons residing within a propect area seeking contract opportunities from any applicant, recipient, contractor, or subcontractor, for itself or as a representative of persons or firms similarly situated, may personally or by an authorized representative file a grievance alleging noncompliance with section 3, these regulations, or obligations undertaken pursuant thereto.

§ 135.85 Content of grievance filings.

(a) The grievance should include: (1) The name and address of the grievant, (2) the name and address of the grievant's business, if applicable, (3) the name and address of the applicant, recipient, contractor, or subcontractor (in this subpart called "respondent"), (4) a description of the acts or omissions giving rise to the grievance, and (5) the corrective action sought.

(b) Where a grievance contains incomplete information, the Secretary shall seek promptly the needed information from the grievant. In the event such information is not furnished to the Secretary within sixty (60) days of the date of such request, the grievance may be closed.

§ 135.90 Form of grievance filings.

Each grievance shall be in writing and signed.

§ 135.95 Place of filing.

A grievance may be filed by mailing it to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410, or by presenting it at any Regional Office, Area Office, or FHA Insuring Office of the Department. Any employee of the Department receiving a grievance shall forward the same directly to the Assistant Secretary for Equal Opportunity.

§ 135.100 Time of filing.

A grievance must be filed not later than ninety (90) days from the date of the action (or omission) upon which the grievance is based, unless the time for filing is extended by the Secretary upon good cause shown.

§ 135.105 Processing of grievance filings.

(a) Upon receipt of a grievance a copy thereof shall be furnished the respondent by certified mail or through personal service.

(b) The Secretary shall conduct an investigation of each grievance filed, and shall give notice in writing to the grievant and the respondent as to whether he intends to resolve it.

(c) Notwithstanding paragraphs (a) and (b) of this section, where the allegations of a grievance on their face, or as amplified by the statements of the grievant, disclose that the grievance is not timely filed or otherwise fails to state a valid claim for relief under these regulations or any other authority within the jurisdiction of the Department, the Secretary may dismiss the grievance without further action. To the extent that Executive Order 11246 relating to Equal Opportunity in Employment applies to the subject matter of the grievance, the procedures required by applicable regulations implementing that order shall be followed.

(d) If the Secretary decides not to resolve a grievance, or to dismiss it under paragraph (c) of this section, he shall advise the grievant of the disposition of his grievance. Respondent shall also be notified in any case where he has been served with a copy of the grievance.

(e) Any party adversely affected by a determination under paragraph (b) or (c) of this section may, within 5 days of receipt of a notice of determination, request that the Secretary reconsider his action. Such request for reconsideration will be granted only on the basis of additional material evidence not previously available to the party requesting reconsideration or for other good cause shown.

(f) If the Secretary decides to resolve a grievance, he shall endeavor to eliminate or correct the matters complained of in the grievance by informal methods of conference, conciliation, and persuasion.

(g) In conciliating a grievance, the Secretary shall attempt to achieve a just resolution of the grievance including (1) specific relief for the grievant, (2) affirmative actions by the respondent to relieve the effects of past violation and preclude the occurrence of future violation, and (3) appropriate reporting requirements. Notice of a proposed disposition of a grievance and of the terms of a proposed settlement, if any, shall be given to the parties, or their representatives, by the Secretary, in writing. If satisfactory, the proposed settlement shall be signed by the grievant and the respondent or their representatives and approved by the Secretary. The Secretary may, from time to time, review compliance with the terms of any settlement agreement and may, upon a finding of noncompliance, reopen the grievance or take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

(h) Should a respondent fail or refuse to confer with the Secretary or fail or refuse to make a good faith effort to resolve the grievance, or should the Secretary find for any other reason that voluntary agreement is not likely to result, the Secretary may terminate his efforts to conciliate the dispute. In the latter event the parties shall be notified promptly, in writing, that such efforts have been unsuccessful.

(i) If the Department is unable to obtain voluntary compliance, the Secretary shall advise the grievant and the parties in writing of his proposed resolution of the grievance. Such resolution shall become final and binding on the parties, unless within 15 days after the receipt of notification, either party files with the Secretary a written request for a hearing on the matter.

§ 135.110 Hearings.

(a) Whenever a hearing is requested, reasonable notice shall be given by registered or certified mail, return receipt requested, to the parties. This notice shall advise the parties of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action. In addition, it shall either (1) fix a date not less than 20 days after the date of such notice within which the parties may request of the Secretary that the matter be scheduled for hearing or (2) advise the parties that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be subject to change for cause. The requesting party may waive a hearing and in lieu thereof submit written information and argument for the record. The failure of the requesting party to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is available.

(b) Hearings shall be held in or near the section 3 covered project area in question, or at such other location as will serve the convenience of parties and witnesses, at a time fixed by the Secretary. Hearings shall be held before the Secretary or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344.

(c) In all proceedings under this section, the respondent and grievant, if any, shall have the right to be represented by counsel.

(d) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557, and in accordance with such rules of procedure issued by HUD as are proper relating to the conduct of the hearing, the issuance of notice except that provided in paragraph (a) of this section, the taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. HUD, the respondent, and the grievant, if any, shall be entitled to introduce all relevant evidence on the issues as stated in the notice of hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(e) Technical rules of evidence shall not apply to hearings conducted pursuant to this paragraph but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where deemed reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department of Housing and Urban Development, the respondent, and the grievant, if any, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) If the hearing is held by a hearing examiner, he shall either render an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision to the Secretary for a final decision. A copy of such initial decision or certification shall be mailed to the respondent and the grievant, or their representative, by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner, the respondent or grievant may within 30 days of the mailing of such notice of initial decision file with the Secretary exceptions to the initial decision, with reasons therefor. In the absence of exception, the Secretary may on his own motion, within 45 days after the initial decision, serve on the respondent and grievant, a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. If no exception is taken or notice of review issued, the initial decision shall constitute the final decision of the Secretary.

(g) Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (f) of this section, or whenever the Secretary conducts the hearing, the respondent and grievant shall be given reasonable opportunity to file briefs or other written statements of their contentions, and a copy of the final decision of the Secretary shall be given in writing to the respondent, and to the grievant by certified or registered mail, return receipt requested.

(h) Whenever a hearing is waived pursuant to paragraph (a) of this section, a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the grievant, by certified or registered mail, return receipt requested.

(i) Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements of section 3 of the Housing and Urban Development Act of 1968 or the regulations which the respondent has not complied with.

(j) The final decision may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of section 3 and these regulations. The decision may also include provisions designed to implement, maintain, and enforce sanctions set forth in § 135.135 until the respondent corrects its noncompliance and satisfies the Secretary that it will fully comply with section 3 and these regulations.

(k) The General Counsel shall represent the Department and shall receive copies of all notices, decisions and other documents which are forwarded to the parties.

(l) The applicant or recipient, if not a party, shall be invited to participate in the hearing and shall receive copies of all notices, decisions, and other documents which are forwarded to the parties.

§ 135.115 Compliance reviews and procedures.

In order to determine whether the responsibilities imposed upon him by section 3 and these regulations are being properly carried out, the Secretary shall periodically conduct section 3 compliance reviews of selected applicants, recipients, contractors, and subcontractors. A compliance review shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned section 3 policies, and conditions resulting therefrom. Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through the conciliation process set forth in § 135.105(g). Compliance reviews may be conducted prior to award of contracts in any case where the Secretary has reasonable grounds based on a substantial grievance, the Department's own investigation, or other substantial evidence, to believe that the applicant, recipient, contractor, or subcontractor will be unable or unwilling to comply with section 3 and the provisions of this part.

Subpart G—Miscellaneous

§ 135.120 Reporting and recordkeeping.

In order to insure that the Secretary is kept informed of the progress being made by the applicant, recipient, contractor, and subcontractor in meeting their obligations under these regulations, each applicant, recipient, contractor, and subcontractor is required to:

(a) Maintain such records and accounts and furnish such information and reports as are required by the Secretary under these regulations or pursuant thereto and permit the Secretary access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with these regulations or the rules and orders of the Department issued thereunder.

(b) Advise the Secretary within 15 days of the award of any contract under a section 3 covered project of the steps which have been and will be taken to comply with the requirements of Subparts B, C, and D of this part.

§ 135.125 Implementing procedures and instructions.

All regulations, procedures, and circulars previously issued by the Department designed or purporting to implement the provisions of section 3 are revoked and superseded by this part. Handbook MC 3160.1 entitled Model Cities Resident Employment and Training Requirements, is superseded to the extent that Handbook MC 3160.1 applies to occupations related to housing and urban development including the field of construction, design, architecture, mortgage banking, rehabilitation, maintenance, repair and housing management.

§ 135.130 Labor standards.

All labor standards applicable by statute, regulations, or other administrative issuance shall apply to section 3 covered projects.

§ 135.135 Sanctions and penalties.

Failure or refusal to comply and give satisfactory assurances of future compliance with the requirements of this part shall be proper basis for applying sanctions. Such sanctions as are specified by the grant or loan agreement or contract through which Federal assistance is provided, as well as such sanctions as are specified by the rules, regulations, or applicable policy of the Department of Housing and Urban Development governing the program under which Federal assistance to the project is provided, shall be applied in accordance with the relevant regulations. Any or all of the following actions may be taken, as appropriate: cancellation, termination, or suspension in whole or in part of the contract or agreement; a determination of ineligibility or debarment from any further assistance or contracts under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received, and referral to the Department of Justice for appropriate legal proceedings.

§ 135.140 Effective date.

This part shall become effective on November 23, 1973, and shall apply to all applications for assistance filed with HUD on or after the effective date of this part. However, nothing in this part shall affect requirements already imposed on applicants, recipients and contractors, and subcontractors pursuant to section 3.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-22417 Filed 10-17-73;3:22 am]

CHAPTER VIII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (LOW RENT PUBLIC HOUSING)

[Docket No. R-73-218]

PART 1270—LOW RENT HOMEOWNERSHIP OPPORTUNITIES

Correction

In F.R. Doc. 73-21329, appearing at page 27887 in the issue of Tuesday, October 9, 1973, make the following changes:

1. In the fourth line of § 1270.107(j)(4), the word "owned", should read "owed".

2. In the third column on page 27902, in the third line of paragraph 19., insert a closed parenthesis after the word "Homebuyer".

3. Directly under the heading "Appendix I", in the second column on page 27907, insert "(Subpart D)".

4. Directly under the heading "Appendix II", in the first column on page 27910, insert "(Subpart D)".

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-232]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Mississippi	Simpson	Mendenhall, City of.				Oct. 19, 1973, Emergency.
North Carolina	Craven	Unincorporated areas.				Do.
Pennsylvania	Northampton	East Allen, Township of.				Do.
Do	Carbon	East Penn, Township of.				Do.
Do	Lebanon	North Annville, Township of.				Do.

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

Issued October 12, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-22339 Filed 10-19-73;8:45 am]

[Docket No. FI-234]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Florida	Broward	Miramar, City of				Oct. 18, 1973, Emergency.
Indiana	Porter	Porter, Town of				Oct. 16, 1973, Emergency.
Oklahoma	Washington	Bartlesville, City of.				Oct. 18, 1973, Emergency.
Virginia	Henry	Unincorporated Areas.				Do.

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

Issued October 11, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-22340 Filed 10-19-73;8:45 am]

[Docket No. FI-233]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Columbia	Magnolia, City of.	H 05 027 2490 01 through H 05 027 2490 03	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	City Hall, City of Magnolia, Magnolia, Ark. 72204.	Oct. 26, 1973.
Do	Craighead	Jonesboro, City of.	H 05 031 2070 01 through H 05 031 2070 08	do	City Hall, City of Jonesboro, Jonesboro, Ark. 72401.	Do.
Do	Lee	Marianna, City of.	H 05 077 2540 01 H 05 077 2540 02	do	City Hall, City of Marianna, Marianna, Ark. 72360.	Do.
Do	Poinsett	Marked Tree, City of.	H 05 111 2560 01	do	City Hall, City of Marked Tree, Marked Tree, Ark. 72365.	Do.
Do	Union	Smackover, Town of.	H 05 139 3620 01	do	Town Hall, Town of Smackover, Smackover, Ark. 71762.	Do.
California	San Diego	Escondido, City of.	H 06 073 1200 01 through H 06 073 1200 08	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Director of Public Works, City of Escondido, 620 North Ash, Escondido, Calif. 92025.	Do.
Do	San Luis Obispo	San Luis Obispo, City of.	H 06 079 3370 01 through H 06 079 3370 06	do	City Engineer's Office, City Hall, 900 Palm St., San Luis Obispo, Calif. 93401.	Do.
Colorado	Boulder	Longmont, City of.	H 08 013 1530 01 through H 08 013 1530 05	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City of Longmont Planning Department, 317 Emery St., Longmont, Colo. 80501.	Do.
Connecticut	Middlesex	Essex, Town of	H 09 007 0230 01 through H 09 007 0230 05	Department of Environmental Protection, Director of Water and Related Resources, Room 207 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Hall, West Avenue, Essex, Conn. 06426.	Do.
Florida	Indian River	Indian River Shores, Town of.	H 12 061 1476 01 through H 12 061 1476 03	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Town Hall, Town of Indian River Shores, Indian River Shores, Fla. 32960.	Do.
Idaho	Bonneville	Ammon, Town of.	H 16 019 0050 01 H 16 019 0050 02	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Town Hall, Town of Ammon, 3270 Molen St., Idaho Falls, Idaho 83401.	Do.
Illinois	Du Page	Addison, Village of.	H 17 043 0020 01 through H 17 043 0020 04	Department of Local Government Affairs, 309 West Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Municipal Bldg., 130 Army Trail Rd., Addison, Ill. 60101.	Do.
Do	Kane	Montgomery, Village of.	H 17 089 5720 01 H 17 089 5720 02	do	Montgomery Village Hall, 1300 South Broadway, Montgomery, Ill. 60538.	Do.
Do	Lake	Highland Park, City of.	H 17 097 3910 01 through H 17 097 3910 05	do	City Engineering Department, 1800 Old Skokie Rd., Highland Park, Ill. 60035.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Indiana	Marion	Speedway, Town of.	H 18 097 4620 01 H 18 097 4620 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town of Speedway, 1450 North Lyndhurst Dr., Speedway, Ind. 46224.	Do.
Do.	Dubois	Jasper, City of	H 18 037 2260 01 through H 18 037 2260 03	do	City-Clerk-Treasurer, City Hall, 606 Main St., Jasper, Ind. 47546.	Do.
Do.	Marshall	Plymouth, City of.	H 18 099 4010 01	do	Plymouth City Council, 121 East Laporte St., Plymouth, Ind. 46563.	Do.
Louisiana	Tangipahoa Parish.	Roseland, Town of.	H 22 105 2050 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Town Hall, Town of Roseland, Roseland, La. 70456.	Do.
Do.	Vermilion Parish	Gueydan, Town of.	H 22 113 0070 01 H 22 113 0070 02	do	Town Hall, Town of Gueydan, Gueydan, La. 70740.	Do.
Minnesota	Itasca	Grand Rapids, City of.	H 27 061 2850 01 through H 27 061 2850 05	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Hall, City of Grand Rapids, Grand Rapids, Minn. 55744.	Do.
Do.	Jackson	Jackson, City of	H 27 063 3580 01 through H 27 063 3580 03	do	City Hall, 504 Second St., Jackson, Minn. 56143.	Do.
Missouri	Franklin and St. Louis.	Pacific, City of	H 29 071 6030 01 through H 29 071 6030 05	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Pacific City Hall, 221 South First St., Pacific, Mo. 63069.	Do.
New Jersey	Union	Kenilworth, Borough of.	H 34 039 1550 01 through H 34 039 1550 04	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk's Office, Borough of Kenilworth, 567 Blvd., Kenilworth, N.J. 07033.	Do.
Ohio	Ottawa	Put-In-Bay, Village of.	H 39 123 6780 01	Ohio Department of Natural Resources, Ohio Departments Bldg., Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Office of Village Clerk, Put-In-Bay, Ohio 43456.	Do.
Do.	Portage	Kent, City of	H 39 133 3880 01 through H 39 133 3880 04	do	Department of Public Service, City Hall, 319 South Water St., Kent, Ohio 44240.	Do.
Do.	Trumbull	Warren, City of	H 39 155 8530 01 through H 39 155 8530 05	do	City Hall, 391 Mahoning Ave., North West, Warren, Ohio 44483.	Do.
Do.	Wayne	Rittman, City of	H 39 169 6070 01 H 39 169 6070 02	do	City Manager's Office, City of Rittman, Rittman, Ohio 44270.	Do.
Do.	Wayne	Wooster, City of	H 39 169 9140 01 through H 39 169 9140 05	do	City Engineer, 538 North Market St., P.O. Drawer F, Wooster, Ohio 44691.	Do.
Pennsylvania	Berks	Birdsboro, Borough of.	H 42 011 0600 01	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Hall, Borough of Birdsboro, 113 Main St., Birdsboro, Pa. 19508.	Do.
Do.	Clinton	Bald Eagle, Township of.	H 42 035 0456 01 H 42 035 0456 02	do	Bald Eagle Township, Rural Delivery 2, Mill Hall, Pa. 17751.	Do.
Do.	do	Woodward, Township of.	H 42 035 4550 01 through H 42 035 4550 07	do	Woodward Township Bldg., Linden, Pa. 17744.	Do.
Do.	do	Wayne, Township of.	H 42 035 8916 01 through H 42 035 8916 06	do	Wayne Township Municipal Bldg., Lock Haven, Pa. 17745.	Do.
Do.	Luzerne	White Haven, Borough of.	H 42 079 9315 01 H 42 079 9315 02	do	White Haven Borough Bldg., Buffalo St., White Haven, Pa. 18661.	Do.
Do.	Perry	Watts, Township of.	H 42 099 8902 01 through H 42 099 8902 05	do	Watts Township Municipal Office, Rural Delivery No. 2, Duncannon, Pa. 17020.	Do.
Utah	Davis	Bountiful, City of.	H 49 011 0140 01 through H 49 011 0140 04	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	City Manager, 745 South Main St., Bountiful, Utah 84010.	Do.
Wisconsin	Lafayette	Darlington, City of.	H 55 065 1270 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	City Attorney's Office, 116 East Louisa St., Darlington, Wis. 53530.	Do.

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

Issued October 12, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-22338 Filed 10-19-73;8:45 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Proposed Expenses of the California Date Administrative Committee, and Rate of Assessment, for the 1973–74 Crop Year

Notice is hereby given of a proposal regarding expenses of the California Date Administration Committee, and rate of assessment, for the 1973–74 crop year. The proposal is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The California Date Administrative Committee has unanimously recommended, for the 1973–74 crop year expenses totalling $26,306 and an assessment rate of 8 cents per hundredweight on assessable dates. The assessable poundage is estimated by the Committee at 33 million pounds.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 31, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.318 Expenses of the California Date Administrative Committee and rate of assessment for the 1973–74 crop year.

(a) *Expenses.*—Expenses in the amount of $26,306 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1973–74 crop year beginning October 1, 1973, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.*—The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 8 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated October 16, 1973.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-22409 Filed 10-19-73;8:45 am]

[7 CFR Part 1040]

[Docket No. AO 225–A26]

MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn, Downtown, 401 Detroit Street, Flint, Michigan, beginning at 9:30 a.m., local time, on November 7, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southern Michigan marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MICHIGAN MILK PRODUCERS ASSOCIATION

PROPOSAL NO. 1

§ 1040.52 [Amended]

Amend § 1040.52(a)(1) by:

1. Placing Lenawee County in a minus 2 cents zone.

2. Changing the present Zone III from minus 5 cents to minus 7 cents.

3. Changing the present Zone IV from minus 7 cents to minus 8 cents.

4. Changing the present Zone V from minus 9 cents to minus 10 cents.

PROPOSAL NO. 2

Amend § 1040.52(b) by applying the 108 percent to Class I and Class II rather than just Class I utilization.

PROPOSAL NO. 3

§ 1040.75 [Amended]

Amend § 1040.75(a)(2) by adding that part of St. Clair now included in Zone I—no adjustments, and amend § 1040.75(a)(3) by changing present 8 cents to 9 cents.

PROPOSED BY MCDONALD COOPERATIVE DAIRY COMPANY

PROPOSAL NO. 4

Amend § 1040.7(b)(1) to read:

§ 1040.7 Pool plant.

* * * * *

(b) * * *

(1) A plant for which the milk described in (i) is the following percentage of the milk described in (ii): October through March—50 percent or the call percentage—whichever is higher. April through September—40 percent or the call percentage—whichever is higher. April through September for a plant meeting the above requirement October through March—20 percent or the call percentage—whichever is higher.

(i) Milk moved to distributing plant(s) qualified under paragraph (a) of this section from the supply plant less milk moved from such distributing plant(s) to nonpool plants for Class II or III use. If such distributing plants received milk from more than one supply plant it will be prorated to all supply plants.

(ii) Monthly receipts of Grade A milk at the supply plant (including receipts of a handler described in § 1040.9(c)), less any receipts by transfer or diversion from another plant.

* * * * *

PROPOSAL NO. 5

§ 1040.19 [Amended]

Amend § 1040.19 to provide that the estimates and calculations in § 1040.19(a) and (b) will be based on Class I utilization and receipts at distributing plants in Wayne County and the townships of Royal Oak and Southfield in Oakland County.

PROPOSAL NO. 6

Amend § 1040.52(a)(1) to read:

§ 1040.52 Plant location adjustments for handlers.

(a) * * *

(1) *Zone rates.*—For a plant located within the following described territory, including the cities located therein, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

ZONE I—NO ADJUSTMENTS

Genesee	Oakland
Macomb	Wayne
Monroe	

Bay (except Gibson, Mount Forest, Pinconning, Garfield, and Fraser Townships).

Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove Townships).

St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville Townships).

Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter Townships).

ZONE II—3 CENTS

Ingham	Lenawee
Jackson	Livingston

Saginaw—Chesaning and Maple Grove Townships

Washtenaw—(All the townships excluded from Zone I)

ZONE III—5 CENTS

Arenac	Isabella
Clinton	Lapeer
Eaton	Midland
Gladwin	Sanilac
Gratiot	Tuscola
Huron	

Bay (all the townships excluded from Zone I).

Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa Townships).

Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain Townships).

Saginaw (all the townships excluded from Zone I and those not included in Zone II).

St. Clair (all the townships excluded from Zone I).

ZONE IV—7 CENTS

Barry	Kalamazoo
Branch	Kent
Calhoun	Mecosta
Hillsdale	St. Joseph

Allegan (all the townships excluded from Zone V).

Ionia (all the townships excluded from Zone III).

Montcalm (all the townships excluded from Zone III).

ZONE V—9 CENTS

Berrien	Newaygo
Cass	Oceana
Clare	Ogemaw
Iosco	Osceola
Lake	Ottawa
Mason	Roscommon
Missaukee	Van Buren
Muskegon	

Allegan (except the townships of Dorr, Gunplain, Hopkins, Leighton, Martin, Otsego, Watson, and Wayland).

ZONE VI—12 CENTS

Alcona	Manistee
Crawford	Oscoda
Grand Traverse	Wexford
Kalkaska	

ZONE VII—15 CENTS

Alpena	Emmet
Antrim	Leelanau
Benzie	Montmorency
Charlevoix	Otsego
Cheboygan	Presque Isle

* * * * *

Modify the above zones by the appropriate percentage factor representing the increase in hauling costs from 1964 to date as determined from hearing evidence.

PROPOSAL NO. 7

§ 1040.50 [Amended]

Amend § 1040.50(a) by adjusting $1.60 so that the changes in Proposals 6 and 8 will result in the same dollar amount being paid to producers as is paid under present order provisions.

PROPOSAL NO. 8

§ 1040.75 [Amended]

Delete § 1040.75(a)(2) and amend § 1040.75(a)(3) by substituting four cents for eight cents.

PROPOSAL NO. 9

Amend § 1040.93 by adding a new paragraph (d) as follows:

§ 1040.93 Application of bases.

* * * * *

(d) A producer who after application of the proviso in § 1040.92(a) experiences a loss of over 10 percent of his base as the result of infectious bovine rhinotracheitis (IBR), summer flu, or any infectious contagious disease which affects milk production, shall have his base adjusted by the market administrator to such amount as the base which would have resulted in the absence of infection, upon submission of an affadavit by a licensed, accredited veterinarian that such infection was outside the control of the producer and the loss of production was the result of such infection.

PROPOSED BY NATIONAL FARMERS ORGANIZATION

PROPOSAL NO. 10

Amend § 1040.13(b)(2) to read:

§ 1040.13 Producer milk.

* * * * *

(b) * * *

(2)(i) In any month of October through March, a cooperative association may divert for its account a total quantity of member producer milk not to exceed the quantity of member producer milk physically received at all pool plants. Milk so diverted in excess of the quantity of member milk received at pool plants shall not be deemed to have been received at a pool plant and shall not be producer milk. The diverting handler shall designate the dairy farmers whose milk is not producer milk in the event the total quantity of milk diverted exceeds the quantity physically received at pool plants.

(ii) In any month of October through March, the operator of a pool plant, other than a cooperative association, may divert for his account a total quantity of milk of producers other than members of a cooperative association not to exceed the quantity of milk physically received at such pool plant during the month from producers who are not members of the cooperative association. Milk so diverted in excess of said quantity shall not be deemed to have been received at a pool plant and shall not be producer milk. The diverting handler shall designate the dairy farmers whose milk is not producer milk in the event the total quantity of the milk of producers who are not members of a cooperative association diverted by said handler exceeds the quantity of such milk physically received at said pool plant during the month.

* * * * *

PROPOSAL NO. 11

Amend § 1040.50(a) to read:

§ 1040.50 Class prices.

* * * * *

(a) The Class I price shall be the basic formula price for the second preceding month plus $1.80.

* * * * *

PROPOSAL NO. 12

Amend § 1040.52 to read:

§ 1040.52 Plant location adjustments for handlers.

(a) For producer milk received at a pool plant located outside the marketing area, as defined in § 1040.52, and classified as Class I milk, subject to the limitation described in paragraph (b) of this section, the price computed pursuant to § 1040.50(a) shall be reduced 1.0 cents for each 10 miles, or fraction thereof, of shortest highway distance, as determined by the market administrator, from said plant to the nearest point in said marketing area.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.7(a), the operator of the transferee plant shall receive credit at the applicable mileage rate, based on the location of the transferor plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee plant is in excess of the sum of receipts at such plant: (1) From producers, (2) from cooperative associations pursuant to § 1040.9(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted

Class I price shall not be less than the Class III price.

PROPOSAL NO. 13

§ 1040.75 [Amended]

In § 1040.75(a)(1), delete the phrase "§ 1040.52(a)(1) or (2)" and replace with the phrase "§ 1040.52(a) and (b)."

PROPOSED BY DEAN FOODS COMPANY

PROPOSAL NO. 14

§ 1040.52 [Amended]

Amend § 1040.52(a)(1) by changing the present minus 12 cents zone to minus 13 cents and changing the present minus 15 cents zone to minus 16 cents.

PROPOSED BY DETROIT MILK DEALERS, INC.

PROPOSAL NO. 15

§ 1040.19 [Amended]

Amend § 1040.19 to base the computation of the call percentage on Class I milk utilization and producer milk receipts from farms and cooperative associations at pool distributing plants in the Detroit area only (Wayne and Oakland counties).

PROPOSAL NO. 16

§ 1040.52 Plant location adjustments for handlers.

Amend § 1040.52(a)(1) to read:

(a) * * *

(1) *Zone rates.* For a plant located within the following described territory, including the cities located therein, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

ZONE I—NO ADJUSTMENTS

Bay	Macomb
Genessee	Monroe
Lenauese	Oakland
Livingston	

Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning and Maple Grove Townships).

St. Clair	Wayne
Washtenau	

ZONE II—3 CENTS

Ingham	Jackson

ZONE III—5 CENTS

Clinton	Saginaw (all townships excluded from Zone I)
Shiawassee	
Kent	

ZONE IV—7 CENTS

Fruitport Township in Muskegon County
Holland Township in Ottawa County
Evart and Osceola Townships in Osceola County

ZONE V—15 CENTS

Huron	Gladwin
Tuscola	Isabella
Sanilac	Misland
Lapeer	Gratiot
Arenac	

ZONE VI—17 CENTS

Mecosta	Kalamazoo
Montcalm	Calhoun
Ionia	St. Joseph
Barry	Branch
Eaton	Hillsdale

ZONE VII—19 CENTS

Allegan	Missaukee
Berrien	Newaygo
Cass	Oceana
Clare	Ogemaw
Iosco	Roscommon
Lake	Van Buren
Mason	

Ottawa (except Holland Township)
Muskegon (except Fruitport Township)
Osceola (except Evart and Osceola Townships)

ZONE VIII—22 CENTS

Alcona	Manistee
Crawford	Oscoda
Grand Traverse	Wexford
Kalkaska	

ZONE IX—25 CENTS

Alpena	Emmett
Antrim	Leelanau
Benzie	Montmorency
Charlevoix	Otsego
Cheboygan	Presque Isle

* * * * *

PROPOSAL NO. 17

§ 1040.75 [Amended]

Amend § 1040.75 by deleting paragraphs (a)(2) and (a)(3).

PROPOSAL NO. 18

§ 1040.50 [Amended]

Amend § 1040.50(a) so as to provide the same return to producers after any amendments become effective.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 19

Amend § 1040.9(c) to read:

§ 1040.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

* * * * *

PROPOSAL NO. 20

Amend § 1040.73(b) to read:

§ 1040.73 Payments to producer and to cooperative associations.

* * * * *

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by producers to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified producers, less amounts owing by each such producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) the amounts withheld by the handler in payment for supplies sold;

(2) A copy of each such request, promise to reimburse and certified list of producers shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination; and

(3) The foregoing payment and the submissions of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer who the cooperative association certifies is a member or has authorized such cooperative association to collect for his milk, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of certification or until the original request is rescinded in writing by the association.

* * * * *

PROPOSAL NO. 21

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator C. T. McCleery, 2684 West Eleven Mile Road, Berkley, Michigan 48072, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on: October 16, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-22410 Filed 10-19-73;8:45 am]

Forest Service

[36 CFR Part 295]

USE OF OFF-ROAD VEHICLES

Operating Conditions

Notice is hereby given that it is proposed to issue a new § 295.6—Operating

Conditions to Part 295 to Chapter II of Title 36, Code of Federal Regulations, as set forth herein. This section deals with operating conditions of off-road vehicles and was reserved in newly promulgated Part 295 as published in the FEDERAL REGISTER on September 25, 1973 (38 FR 185).

All persons who wish to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Recreation, Room 4240, South Agriculture Building, Washington, D.C. 20250, on or before December 24, 1973.

All written submissions made pursuant to this notice will be available for public inspection in the Forest Service, Division of Recreation, during regular business hours. (7 CFR 1.27(b).)

§ 295.6 **Operating conditions.**

Operating conditions set forth in this section shall apply to all off-road vehicles when operated on areas or trails of National Forest System lands.

(a) No person may operate an off-road vehicle without a valid operator's license or learner's permit unless accompanied by a responsible adult who has a valid operator's license. In addition, no person shall operate an off-road vehicle:

(1) In a reckless, careless or negligent manner;

(2) In excess of established speed limits;

(3) While the operator is under influence of alcohol or drugs; and

(4) In a manner likely to cause excessive damage or disturbance of the land, wildlife or vegetative resources.

(b) All off-road vehicles must conform to applicable State laws and registration requirements established for such vehicles.

(c) All off-road vehicles powered by internal or external combustion engines shall be equipped with a properly installed muffler in good working condition. A Forest Supervisor may, by posting of appropriate signs, or by making a map which shall be available in the office of the Forest Supervisor and at the local District Ranger's office, require that internal and external combustion engine off-road vehicles shall be equipped with a properly installed spark arrester. Such spark arrester shall meet and be qualified to either the U.S. Department of Agriculture—Forest Service Standard 5100-1a, or the 80 percent efficiency level when determined in accordance with the appropriate Society of Automobile Engineers (SAE) Recommended Practices J335 or J350.

(d) Off-road vehicles shall not be operated at any time without proper brakes.

(e) Off-road vehicles shall not be operated from one-half hour after sunset to one-half hour before sunrise without working headlights and taillights.

(f) All off-road vehicles shall comply with applicable National, Department of Agriculture or State standards for permissible noise levels for such vehicles. In case of overlapping standards, the most stringent standard will govern.

(30 Stat. 35, as amended (16 U.S.C. 551); 50 Stat. 625, as amended (7 U.S.C. 1011); 83 Stat. 852; E.O. 11644.)

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

OCTOBER 17, 1973.

[FR Doc.73-22472 Filed 10-19-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 73-1511]

[12 CFR Parts 541, 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Flexible Payment Loans

OCTOBER 17, 1973.

The Federal Home Loan Bank Board considers it advisable to amend § 541.14, paragraph (a) of § 545.6-1, and paragraph (a) of § 545.6-12 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 541.14, 545.6-1(a), and 545.6-12(a)) to permit Federal associations to make loans repayable on a "flexible payment" basis which are secured by homes or combinations of homes and business property under § 545.6-1(a), except loans to 100 percent of the value of such property under subparagraph (6) of said § 545.6-1 (a). The proposal would amend § 545.14, which defines "installment loan" and "partially amortized monthly installment loan," by adding a definition of "flexible payment loan" as new paragraph (c) thereof. A flexible payment loan is a monthly installment loan with a fixed rate of interest. No amortization of principal is required for the first 8 years of the loan term but all payments after the end of the eighth year must be equal and must be such that no more than 15 percent of the original loan principal is repayable in any one year. The agreement evidencing such a loan must set forth its complete repayment schedule.

Presently, § 545.6-1(a) requires loans secured by homes or combinations of homes and business property with terms in excess of 15 years to be repaid in monthly installments which amortize both interest and principal and which may decrease but not increase in amount. The Board believes that the proposal is desirable because it will foster earlier home ownership for borrowers—particularly young people—who expect their incomes to increase.

Section 545.6-1(a) sets forth the conditions under which a Federal association may make "monthly installment loans." Similarly, § 545.6-12(a) requires the payments on the various kinds of "monthly installment loans" to begin within specified periods of time. The 24 month period specified therein is changed to 36 months to make it consistent with § 545.6-1 (b) and (c). The proposal makes a number of changes in §§ 545.6-1(a) and 545.6-12(a) so that the conditions set forth in those sections apply to "flexible payment loans" as well as to "monthly installment loans."

Among the conditions set forth in § 545.6-1(a) are several relating to the authority of Federal associations to make loans in excess of 80 percent of value of security property. One such condition is that a Federal association may not make over-80-percent loans in excess of 30 percent of its assets. Similarly, over-90-percent loans in excess of 10 percent of an association's assets are prohibited. The proposal permits Federal associations to make over-80-percent and over-90-percent loans repayable on a flexible payment basis, but limits the amount of such loans to 5 percent of an association's assets. Further, this 5 percent must be considered as part of, and not in addition to, the above mentioned 30 percent and 10 percent limitations. This 5 percent limitation is reflected in new subdivision (viii) of § 545.6-1(a)(4) and new subdivision (iv) of § 545.6-1(a)(5), with appropriate redesignations of other subdivisions in § 545.6-1(a)(4) and (5).

Presently, § 545.6-1(a)(3)(ii) permits a Federal association to make construction loans up to 80 percent of the value of security property and for terms of not more than 18 months. However, that section does not make clear that a Federal association may combine any permanent installment loan—including over-80-percent and over-90-percent loans but excluding loans to 100 percent of value—with a loan for the purpose of construction. Also, said §545.6-1(a)(3)(ii) does not make clear that the construction and permanent terms of such combination loans may be added—for a combined maximum term of 31 years and 6 months. Federal associations presently may make combination permanent and construction loans with added terms which are secured by "other dwelling units" (§ 545.6-1(b)) and by "other improved real estate" (§ 545.6-1(c)). The proposal clarifies the combination loan area by revoking § 545.6-1(a)(3)(ii) and by adding a new § 545.6-1(a)(7), which states that all permanent loans secured by homes or combinations of homes and business property, except loans to 100 percent of value under § 545.6-1(a)(6), may be combined with loans for the purpose of construction and that the terms of the permanent and construction loans may be added in such situations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend §§ 541.14, 545.6-1(a) and 545.6-12(a), to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by November 19, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under

§ 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 541.14 Installment loans; partially-amortized monthly installment loan; flexible payment loans.

* * * * *

(c) *Flexible payment loan.*—The term "flexible payment loan" means any loan meeting the following requirements:

(1) The loan shall be repayable in monthly payments;

(2) The annual interest rate shall be fixed at the beginning of the loan term and shall remain constant throughout such term;

(3) No monthly payment due during the first eight years of the loan term shall be less than one-twelfth of the annual interest rate times the unpaid principal balance of the loan;

(4) All monthly payments due after the end of the eighth year of the loan term shall be equal and shall be sufficient to amortize the remainder of the debt, interest and principal, within the remainder of the loan term;

(5) The repayment of more than 15 percent of the original loan principal in any one year shall not be required; and

(6) The loan agreement shall set forth a complete payment schedule.

§ 545.6–1 Lending powers under sections 13 and 14 of Chapter K.

* * * * *

(a) *Homes or combination of homes and business property*—(1) *Monthly installment loans; flexible payment loans.*—Subject to the limitations of § 545.6–7, monthly installment loans and flexible payment loans may be made on homes or combinations of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 30 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(ii) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(iii) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

* * * * *

(3) *Loans without full amortization.*—Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That except as to loans made pursuant to subdivision (ii) of this subparagraph (3) the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That, when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

* * * * *

(ii) 80 percent of the value and for a term of not more than 18 months, if such loan is made for the purpose of facilitating the trade-in or exchange of home or combination of home and business properties: *Provided*, That, with regard to loans made pursuant to this subdivision, the aggregate amount which such an association may invest in such loans shall not at any time exceed 5 percent of such association's assets; and the term "first liens" includes the assignment of the whole of the beneficial interest in a trust having a corporate trustee whereunder real estate held in the trust can be subjected to the satisfaction of the obligation or obligations secured with the same priority as a first mortgage, a first deed of trust, or a first trust deed in the jurisdiction where the real estate is located.

(4) *Loans in excess of 80 percent of value.*—The limitation of 80 percent set forth in paragraph (a)(1)(i) of this section shall be 90 percent in the case of any monthly installment loan or flexible payment loan with respect to which the following requirements are met:

* * * * *

(vii) The aggregate of the principal amount of any such loan and of the association's investment in the principal amount of all other loans under this subparagraph and subparagraph (5) of this paragraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 30 percent of the association's assets;

(viii) The aggregate of the principal amount of the association's investment in flexible payment loans under this subpargraph and subparagraph (5) of this paragraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 5 percent of the association's assets, which 5 percent shall be included in the 30 percent of assets limitation set forth in subdivision (vii) of this subparagraph; and

* * * * *

(5) *Loans in excess of 90 percent of value.*—The limitation of 80 percent set forth in paragraph (a)(1)(i) of this section shall be 95 percent in the case of any monthly installment loan or flexible payment loan with respect to which the requirements set forth in paragraph (a)(4)(i), (iii), (iv), (v), (vi), and (ix) of this section are met and with respect to which the following additional requirements are met:

* * * * *

(6) *Loans to 100 percent of value.*—The limitation of 80 percent set forth in paragraph (a)(1)(i) of this section shall be 100 percent in the case of any loan other than a flexible payment loan which is made on the security of:

(i) A single-family dwelling located within the association's regular lending area if such loan is made under regulations for the Housing Opportunity Allowance Program contained in Part 527 of this chapter; or

(ii) A home located within the association's regular lending area if at least that portion of such loan which exceeds 80 percent of the value of the security property is insured or guaranteed by an agency or instrumentality of a State whose full faith and credit is pledged to the support of such insurance or guarantee.

(7) *Construction loans.*—If the members of an association have authorized loans on homes or combinations of homes and business property to be made without full amortization in excess of 50 percent of the value thereof, such loans may be made for the purpose of construction up to 80 percent of the value thereof and for a term of not more than 18 months without regard to any requirement of this part for amortization of principal prior to the end of the term. Monthly installment loans and flexible payment loans under paragraph (a)(1) of this section, other installment loans under paragraph (a)(2) of this section, loans without full amortization under paragraph (a)(3) of this section, loans in excess of 80 percent of value under paragraph (a)(4) of this section, and loans in excess of 90 percent of value under paragraph (a)(5) of this section may each be combined into a single loan with a loan for the purpose of construction meeting the requirements of this subparagraph, and the term of the permanent loan shall be considered to begin at the end of the term allowed for construction.

* * * * *

(ii) The aggregate of the principal amount of any such loan and of the association's investment in the principal amount of all other loans made under this subparagraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 10 percent of the association's assets;

(iii) The aggregate of the principal amount of any such loan and of the association's investment in the principal amount of all other loans under this subparagraph and paragraph (a)(4) of this

section (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 30 percent of the association's assets;

(iv) The aggregate of the principal amount of the association's investment in flexible payment loans under this subparagraph and paragraph (a)(4) of this section (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 5 percent of the association's assets, which 5 percent shall be included in the 10 percent of assets limitation set forth in paragraph (a)(5)(ii) of this section and in the 30 percent of assets limitation set forth in subdivision (iii) of this subparagraph; and

* * * * *

§ 545.6–12 Loan payments.

(a) *Payments on monthly installment loans and flexible payment loans.*—Payments on all monthly installment loans and flexible payment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than 60 days after the advance of the loan. Insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency. The Board hereby approves for use by any Federal association a loan plan whereby payments on any monthly installment loan or flexible payment loan which includes construction may begin not later than 36 months after the date of the first advance, but not later than 18 months if the loan is secured by real estate consisting solely of one or more homes or combinations of home and business property; interest shall be payable at least semiannually until regular periodic payments become due.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-22470 Filed 10-19-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

A.I.D. AFFAIRS OFFICER, COSTA RICA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the A.I.D. Affairs Officer, Costa Rica, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said A.I.D. Affairs Officer to the person or persons designated by the A.I.D. Affairs Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the A.I.D. Affairs Officer, whichever shall first occur. The authority so redelegated by the A.I.D. Affairs Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the A.I.D. Affairs Officer may be exercised by duly authorized persons who are performing the functions of the A.I.D. Affairs Officer in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22425 Filed 10-19-73;8:45 am]

MISSION DIRECTOR, USAID, BOLIVIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Bolivia, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22424 Filed 10-19-73;8:54 am]

MISSION DIRECTOR, USAID, ECUADOR

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Ecuador, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22426 Filed 10-19-73;8:45 am]

MISSION DIRECTOR, USAID, HONDURAS

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Honduras, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22427 Filed 10-19-73;8:45 am]

MISSION DIRECTOR, USAID, NICARAGUA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Nicaragua, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc. 73-22428 Filed 10-19-73;8:45 am]

MISSION DIRECTOR, USAID, PANAMA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Panama, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22429 Filed 10-19-73;8:45 am]

MISSION DIRECTOR, USAID, PERU

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Peru, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officers for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22430 Filed 10-19-73;8:45 am]

MISSION DIRECTOR, USOM, THAILAND

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USOM, Thailand, the authority to sign or approve:

1. U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof) and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 26, 1973.

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

[FR Doc.73-22423 Filed 10-19-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-298; Customs Delegation Order No. 47]

REGIONAL COMMISSIONERS OF CUSTOMS

Delegation of Authority Regarding Tort Claims

OCTOBER 16, 1973.

By virtue of the authority vested in me by Treasury Department Order No. 145, Revision 3 (32 FR 3066), I hereby delegate to the regional commissioners of Customs the authority to consider, ascertain, adjust, determine, deny, or settle and pay claims not in excess of $1,000 arising under 28 U.S.C. 2672 by reason of the negligent or wrongful act or omission of any employee of the Customs Service.

This order supersedes Customs Delegation Order No. 43, dated January 20, 1972 (T.D. 72-31, 37 FR 1253).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.73-22462 Filed 10-19-73;8:45 am]

Office of the Secretary

ENVIRONMENTAL CONSIDERATIONS AND PETROLEUM REFINERY CONSTRUCTION

Availability of Forms

A survey has been undertaken to obtain information concerning the effects of environmental considerations on oil refinery construction, expansion, or modification during the period January 1, 1969, through June 30, 1973. For this purpose the form, OMB NO 48-S 73003 was sent to some 300 companies on October 10, 1973. This is to inform parties who may have undertaken or considered such construction during the period but who have not received the form and to request that they obtain copies by writing to:

Office of Energy and Natural Resources
Room 5452
Main Treasury Building
1500 Pennsylvania Avenue NW.
Washington, D.C. 20220

or by telephoning (202) 964-2423.

Dated October 17, 1973.

[SEAL] WILLIAM E. SIMON,
Deputy Secretary of the Treasury.

[FR Doc. 73-22414 Filed 10-19-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PROPOSED GEOTHERMAL LEASING PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 USC 4332(2)(C)), the Department of the Interior has prepared a final environmental statement for a Proposed Geothermal Leasing Program as authorized by the Geothermal Steam Act of 1970 (30 USC 1001-1025) which, if implemented, would provide for the leasing of public lands for the purpose of geothermal resource exploration, development, and production. The proposed actions are: (1) The promulgation of leasing and operating regulations pursuant to which the program would be administered; and (2) the leasing of federally owned geothermal resources for development in three specific areas: (a) Clear Lake-Geysers, (b) Mono Lake-Long Valley, and (c) Imperial Valley, all in California. A decision concerning program implementation will be reached no later than 30 days from the publication of this notice.

The final statement represents over three years of intensive effort by multidiscipline task forces and considers over 1,200 pages of comments and oral testimony developed during the public review following the Notice of Availability of the draft statement and Notice of Public Hearings which appeared in the FEDERAL REGISTER on October 6, 1971; the Notice of Availability of the supplement to the draft statement which appeared in the FEDERAL REGISTER on May 3, 1972; and the notices of proposed leasing and operating regulations published in the FEDERAL REGISTER on July 23, 1971; May 3, 1972; November 29, 1972; July 23, 1973; and August 8, 1973.

The time for public comment on the proposed geothermal regulations published on pages 19765-19779 of the July 23, 1973, FEDERAL REGISTER and on page 21416 of the August 8, 1973, FEDERAL REGISTER, was extended to a date 24 days after the final environmental impact statement regarding the development of the geothermal resource is filed with the Council on Environmental Quality in accordance with Section 102 of the National Environmental Policy Act of 1969 (42 USC 4332) (FEDERAL REGISTER of September 26, 1973, page 26807, and FEDERAL REGISTER of September 27, 1973, page 26918). Accordingly, the period for submitting written comments, suggestions or objections to the proposed regulations is extended to November 16, 1973.

The final statement is published in four volumes and may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Map Information Office, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20240.

Bureau of Land Management offices at:
555 Cordova Street
Anchorage, Alaska 99501

Room 3022, Federal Building
Phoenix, Arizona

Federal Office Building
2800 Cottage Way
Sacramento, California 95825

Room 700, Colorado State Bank Building
1600 Broadway
Denver, Colorado 80202

Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83724

Federal Building and U.S. Court House
316 N. 26th Street
Billings, Montana 59101

Room 3008, Federal Building
300 Booth Street
Reno, Nevada 89502

U.S. Post Office and Federal Building
South Federal Place
Santa Fe, New Mexico 87501

729 NE. Oregon Street
Portland, Oregon 97208

125 South State
Salt Lake City, Utah 84138

U.S. Post Office and Court House Building
2120 Capital Avenue
Cheyenne, Wyoming 82001

The cost for a complete set is $21.30. Each volume also may be purchased individually. The content of each volume and price is as follows:

Volume I. Environmental impact evaluation relative to the promulgation of the proposed leasing and operating regulations for implementation of the geothermal leasing program as authorized by the Geothermal Steam Act of 1970 (30 USC 1001–1025). Cost: $4.20

Volume II. Environmental impact evaluations relative to the proposed leasing of federally owned geothermal resources for development in three areas in the State of California. Cost: $5.85

Volume III. Proposed regulations, public comments, and departmental responses. Cost: $5.60

Volume IV. Public comments and hearing transcripts on draft impact statement of October 6, 1971, and proposed regulations of July 23, 1971, and May 3, 1972. Cost: $5.65

Inspection copies are available in the Library and the Office of the Geothermal Coordinator, U.S. Department of the Interior, Washington, D.C., and at depository libraries located throughout the Nation. The Superintendent of Documents may be consulted for information regarding the location of such libraries. Inspection copies also are available in all of the Bureau of Land Management State Offices listed above and in the following Bureau of Land Management District Offices:

1028 Aurora Drive
P.O. Box 1150
Fairbanks, Alaska 99707

1414 University Avenue
Riverside, California 92501

Eastern States Land Office
7981 Eastern Avenue
Silver Spring, Maryland 20910

Outer Continental Shelf Office
Room T-9003, Federal Office Building
701 Loyola Avenue
New Orleans, Louisiana 70113

Room 311, U.S. Federal Building
800 Truxton Avenue
Bakersfield, California 93301

168 Washington Avenue
Ukiah, California 95482

Dated October 18, 1973.

LAURENCE E. LYNN,
Assistant Secretary of the Interior.

[FR Doc.73-22575 Filed 10-19-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A028]

CAMERON COUNTY, TEXAS

Designation of Emergency Loans

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Texas:

Cameron

The Secretary has further found that such general need for agricultural credit existing in this area cannot be met temporarily by private, cooperative, or other responsible sources at reasonable rates and terms for loans for similar purposes and periods of time, and that the need for such credit in such area is the result of a natural disaster consisting of heavy rains in February, June and August 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department prior to December 10, 1973, for physical losses and prior to July 11, 1974, for production losses, except that qualified borrowers who received initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

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

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

[FR Doc. 73-22412 Filed 10-19-73;8:45 am]

[Notice of Designation Number A029]

CAVALIER COUNTY, NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in North Dakota:

Cavalier

The Secretary has further found that such general need for agricultural credit existing in this area cannot be met temporarily by private, cooperative, or other responsible sources at reasonable rates and terms for loans for similar purposes and periods of time, and that the need for such credit in such area is the result of a natural disaster consisting of a severe hailstorm in August 17, 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department prior to December 10, 1973, for physical losses and prior to July 12, 1974, for production losses, except that qualified borrowers who received initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

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

[FR Doc.73-22411 Filed 10-19-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FOREIGN INVESTMENT IN U.S. FISHING COMPANIES

Notice of Intent Regarding Policy

OCTOBER 16, 1973.

The Administrator, National Oceanic and Atmospheric Administration, has developed and applied an interim policy regarding foreign investment in U.S. fishing companies.

The transfer of majority ownership of a U.S. owned company that operates U.S.-documented fishing vessels to a foreign owned company requires the approval of the Maritime Administration under the provisions of sec. 37 of the Shipping Act, 1916, as amended. Section 37, inter alia, requires that in war or national emergency declared by the President, Maritime Administration approval is necessary for transfer of the controlling interest of a U.S. corporation owning a vessel. A state of national emergency has existed since December 16, 1950.

Under present law aliens may own controlling interests in U.S. fishing companies operating U.S.-documented fishing vessels. Ownership and control of a U.S. company by foreign interests does not alter the fact that any such company is still a U.S. company and as such is subject to all U.S. laws and regulations. Consequently, the provisions of law relating to, among other things, employment and compensation of alien workers, exports and imports of products, operations of

U.S.-documented fishing vessels, international agreements to which the U.S. is a party, and fishing regulations would apply to foreign-owned U.S. fishing companies.

The Administrator, NOAA, recognizes that, in the case of foreign investment in U.S. fishing companies there may be unusual circumstances relating to the fisheries resources, the fishing industry, the U.S. consumer and the national interests. While, on balance, it is believed that unless foreign investment in U.S. fishing companies would present special problems that cannot be handled by present or future U.S. laws, such investment should not be considered detrimental to U.S. interests but rather as serving U.S. interests in a beneficial manner. However, foreign control of the fish harvesting segment of the fishing industry is of considerable concern. Therefore, NOAA has developed the following interim policy.

INTERIM POLICY

Each application related to foreign investment in U.S. fishing companies is forwarded by the Maritime Administration to NOAA for investigation and comment. NOAA will investigate and evaluate each application on its individual merits with consideration being given to, among other things, the impact of the proposed transaction on (a) conservation and management of the fisheries resources, (b) the employment of U.S. citizens, (c) U.S. consumers, (d) competition, and (e) other social and economic factors. In doing this, NOAA will review and evaluate the operational plans of the company as well as the extent of foreign investment in the particular fishery in which the company plans to operate.

If the investigation reveals the proposed transaction and operational plans of the company would not require new regulations to protect the fisheries resources or U.S. interests in the above-mentioned areas of consideration and nothing seriously inconsistent with U.S. interests in the above-mentioned areas is discovered, the application would be returned with no objection to the Maritime Administration for its final determination with respect to approval or disapproval. If NOAA objects to the application, it would be returned with appropriate comments to the Maritime Administration for its final determination with respect to approval or disapproval.

Written views, data, or arguments related to this interim policy should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before January 1, 1974, will be considered before final adoption of this interim policy.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-22395 Filed 10-19-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER CLINICAL INVESTIGATION COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, Subcommittee on Statistics, National Cancer Institute, November 12, 1973, 9:30 a.m., Cornell University Medical Center, N.Y.C. This meeting will be open to the public to discuss guidelines for review of statistical and data processing offices in applications for grant support of cancer cooperative clinical trials groups.

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 meeting and roster of committee members.

Dr. John E. Lane, Executive Secretary, Westwood Bldg., Rm. 10A11, National Institutes of Health, Bethesda, Maryland 20014, 301-496-7903, will provide substantive program information.

Dated October 15, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-22422 Filed 10-19-73;8:45 am]

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on December 1, 1973, at the Holiday Inn of La Guardia, 100-15 Ditmars Blvd., E. Elmhurst, New York. This meeting will be open to the public from 10:00 a.m. to 4:00 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496-5751.

2. The Executive Director from whom substantive program information may be obtained is: Dr. Harry M. Weaver, Room 8A11, Building 31A, NIH, phone: 496-3523.

Dated October 15, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-22420 Filed 10-19-73;8:45 am]

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on November 17, 1973, at the Holiday Inn of La Guardia, 100-15 Ditmars Blvd., E. Elmhurst, New York. This meeting will be open to the public from 10 a.m. to 4 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496-5751.

2. The Executive Director from whom substantive program information may be obtained is: Dr. Harry M. Weaver, Room 8A11, Building 31A, NIH, phone: 496-3523.

Dated October 15, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-22421 Filed 10-19-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-405-DR, Docket No. NFD 131]

MASSACHUSETTS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on October 16, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Massachusetts resulting from a fire, beginning about October 14, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Massachusetts. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. John F. Sullivan, HUD Region 1, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following area in the State of Massachusetts to have been adversely affected by this declared major disaster:

City of Chelsea, Suffolk County.

This disaster has been designated as FDAA-405-DR.

Dated October 16, 1973.

JAMES P. DOKKEN,
Acting Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-22442 Filed 10-19-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RST-1, Waiver Petition No. 17]

PENN CENTRAL TRANSPORTATION CO.

Petition for Waiver of Certain Track Safety Standards; Public Hearings

Correction

In FR Doc. 73-22088 appearing at page 28604 in the issue of Monday, October 15, 1973, the appendix was inadvertently omitted. It should be inserted immediatly following the signature and should read as follows:

APPENDIX

SUMMARY DESCRIPTION OF TRACK INVOLVED IN PENN CENTRAL TRANSPORTATION COMPANY PETITION FOR WAIVER OF CERTAIN TRACK SAFETY STANDARDS (FRA DOCKET NO. RST-1, WAIVER PETITION NO. 17)

REGION NO. 1—EASTERN REGION

Area: Delaware, New Jersey, Most of Maryland, Eastern ⅓ of Pennsylvania.

Track: 1377 miles of track at 325 locations fail to meet Class 1 standards for track geometry and crossties.

REGION NO. 2—CENTRAL REGION

Area: Western ⅔ of Pennsylvania, southwestern portion of New York, eastern ⅓ of Ohio, and the panhandle area of West Virginia.

Track: 707 miles of track at 142 locations fail to meet Class 1 standards for track geometry and crossties.

REGION NO. 3—WESTERN REGION

Area: Between Chicago, Illinois, and Buffalo, New York, along Lake Michigan and Lake Erie and through South Bend and Fort Wayne, Indiana, Toledo and Cleveland, Ohio, and Erie, Pennsylvania.

Track: 728 miles of track at 147 locations fail to meet Class 1 standards for track geometry and crossties.

REGION NO. 4—NORTHERN REGION

Area: Lower Peninsula of Michigan.

Track: 365 miles of track at 89 locations fail to meet Class 1 standards for track geometry and crossties.

REGION NO. 5—SOUTHERN REGION

Area: Western ⅔ of Ohio, most of Indiana, eastern ½ of Illinois, and a small portion of West Virginia which includes Charleston.

Track: 2319 miles of track at 336 locations fail to meet Class 1 standards for track geometry and crossties.

REGION NO. 6—NORTHEASTERN REGION

Area: Connecticut, Rhode Island, Massachusetts, northern New York State and south to metropolitan New York City area.

Track: 1402 miles of track at 283 locations fail to meet Class 1 standards for track geometry and crossties.

[Docket No. RST 1, Waiver Petition No. 17]

PENN CENTRAL TRANSPORTATION CO.

Preliminary Findings and Interim Order for Waiver of Certain Track Safety Standards

On October 10, 1973, the Penn Central Transportation Co., Debtor (Penn Central) filed a petition with the Federal Railroad Administration (FRA) requesting a temporary exemption for 6,901 miles of track from certain requirements and restrictions of 49 Code of Federal Regulations (CFR), Part 213, Track Safety Standards, and specifically, those restrictions applicable to Class 1 track in § 213.63 of Subpart C relating to track surface, and to § 213.109 of Subpart D relating to cross-ties, and to operations on track that do not meet such requirements. The petition was filed pursuant to 45 U.S.C. 431(b). Hearing was set pursuant to notice published in the FEDERAL REGISTER, Volume 38, No. 198 on October 15, 1973, at pages 28604-28605. These provisions and cited substantive provisions of the regulations are incorporated by reference. The following specific relief was requested:

1. Grant the requested exemption and find that notice of proposed rulemaking is, in these circumstances, impractical and unnecessary; or

2. Determine that the instant petition justifies the initiation of rulemaking action under 49 CFR, Part 211, Subpart C; grant an interim exemption pending the completion of such action; and upon completion of such action grant the requested exemption; and

3. Find that the granting of the requested exemption is in the public interest and is consistent with railroad safety; and

4. Adjudicate that the granting of the requested exemption will be without prejudice to Penn Central's right to petition for a modification or extension of such exemption. In addition, Penn Central requested a waiver for all track that may fall below Class 1 standards in the future.

The hearing was held in accordance with the notice and appearances were entered by the National Railroad Passenger Corporation, the States of Maryland, Ohio, Pennsylvania, Massachusetts, Connecticut, Indiana, representatives of shippers and the Congress, and the Congress of Railway Unions. These parties supported the granting of a temporary waiver. Numerous telephone calls, telegrams, and letters to the same effect were received.

In reasons stated hereinafter, I have denied the request that an exemption be issued without hearing, and after notice and hearing required by 45 U.S.C. 431 (b) and (c), have granted Penn Central an interim waiver in the public interest from 49 CFR, Part 213, Sections 213.63 and 213.109, in the manner detailed below and subject to certain terms and conditions, including the right to amend or modify this order. In addition, a further hearing has been set for October 23, 1973, to afford interested parties an additional opportunity to present further comments, and it is my intention thereafter to issue such final orders as may be appropriate in light of information developed by that hearing or subsequent hearings.

SUMMARY OF THE PROBLEM

In its petition Penn Central alleged that it is presently unable to comply with the minimum Class 1 standards with respect to 6,901 miles of track of various types spread over its entire system. Penn Central's petition further states that the immediate causes of the inability to comply are a serious cash shortage and a shortage of such basic supplies as ties and rail. The following table sets forth the track in question by types as of the date of the petition, with the estimated total cost to bring the track in question into compliance with Class 1 standards.

Track designation	Track not complying (miles)	Number of crossties required	Number of switch timbers required	Track not complying with track surface standard (miles)	Total cost to bring track into compliance
Main line	144.6	16,011	473	29.3	$443,613
Branch	1,561.2	407,674	4,969	458.7	9,765,781
Secondary	1,698.9	405,916	5,836	419.1	9,734,788
Passing siding	231.8	71,779	3,180	80.4	1,784,186
Running-Connecting	153.5	48,677	2,015	69.7	1,253,339
Industrial	390.4	123,663	5,208	151.1	3,068,226
Other yard	2,720.6	868,672	76,490	354.0	23,013,992
Total	6,901.0	1,942,392	98,171	1,562.3	49,063,925

The Penn Central stated that it is and was unable to stem the accumulation of deferred maintenance and that its limited maintenance budget, while admittedly inadequate, has been almost solely devoted to maintain critical main lines. Penn Central further asserts that diversion of scarce resources from the preservation of main lines would result in further loss of the Penn Central's competi-

tive position and in a further erosion of its financial resources. The record establishes that Penn Central has spent or will spend for maintenance of ways and structures in excess of $240 million each year for the years 1971 through 1973.

It is clear from the record that the Penn Central's management made a strategic choice not to maintain certain track despite the knowledge of the publication of the track standards in question on October 15, 1971, and that the subject track standards would become effective October 16, 1973. Moreover, it is apparent that then Penn Central must have been aware, in the exercise of sound managerial judgment, that there was a risk that the Penn Central would be unable to comply with these track standards and that a very real danger of a system-wide cessation of operations would occur on October 16, 1973, unless a waiver similar to the one in the instant proceeding were granted. That the Penn Central was aware of this danger is evidenced by Penn Central's submission of an initial petition to the Federal Railroad Administrator, dated August 17, 1973, requesting the general exemption from the track standards in question. The petition did not contain sufficient supporting information and was denied without prejudice. The subsequent and tardy filing of the instant petition on October 10, 1973 has drastically shortened the time available for notice and hearing and made the resolution of this petition considerably more difficult.

The Penn Central has continued operations over a majority of the track in question by utilizing the services of 2,000 maintenance of way employees to inspect and supervise train operations over the track. However, the Penn Central today abruptly ceased operations on 2,789.9 miles of track, in various parts of its system. This unilateral move with little or no notice has had a severe impact on the states, shippers and communities involved.

It is clear from the past 2½ years that a rapid cessation of the Penn Central's operations, without an opportunity to provide substitute service and lacking a well structured plan of cessation, is inconsistent with public interest. The importance of Penn Central's operations to the public interest severely limits the options available to the FRA in the instant case.

45 U.S.C. 438(a) prohibits the Penn Central from operating in violation of the track standards in question. In light of the present circumstances, the prospect of large fines has clearly been insufficient to compel compliance with the standards. Moreover prior to October 16, 1973, the FRA lacked authority to compel the Penn Central to comply with track standards by use of the injunctive power available to the Secretary under 45 U.S.C. 439. Application of the authority at this time would be impracticable and indiscriminate in that it would require Penn Central to immediately restore all track to Class 1 standards without consideration of the practical factors involved in this case. Assuming that a waiver is consistent with the railroad safety, a more practicable approach is to analyze each section of track in greater detail and determine whether restriction should be required, if so on what time schedule or if restoration is not required, what other action should be taken.

To summarize, the record establishes that a further rapid and disorderly cessation of Penn Central's operation is highly probable if an exemption is not granted, that such a cessation would be inconsistent with the public interest and that a interim waiver should be granted that is consistent with railroad safety.

The Track Safety Standards were promulgated for the objective of improving rail safety. Regardless of any other considerations, safety must be maintained. Three areas of primary consideration for the continued safe operation of trains over the involved track are passenger traffic, movement of hazardous materials (placarded shipments) and speed of operation.

In the case of the movement of passengers, it is recognized that even a slow speed derailment could result in serious personal injury. The only course of action to eliminate this hazard is the prohibition of passenger trains on those segments not meeting the minimum standards. If the train contained hazardous materials, the resulting accident could entail punctured tank cars; and, if in multiple track territory, cars of hazardous materials fouling the adjacent track. Such an accident is considered to be completely unacceptable and on that basis, no cars containing hazardous materials will be allowed to move on the track segments failing to meet minimum standards unless approval for such movement has been issued by FRA.

Any consideration of operating speed must take into account the basic fact that the force of impact on freely moving freight cars is directly proportioned to the square of the speed—in other words—the force at 6 m.p.h. is four times greater than the impact at 3 m.p.h. To further lessen the dangers of operating over track failing to meet minimum standards, it is, therefore, necessary to reduce the operating speeds.

Therefore, conditions addressing these safety requirements are made part of the interim order in order to permit operation within clearly defined safety requirements—and the order is therefore consistent with railroad safety.

Interim Order

For the reasons stated above, I find that it is in the public interest and consistent with railroad safety to grant the Penn Central Transportation Company a limited interim waiver of the provisions of 49 CFR 213.63 and 49 CFR 213.109 with respect to freight operations conducted over the track for which such relief is sought in this proceeding, subject to the following terms and conditions:

(1) This waiver is effective until superseded by a final order or orders with respect to some or all of the trackage covered by this petition.

(2) Within 30 days, all track classified in the petition as mainline track handling over 10 million gross ton miles per mile of line per annum and all track over which passenger trains are operated, shall be restored to compliance with Class 1 standards. No later than 30 days after the effective date of this order the Penn Central shall file with the Federal Railroad Administration a plan for the most rapid possible restoration of all other tracks to compliance with Class 1 standards, including priorities of restoration, giving due consideration to, among other factors, the availability of manpower and maintenance of way equipment and the availability of supplies of ties and rails, but without regard to financial resources and shall indicate the carloads moving over each track in question.

(3) During the waiver period the Penn Central shall inspect daily all track not complying with Class 1 standards classified in the petition as main line track hauling more than 10 million gross ton miles per year; shall inspect weekly all track located in yards in which annual throughput exceeds 100,000 cars per annum, together with all necessary support facilities and shall inspect all other noncomplying track weekly or prior to train movement if there is less than one train per week operated over those lines.

(4) Operating speed on all track that does not comply with Class 1 standards is restricted to a maximum of 8 miles per hour for mainline, secondary, branch and passing siding track, and to 6 miles per hour for yard, industrial and running connection tracks.

(5) No trains in revenue passenger service shall be operated over any track that does not comply with Class 1 standards. Any track not meeting Class 1 standard which is adjacent to track over which passenger trains are operated may not be utilized during or prior to the passage of any passenger train unless Penn Central has previously stopped movement on the adjacent track, conducted an inspection to assure that the track over which the passenger train is moving is clear, and has completed such inspection in sufficient time to permit flagging of any moving passenger train prior to the time such passenger train would reach the adjacent track.

(6) No hazardous materials as defined in 49 CFR 170–179 shall move over track that does not comply with Class 1 standards until special approval therefor has been issued by the FRA.

(7) All derailments occurring on track covered by this petition are to be reported telegraphically to FRA irrespective of injury or estimated dollar damage.

(8) Penn Central supervisory personnel shall add any other operating restrictions, including the prohibition of all operations, if deemed necessary for safe operations, and shall certify in writing

weekly that operations are being conducted in accordance with the provisions of this order and shall take special care to assure that employees subject to their supervision are informed of the provisions of this order.

(9) Operations may be conducted pursuant to the provisions of 49 CFR 213.11 providing for continuous supervision of track.

This order shall become effective immediately and shall extend with respect to the trackage covered only until such time as a final order with respect to the same track shall have been entered.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

OCTOBER 16, 1973.

[FR Doc.73-22469 Filed 10-19-73;8:45 am]

Urban Mass Transportatior Administration

URBAN TRANSPORTATION ADVISORY COUNCIL

Notice of Public Meeting

On October 30, 1973, the Urban Transportation Advisory Council will hold a meeting in Dallas, Texas, at the Sheraton-Dallas Hotel in the State Room. The charter for the Urban Transportation Advisory Council was forwarded to the FEDERAL REGISTER for publication on February 9, 1973.

The Urban Transportation Advisory Council is composed of 25 members and not more than 10 Ex Officio members appointed by the Secretary of Transportation in accordance with DOT Order 1120.26. The Council consists of recognized urban and transportation authorities in their respective public, private, and academic fields.

The objective of the Council is to identify the requirements for, and improvements in, urban transportation systems. Specifically, the Council maintains contact and coordination with appropriate state, local and city officials and key members of private industry and other interested groups:

a. To insure that they are advised of, and have an opportunity to comment on, all significant DOT urban transportation programs and proposals;

b. To obtain meaningful information regarding the urban transportation needs of the nation.

The Council agenda for October 30 follows:

9:00—Status Report on Department of Transportation Programs and Activities; Report on FHWA-UMTA; Task Force to Implement Highway Legislation; Briefing and Discussion on Airport Development. 2:00—Airport Development and Environmental Issues; Transportation for the Handicapped and Elderly; Status Report on UMTA Reorganization.

The meeting of the Council will be open to the Public.

This notice is given pursuant to sec. 10 of PL 92-463.

Issued October 14, 1973.

JOHN E. HIRTEN,
Deputy Administrator, Urban Mass Transportation Administration.

[FR Doc.73-22390 Filed 10-19-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the operation of the Indian Point Nuclear Generating Station Unit 3, by Consolidated Edison Company of New York, Inc. in Westchester County, New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, including Supplements 1 through 9, the last dated September 12, 1973, submitted by Consolidated Edison Company of New York, Inc., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on February 9, 1972 (37 FR 2901).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by December 10, 1973. When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 16th day of October 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief Environmental Projects Branch #1, Directorate of Licensing.

[FR Doc. 73-22456 Filed 10-19-73;8:45 am]

[Docket Nos. 50-458, 50-459]

GULF STATES UTILITIES CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Gulf States Utilities Company (the applicant), for construction permits for two boiling water nuclear reactors designated as the River Bend Station, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 2894 megawatts (thermal) with a net electrical output of approximately 934 megawatts. The proposed facilities are to be located in West Feliciana Parish, Louisiana, on the east bank of the Mississippi River, approximately 24 miles north-northwest of Baton Rouge, Louisiana. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Frank F. Hooper, Frederick J. Shon, and Thomas W. Reilly, Esq., Chairman. Dr. Hugh C. Paxton has been designated as a technically qualified alternate, and James R. Yore, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety

evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated September 18, 1973, and the applicant's Environmental Report dated September 18, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775 for inspection by members of the public between the hours of 10 a.m. and 5 p.m., Tuesday through Friday; and from 9 a.m. to 12 p.m. on Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Regulation, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than November 26, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects

of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than November 26, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than November 15, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Regulation, Washington, D.C. 20545, and to Troy B. Conner, Conner and Knotts, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of October 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-22494 Filed 10-19-73;8:45 am]

[Docket Nos. 50-458, 50-459]

GULF STATES UTILITIES CO.

Receipt of Application; Availability of Environmental Report; Time for Submission of Views on Antitrust Matter

Gulf States Utilities Company (the applicant), pursuant to sec. 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 24, 1973, for authorization to construct and operate two generating units utilizing boiling water reactors. The application was tendered on June 8, 1973. Following a preliminary review for completeness, it was rejected on July 16, 1973, for lack of sufficient information. The applicant submitted additional information on August 22, 1973, and the application was accepted for docketing.

The proposed nuclear facilities designated by the applicant as the River Bend Station, Units 1 and 2, are to be located in West Feliciana Parish, Louisiana, approximately 24 miles north-northwest of Baton Rouge, Louisiana. Each unit is designed for initial operation at approximately 2894 megawatts (thermal), with a net electrical output of approximately 934 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Regulation, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1973. The request should be filed in connection with Docket Nos. 50-458-A and 50-459-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated September 18, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the River Bend Station, Units 1 and 2, is also being made available at the Commission on Intergovernmental Relations, P.O. Box 44316, Baton Rouge, Louisiana 70804, and the Florida District Clearinghouse, Capitol Regional Planning Commission, 101 St. Ferdinand Street, Suite 205, Baton Rouge, Louisiana 70801.

After the report has been analyzed by the Commission's director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 12th day of October 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch 2, Directorate of Licensing.

[FR Doc.73-22345 Filed 10-19-73;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed conversion of a provisional operating license into a full-term operating license for the Southern California Edison Company's and the San Diego Gas and Electric Company's San Onofre Nuclear Generating Station, Unit 1, located near Camp Pendleton, San Diego County, California, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545, and in the San Clemente Public Library, 233 Granada Street, San Clemente, California 92672. The Final Environmental Statement is also being made available at the Office of the Lieutenant Governor, Office of Intergovernmental Management, 1400 Tenth Street, Room 108, Sacramento, California 95814, and at the San Diego County Comprehensive Planning Organization, County Administration Center, 1600 Pacific Highway, San Diego, California 92101.

The notice of availability of the Draft Environmental Statement for the San

Onofre Nuclear Generating Station, Unit 1, and requests for comments from interested persons was published in the FEDERAL REGISTER on May 18, 1973 (38 FR 13047). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 16th day of October 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch No. 3, Directorate of Licensing.

[FR Doc.73-22344 Filed 10-19-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24576; Order 73-10-24]

ALLEGHENY AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of October, 1973.

Allegheny Airlines, Inc. (Allegheny), measured by any logical yardstick, is the largest of the local service carriers. Its route system may be the most complicated of any domestic air carrier, including those of the trunks. Its 33 segments are the product of three independently integrated route structures combined into one as a result of two recent mergers. In addition, Allegheny's route 97 contains many operating restrictions, various of which are now outdated, partially because they were originally imposed in order to protect a carrier which subsequently merged into Allegheny. Allegheny's system is made up of 4,278 city-pair markets, approximately 1,000 of which have competitive implications, while at least several hundred are large enough to be competitively significant.

To simplify and rationalize this complex system, Allegheny has filed an application and petition requesting the Board to issue an order directing interested persons to show cause why its certificate for route 97 should not be amended so as to: (1) consolidate its domestic segments into one single combined segment; (2) eliminate or modify stop requirements in most restricted markets; (3) eliminate certain long-haul restrictions; and (4) renew, on an indefinite basis, certain temporary authority.[1]

In support of its application, Allegheny asserts, *inter alia*, that although both it and Mohawk, prior to their recent merger, had accomplished consolidations of their respective systems by formal proceedings,[2] as well as the lifting of various restrictions by the use of Subpart M of the Board's Regulations, that nevertheless, the merged carrier's present segmentation is uneconomically cumbersome and complicated. It is claimed that elimination of segment junction point stops and certain other stop restrictions would permit more direct routings with fewer stops and thus more economical operations. On the long term, Allegheny claims that the enhanced scheduling flexibility which would result from approval of its application would improve its economic posture and reduce subsidy need. Finally, Allegheny argues that approval of its application would not adversely affect other carriers because most of the subject markets are either certificated exclusively to Allegheny, or are substantially unserved by other carriers.

Allegheny claims that Board precedent supports realignment of its certificate into one route without segmentation, and that grant of unrestricted rights in city-pair markets, except where necessary to protect other carriers, is also consistent with Board precedent.

To implement what Allegheny views as the criteria utilized by the Board in realigning other local service carriers' systems, it proposes that the Board utilize the following guidelines in realigning its system:

(1) No restriction be imposed which would give Allegheny less authority than it already holds;

(2) If another carrier has nonstop authority in a market, a one-stop restriction be imposed,[3] whether or not the other carrier is serving the market, to avoid any adverse impact upon such carrier (except as noted in paragraphs (1) above, and (4) and (5) below);

(3) In markets where no other carrier is certificated, no restriction be imposed.[3a] These include the following markets:

(a) markets in which both cities are certificated only to Allegheny;

(b) markets in which one city is certificated only to Allegheny;

(c) markets in which Allegheny holds the only single-carrier authority;

(d) markets in which another carrier is certificated at both cities but holds no effective or usable authority between them.

(4) In markets where the only single-plane service being provided is by Allegheny, no restriction be imposed.[4]

(5) In six markets where Allegheny is the predominant participant on a single-carrier basis, no restriction be imposed.

Although the applicant asserts that the Board has, in large measure, followed these principles in realigning other systems, it acknowledges that guidelines (3) (d), (4) and (5) are a departure from normal realignment standards, but it maintains that for various reasons, such constitute only modest departures and are appropriate under the circumstances.

Finally, Allegheny requests elimination or modification of various restrictions which, it is asserted, were imposed for reasons which no longer obtain. In a similar vein, Allegheny requests that temporary authority (now 12 years old) on various parts of three segments be made permanent.

Numerous answers were filed in response to Allegheny's application,[5] and Allegheny filed a reply thereto.[6] In essence, answers filed by air carriers objected to grant of Allegheny's application, while responding civic parties generally supported the request. Exemplary of the objections expressed by the carriers is Eastern's answer, which claims that because Allegheny has set forth no service plan or proposal, and has not set forth forecasted operating results, a thorough analysis of its application is not possible, and consequently, the application should be denied or set for hearing.

Other arguments raised in opposition to Allegheny's application include, *inter alia*, the possibility that unfair prejudgment in favor of Allegheny might obtain in a future route case, by granting to Allegheny now—before Traffic levels would justify a route case—improved authority in markets where it presently has no usable authority. Finally, several of the responding carriers argue that the application is complex, but nevertheless unsupported by sufficient data to make informed responses possible, contrary to their obvious economic interests. Although several carrier responses have set forth objections to grant of improved authority in specific markets, such responses are typically exemplary only.[7]

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[1] Route 97(f) and Allegheny's Montreal exemption authority are not involved in this proceeding.

[2] Allegheny Airlines Route 97 Investigation (Docket 17436) and Mohawk Route 94 Realignment Case (Docket 16133).

[3] Over an undesignated intermediate point (except in certain Minneapolis markets, see the next footnote).

[3a] However, Allegheny's application proposed a single route segment bifurcated at Buffalo, with Minneapolis on one branch and the remainder of its points south and west of Buffalo on the other; thus, under its own proposal, flights between Minneapolis and any of the latter cities (whether Allegheny monopoly points or not) would still be required to serve Buffalo as an intermediate point.

[4] A stop restriction was proposed, however, in such of these markets as are now the subject of a pending Board proceeding.

[5] See Appendix A for a precis of the various carriers' arguments, as well as for a listing of the positions taken by the several responding civic parties.

[6] Accompanied by a Motion for Leave to File. We will grant this motion, as well as motions filed by various carriers for permission to file responses thereto.

[7] For example, Delta stated that it "by no means intends the foregoing listing to be exhaustive of the problems of [a certain] type raised by Allegheny's application but the markets cited are prime examples of the problem." Answer of Delta, dated July 21, 1972, at p. 2.

Allegheny filed a reply to these answers, and although it acceded in its reply to the imposition of various additional restrictions, for the most part it argued that the objecting carriers' assertions are without merit and should not be honored.

Within the past 12 months, the Board has realiged, or proposed to realign by show cause order, the systems of Hughes Airwest, Texas International, and Piedmont.[8] In each case, the Board concluded that the respective realignment was consistent with Board policy and objectives and that substantial public service and carrier benefits would derive therefrom. Furthermore, in each cited instance, the Board concluded that realignment—along the lines generally requested by Allegheny herein—offered the respective carriers a potential for significant route strengthening and for substantial reduction in subsidy need and subsidy payments. Finally, the Board concluded that modification or elimination of unnecessary and burdensome conditions would allow provision of new or improved service in numerous markets in which such service was presently restricted, and that full implementation of the potential operational and scheduling flexibility offered by the realigned system would probably increase the carrier's average length of hop and passenger haul, and thus lower its unit costs.

It is our tentative finding and conclusion that all of the above benefits would obtain by realigning Allegheny's system. However, as noted previously, Allegheny's system is, compared to those of the other air carriers, uniquely complex. Symptomatic of this phenomenon is the fact that Allegheny's proposal has met with vigorous carrier opposition, whereas prior realignment proposals have sparked far less controversy.[9] The mere existence of opposition has not, however, clouded the desirability of realigning Allegheny's system so as to increase operating flexibility, engender unit cost savings, and ultimately decrease costs to the U.S. taxpayer and fare-paying passengers and shippers.[9a] Rather, the carriers' opposition has necessitated an unusually extensive staff effort to computerize and rationalize Allegheny's system to enable the Board to analyze each of Allegheny's city-pair markets in terms of its current authority, other carriers' best competing authority, Allegheny's requested authority, and finally, how prior realignment precedents suggest what Allegheny's new authority should be.

We believe this analysis, reproduced in pertinent part in the attached appendices, has compartmentalized Allegheny's system to an extent sufficient to permit realignment of Allegheny's system, taking into account the various competing interests involved. We have adhered neither to Allegheny's verbatim requests in its proposal, nor to the all-encompassing and generalized objections raised thereto by other carriers and interested persons. Rather, we have devised and promulgated herein detailed and understandable criteria upon which has been based a realignment which should modernize Allegheny's system and simultaneously neutralize the matters raised in the generalized objections thus far received.

More specifically, we tentatively find and conclude that Allegheny's system should be rewritten in the form of a single segment and, where necessary to maintain competitive balance in certain city-pair markets, with stop restrictions over undesignated intermediate points. In addition, we tentatively find and conclude that most of Allegheny's specific operating restrictions should be lifted. We also tentatively find and conclude that Allegheny's temporary authority in certain markets should be made permanent. Finally, we tentatively find and conclude that Appendix E attached hereto—a specimen certificate for Allegheny's route 97—implements these findings and conclusions in a manner consistent with the public interest and in accordance with the public convenience and necessity.

As indicated in Appendix A, most air carrier objections were general in nature.[10] Ordinarily, objections in this *genre* are given scant credence by the Board in proceedings of this nature. For obvious reasons, objecting parties are typically required to specify, in detail, the identity and rationale of realignment requests which are objectionable, and support such assertions with traffic and economic data. However, the complexity which inheres in Allegheny's route system—as well as Allegheny's failure to set forth detailed market characteristics of its present vs. proposed system—has lent some legitimacy to the carriers' claims.

However, we believe that such deficiencies as exist in Allegheny's supporting data and documentation—insofar as such deficiencies may have disabled interested persons from responding to its application in a fully informed manner—have been remedied by the Board's computer run of Allegheny's system, the data from which are reproduced in the attached appendices.

Accordingly, we tentatively find and conclude that this order and the various appendices attached hereto provide interested persons with sufficient information upon which to base adequate and informed responses to the realignment proposed herein. The Board has taken great care to delineate carefully each and every city-pair market on Allegheny's system and has specifically indicated how each market is now authorized, will be authorized and why each market should be authorized, to Allegheny in the manner proposed herein. We therefore expect interested persons to direct their objections, if any, to specific markets and to support objections with detailed economic analyses.

There follow below our tentative findings and conclusions in regard to the specifics of how Allegheny's system should be realigned. The realignment proposed herein is in accordance with criteria set forth in the appendices attached to this order. Each of Allegheny's markets has been identified and grouped generically so as to isolate and highlight markets where competitive implications might engender protests from competitors which would be worthy of further consideration.[11]

Appendices B, C, and D are essentially a hierarchy of Allegheny's markets in an ascending order of competitive importance.[12] Appendix B breaks out those of Allegheny's markets in which no change in authority will occur subsequent to the proposed realignment. Most of the markets listed therein are already nonstop

[8] See Orders 73-7-22, July 6, 1972; 73-1-47, January 15, 1973; 72-9-58, September 14, 1972; and 72-4-140, April 26, 1972.

[9] Possibly contributing to this reaction is the fact that Allegheny's system overlays the relatively higher concentrated northeast quadrant of the country.

[9a] In this regard, we would expect Allegheny, upon finalization of this Order, to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which reflects properly the improved pattern of operations resulting from the proposed realignment.

[10] In regard to proposed realigned markets specifically objected to by responding carriers, we have in those instances where such city-pair market objections are supported by data or justifiable argumentation, implemented the objecting carrier's request. For example, Northwest Airlines objected to Allegheny's authority being improved to one-stop authority in the Minneapolis-Philadelphia market. Because Northwest's objection appears to be reasonable and substantiated by submitted data, we have proposed a two-stop restriction for Allegheny in this market. Similarly, Piedmont requested that Allegheny's authority to serve between Norfolk and Memphis be restricted specifically over Philadelphia, and Piedmont, too, cited apparent justification for such restriction. Accordingly, the Board has proposed that Allegheny's authority to serve between these points be restricted to serving over Philadelphia only.

The foregoing objections of Northwest and Piedmont are exemplary only of the Board's taking cognizance of justifiable and reasonable objections. It would be unduly burdensome and unnecessary to set forth the disposition of every city-pair market objection. In summary form, many, if not most, of such city-pair objections were not supported by any data or argumentation and the Board, accordingly, has declined to implement the objecting carrier's requests. Such Board action can be easily identified by any party by merely referring to the markets (if any) listed in a carrier's answer and comparing it to appropriate appendices and stop restrictions listed in the attached certificate. It may be assumed that if a carrier's request is not reflected in the Board's proposed certificate, the Board considered and rejected the interested carrier's arguments.

[11] Nevertheless, we believe that restrictions already proposed herein are sufficient to prevent adverse competitive effects. We have proposed many more two-stop restrictions in city-pair markets than agreed to by Allegheny in its application and reply to insure that this is so. We will entertain arguments proposing three-stop restrictions in city-pair markets only upon a showing that the market is attended by extraordinary circumstances requiring such a restriction.

[12] Allegheny's authority is considered in these appendices only in terms of stop authority. Changes in other conditions such as long-haul restrictions are not considered therein.

markets for Allegheny, and this information is listed only to provide an exhaustive list of all city-pair markets on Allegheny's system. We tentatively find and conclude that realigning Allegheny's system into one segment will create no substantive change in authority or competitive conditions in the 956 markets contained in Appendix B, and accordingly, that such action is consistent with the public interest and required by the public convenience and necessity.

Second in the hierarchy of markets are those which have been designated "minor markets." [12] Two broad categories of markets are included within this grouping: (1) monopoly markets for Allegheny, and (2) markets which are nonexclusive for Allegheny but which are small because they consist of fewer than ten true O&D passengers per day.[14]

Authorizing unrestricted authority in monopoly markets by realignment is essentially noncontroversial and consistent with Board precedent.[15] The same is true of markets which are small and which, as a result, do not present competitive considerations of significant magnitude. Similar findings were made by the Board in realigning TXI's system, as well as that of Airwest, and there is no cogent reason to question their validity, or decline their implementation in this proceeding.[16] Nevertheless, consideration will be given to adequately supported, narrowly framed responses as to why our tentative findings and conclusions in regard to specific "minor" markets, should not be made final. General objections on these matters will not be entertained and, absent a showing to the contrary, we tentatively find and conclude that authorization of nonstop authority in monopoly and small markets is fully consistent with the public interest.[17] We further tentatively find and conclude that realigning Allegheny's system to permit improved service in minor markets will (1) maximize Allegheny's opportunities for scheduling flexibility and equipment utilization; (2) tend to conform its route authority to traffic flows; (3) remove the possibility of impairment of meaningful market development; and (4) remove probable inhibition upon significant improvement in the carrier's economic performance. On the other hand, we tentatively find and conclude that realigning Allegheny's system in this fashion will not (1) distort the regional characteristics of Allegheny's local service route system; (2) upset the competitive balance in key markets; or (3) create the possibility that an adverse economic impact will be inflicted upon competing carriers.

There remains for consideration how the balance of Allegheny's markets—291 in number and characterized as major markets—should be authorized in the realigned certificate.[18] These are markets wherein other carriers are certificated at both cities and traffic consists of ten or more O&D passengers per day. The Board has given careful consideration to the existence, nature and extent of competitive characteristics inherent in these markets. An examination was made of the stop authority each carrier possesses in each market, and where relevant, the service offered therein. Based on the data thus extrapolated, the Board proposes to realign these in a manner essentially consistent with criteria followed and approved in prior realignments. More specifically, where authority and service of Allegheny and the competitor are comparable, in terms of the number of intermediate stops, Allegheny's stop restrictions will be maintained but the requirement to serve specific points will be eliminated. In markets in which an Allegheny competitor provides single-plane service, Allegheny's authority will require one intermediate stop more than the competitive service. In situations where a competitor is authorized but does not provide service in a market, Allegheny's authority will require one intermediate stop more than the competitor's best authority. Finally, in markets in which Allegheny presently has a restriction against single-plane service, the restriction has been retained.[19]

Minor refinements to the above-stated guidelines have resulted from a taking into account whether Allegheny's and/or its competitor's authority is circuitous so as to be, in effect, unusable to the holder. We have determined, and the attached specimen certificate so specifies, that there should be imposed on Allegheny two-stop restrictions over undesignated intermediate points in markets where its best existing authority is 50 percent or more circuitous in relation to its competitor's best authority. On the other hand, where Allegheny's competitor's authority is 50 percent or more circuitous in relation to Allegheny's more direct authority, the proposed realignment provides Allegheny with nonstop authority.[20]

We have set forth in Appendix D a detailed breakout of each of the 291 major city-pair markets and an analysis of other carriers certificated at both points, their best authority, and Allegheny's current and requested authority. In addition, Appendix D sets forth proposed authority for Allegheny [21] in terms of stop restrictions based on the criteria heretofore enumerated. The Board tentatively finds and concludes that the conditions and restrictions outlined therein, and contained in the specimen certificate attached hereto, and specifically the stop restrictions contained in condition (5) thereof,[22] are sufficient to maintain the regional characteristics of Allegheny's local service route system, preserve the competitive balance of key markets, and substantially lessen the likelihood of adverse economic impact on competing carriers.[23] Moreover, we tentatively find and conclude that the data provided in Appendix D is sufficient to enable interested persons to frame adequate responses to the conclusions reached herein, in regard to the 291 referenced markets.[24]

On a related matter, the proposed certificate renumbers, modifies, consolidates, or deletes virtually each of the 19 numbered conditions now contained in

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[13] See Appendix C.

[14] There are 2,630 monopoly and 401 nonexclusive markets included within Appendix C.

[15] Orders 73-7-22, dated July 6, 1973; 73-4-97, dated April 24, 1973; 73-1-47, dated January 15, 1973; 72-9-58, dated September 14, 1972; and 72-4-140, dated April 26, 1972. Monopoly markets are so classified if they contain the following characteristics: (1) no one carrier besides Allegheny is certificated at both points; or (2) the only competitor in the market has been suspended; or (3) competition is provided by a commuter air carrier only. (Note—only seven monopoly markets exceed 10 O&D passengers per day).

[16] In Orders 73-4-97 and 73-1-47, Texas International obtained nonstop authority in 18 nonexclusive markets which generated 10 or fewer O&D passengers per day. However, two Texas International markets (Corpus Christi-New Orleans, 19 O&D, and Houston-Wichita Falls, 16 O&D) were larger than 10 O&D passengers per day but nevertheless were realigned so as to authorize nonstop operations. Because both of these markets appear to the exceptions to the general approach taken in regard to categorizing markets as small, we have decided that, in the interest of consistency and rationality, small markets should consist of fewer than 10 O&D passengers per day only.

Airwest's system was realigned so as to authorize nonstop service in 19 nonexclusive markets, and each of those involved ten or less O&D passengers per day. Orders 72-9-58 and 72-4-140.

As noted in footnote 3a, *supra*, Allegheny's application did not seek removal of its present restriction (flowing from existing segmentation) that flights serving Minneapolis and points south and west of Buffalo must serve Buffalo as an intermediate point. We have accordingly not proposed removal of this restriction, even though many of the markets involved are "minor" markets as defined above.

[17] To facilitate careful and adequate examination of nonexclusive markets and potential impact, Appendix C specifically denotes those nonexclusive markets on Allegheny's system which generated traffic in 1971.

[18] Each presently is restricted either by condition or by segment junction point requirements.

[19] See Order 73-1-47, dated January 15, 1973, at p. 3.

[20] The other policy refinement, affecting only two markets (Burlington-Washington and Minneapolis/St. Paul-Norfolk), classifies as single-plane service only that service which is offered in both directions.

[21] In addition, Appendix D sets forth eight competitor and 51 Allegheny markets in which Allegheny's proposed authority is affected by an analysis of whether present authorities are circuitous.

[22] The Board has proposed no new long-haul or other unique restrictions in the proposed certificate. The Board's tentative findings and conclusions in regard to removal and/or modification of such existing restrictions and conditions is discussed fully below.

[23] We further find that Allegheny is a citizen of the United States within the meaning of the Act and that it is fit, willing, and able properly to perform the transportation proposed herein and to conform to the prohibitions of the Act, and the Board's rules, regulations, and requirements thereunder. In addition, we tentatively find and conclude that the proposed realignment of Allegheny's route 97 is required by the public convenience and necessity for the reasons set forth hereinabove.

[24] See also discussion at page 7, *supra*.

Allegheny's certificate.[25] We tentatively find and conclude that conditions (3) through (19) should be renumbered, rewritten, consolidated, or deleted, in the following manner for the following reasons:

1. Condition (3), paragraphs (a) through (c) are maintained in their identical form as conditions (3) (a) through (c) in the proposed certificate.[26]

2. Subparagraph (d) of condition (3) has been rewritten and now includes therein former condition (4) in Allegheny's certificate. Two-stop restrictions in various markets listed in old condition 4(a) have been modified and/or transferred to new condition (5) in the proposed certificate.[27]

3. The provisos which appear in paragraph 4(a) of Allegheny's present certificate have all been deleted because by upgrading the relevant two-stop restricted markets in 4(a) to one-stop restricted markets, the provisos have become moot.

4. The one-stop restricted markets which appear in Allegheny's present condition (4) (b) have, with only three exceptions, been transferred to the new condition (5) in Allegheny's proposed certificate. The Bridgeport-Detroit, and Islip-Cleveland/Detroit markets have been made nonstop markets for Allegheny because they fall within the category of minor markets as discussed above, and therefore should no longer be stop restricted.

5. Conditions 5 (a) and (b) in Allegheny's present certificate permit nonstop service in 11 markets which presently are on separate segments. Each of these markets receives nonstop authority under the proposed realignment, thereby making these conditions superfluous.

6. Conditions (6) and (15) (a) of Allegheny's present certificate permit one daily round-trip skip-stop authority in the markets listed therein. The exemption that segment 33 has from the operations of condition (3) in Allegheny's present certificate permits skip-stop authority regardless of service provided. Such skip-stop authority in these markets is continued in new conditions (3) and (4) in the proposed certificate in accordance with Allegheny's application.[28]

7. Allegheny has requested that conditions (7) (a), (b), and (c) be deleted as unnecessary. In support of its request, Allegheny asserts that such conditions are outdated and no longer serve a useful purpose. In regard to (7) (a) and (b), Allegheny asserts that these restrictions were imposed either to protect Mohawk from Allegheny or to protect Allegheny from Mohawk and that, with respect to condition (7) (c), Allegheny is the only carrier serving White Plains and that continuation of this restriction is unnecessary. We tentatively find and conclude, based on the foregoing, that conditions (7) (a) through (c) should be deleted.

In regard to Condition (7) (d), Allegheny has proposed to retain that condition and it has been relocated in the new condition (5).[29]

8. Allegheny requests that condition (8) in its present certificate be carried forward in its realigned certificate in its present form, with one minor exception, which would permit Allegheny to serve a point beyond Detroit as an alternative to serving a point beyond Cleveland. We have decided against making this change and have carried forward the restriction in the new condition (5).

9. Allegheny has proposed the elimination of condition (9) in its present certificate because the condition, first proposed in 1963 in the Board's realignment of Lake Central's routes, is no longer justifiable in terms of present market conditions. We agree with Allegheny and tentatively find and conclude that condition (9) should be deleted.

10. Conditions (10), (11), 12), and (13) in Allegheny's present certificate have all been deleted from Allegheny's proposed realigned route authority, basically because the rationale underlying the original imposition of such restrictions no longer obtains.

11. Allegheny has not requested that we modify its present condition (14) and accordingly condition (14) is continued in the proposed certificate and is renumbered as condition (7).

12. Although Allegheny represented in its application that condition (15) has been consolidated with condition (5) in its proposed certificate, we note that Allegheny declined to consolidate subparagraph (b) of condition 15 into its proposed condition (5). The Board's proposed certificate rectifies that omission and condition (15) (b) is accordingly included in the Board's proposed condition (4).

13. Allegheny's present condition (16) prohibiting single-plane service between Burlington and Chicago has been included in the Board's new condition (5).

14. Allegheny's present condition (17) has been renumbered as condition (6) of the Board's proposed certificate. Allegheny's present conditions (18) and (19) have been continued in the Board's proposed certificate and renumbered as conditions (8) and (9).

The realignment proposed herein will have an impact on Allegheny's subsidy need as well as the markets on Allegheny's system which are eligible for subsidy. Accordingly, the Board tentatively finds and concludes that all new nonstop authority in markets where traffic generation is large enough to support a finding that such operations are economically feasible will be made ineligible for subsidy assistance.[30]

American, Delta, and Northwest have requested that the Board impose a condition on Allegheny's amended certificate to restrict Allegheny's utilization of the "on-segment" procedures of Subpart M of the Board's Regulations. We have decided to reject these requests for the reasons stated in prior realignment show cause orders.[31] As we stated in the TXI Realignment Show Cause Order, there are no substantive differences between the so-called "on-segment" and "off-segment" procedures of Subpart M and, in any event, no Subpart M application—whether filed pursuant to on-segment or off-segment procedures—can move forward to hearing in the absence of affirmative action by the Board setting the application for hearing. No useful purpose would be served by discussing the matter in greater detail, since the cited orders adequately dispose of these matters, and we hereby rely on the reasons set forth therein in denying the requests by the above carriers.

As a final matter, Allegheny requests that outstanding temporary certificate authority be renewed on an indefinite basis by show cause order. Allegheny states that its certificate includes four temporary authorizations as follows: (a) the portion of segment 8 east of Cincinnati, Ohio; (b) between Columbus and Akron/Canton, Ohio, on segment 10; (c) Cincinnati, Ohio, on segment 10; and (d) segment 14, exclusive of segment 14(a). Allegheny asserts that these authorities were awarded to Lake Central in the *Great Lakes Local Service Investigation*, in 1960,[32] each for a five-year period or until December 23, 1965. Allegheny further asserts that on June 11, 1965, Lake Central filed an application in Docket 16232 for renewal of the foregoing authorizations and that, as a consequence, each has remained in force

[25] Only conditions (1) and (2) reappear in the proposed certificate in a form identical to that which appears in Allegheny's present certificate.

[26] References to segments 6, 7, 15, 17, 18, 26, 27, 30, 31, 32, and 33 have been omitted from the proposed condition because rewriting the certificate in the proposed manner has made such references obsolete.

[27] The various criteria for stop restricting Allegheny's markets guided us in redesignating all of these two-stop restricted markets but two to one-stop restricted markets. This has been accomplished, and these one-stop restricted markets now appear in new condition (5). TWA objected to upgrading to one-stop authority Allegheny's heretofore two-stop restricted authority in the Dayton-Washington market, and Northwest made similar objections in regard to the Minneapolis/St. Paul/New York/Newark market. These requests have been honored in the proposed certificate and appear in condition (5) as two-stop restricted markets.

[28] Allegheny has proposed at page 17 of its application to include Ogdensburg as a point which Allegheny could overfly after one daily round trip, presumably based upon its appearance in segment 33 of its present certificate. However, segment 33 contains Ogdensburg as a terminal point and, as such, is not eligible for skip-stop consideration. The only segment in Allegheny's present certificate where Ogdensburg appears as an intermediate point is segment 20 and, thus, Ogdensburg is presently subject to the two round trip skip-stop rule. Accordingly, we have declined to accede to Allegheny's request to include Ogdensburg in the new proposed condition (6).

[29] Allegheny nevertheless changed the exact wording of (7) (d) of its proposed certificate. We have declined to rewrite condition (7) (d) in the manner suggested by Allegheny and have continued the restriction in its exact form in the proposed certificate.

[30] Appendix F contains a revised list of subsidy-ineligible operations.

[31] See Order 73-1-47, dated January 15, 1973, and orders cited therein.

[32] See 31 C.A.B. 442, 484-485.

pursuant to section 9(b) of the Administrative Procedure Act.

Allegheny states, in support of its request to have these authorizations made permanent, that none of the temporary authorizations is of a controversial nature, and that each involves points or segments being served today by Allegheny. Allegheny further asserts that the temporary authorizations were awarded on a five-year basis, consistent with the Board's former policy of awarding new authority on an experimental basis, and that Lake Central and Allegheny have used the authorizations for a period of nearly 12 years.

In view of the foregoing, and in the absence of objections to making permanent such temporary authorizations, we tentatively find and conclude that the aforementioned outstanding temporary certificate authority of Allegheny on route 97 should be renewed on an indefinite basis.

Finally, we have tentatively decided to reject the request of the Commonwealth of Pennsylvania and the Pennsylvania Public Utilities Commission for public hearings prior to consideration of the matters discussed herein.[32] The Pennsylvania parties failed to present any reason why a hearing is necessary and what relevant and material facts they would expect to establish through such a hearing, or that the realignment of Allegheny's system would prejudice the people of Pennsylvania in any manner.[33]

Because of the complexity attending Allegheny's application, and because of the large amount of data attached to this order which must be digested by interested persons, we will give all interested persons 60 days[34] following the service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed economic analyses. If an evidentiary hearing is requested, the objector should name the specific markets with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

In addition, we will authorize the submission of replies to the answers invited to the tentative findings and conclusions made herein. Replies may be filed by interested persons within 30 days after the period for the filing of answers has expired. General requirements set forth above with respect to answers will apply to any arguments advanced in replies.

Finally, we will expect Allegheny to file with the Board, within 30 days after the service of this order, an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing a license fee pursuant to section 389.25(a)(2) of the Board's Regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Allegheny Airlines, Inc.'s certificate in the manner set forth in the accompanying specimen certificate;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein, shall, within 60 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix G, attached hereto, a statement of objections, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections. Replies to such answers may be filed within 30 days after the time period authorized for the filing of answers has expired;

3. If timely and properly supported objections and replies thereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board; [35]

4. In the event no objections are filed to this order, or to any part thereof, all further procedural steps relating to such part or parts will be deemed to have been waived and replies thereto will not be permitted. In this circumstance, the case will be submitted to the Board for final action;

5. The motion of Allegheny Airlines, Inc. for leave to file a reply be and it hereby is granted;

6. The motion of United Air Lines, Inc. for leave to file an unauthorized document, be and it hereby is granted;

7. The motion of American Airlines, Inc., for leave to file an otherwise unauthorized document, be and it hereby is granted;

8. The motion of the Pennsylvania Public Utilities Commission for leave to file a late-filed answer, be and it hereby is granted; and

9. A copy of this order shall be served upon all persons listed in Appendix G, attached hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[32] The Pennsylvania Public Utilities Commission filed a late-filed answer accompanied by a motion for leave to file. We will grant such motion.

[33] Of the 16 civic parties which responded to Allegheny's application, 15 supported grant of Allegheny's various requests. See Appendix A attached hereto.

[34] Ordinarily, only 30 days are accorded.

[35] All motions and/or petitions for reconsideration shall be filed within 30 days from the service date of this order and no further motions, requests, or petitions for reconsideration of this order will be entertained.

APPENDIX A

RESPONSES TO ALLEGHENY'S APPLICATION

SYNOPSIS OF CARRIER OBJECTIONS RAISED TO ALLEGHENY'S APPLICATION AND REPLY

Carrier objections to grant of Allegheny's application generally fall into one of four categories. Listed below are the four types of objections raised to grant of the application, and the carriers who raised them.

(1) Allegheny's application is too complex and comprehensive, and seeks significant new competitive authority to such an extent that it is not presently possible to determine the nature and scope of the adverse effect which grant of its application would inflict upon the objecting carrier:

(a) Eastern
(b) Northwest
(c) Ozark
(d) Piedmont
(e) TWA
(f) United

(2) Allegheny's proposal contemplates grant of unrestricted and otherwise improved authority in markets where it presently has no usable authority; in markets where others are certificated; and in markets where others participate. Grant of such authority to Allegheny would have the effect of "selecting" Allegheny over other carriers who, after appropriate growth, would want to apply for improved authority in such markets themselves—all without a hearing and before the public need for such service was existent:

(a) American
(b) Delta
(c) Piedmont
(d) TWA
(e) United

(3) Rewriting Allegheny's (or any other local service carrier's) route structure as one segment creates the possibility that on-segment Subpart M procedures will facilitate local service carrier access to important trunk line markets, an important procedural right which should not be granted by show cause procedure without a hearing.

(a) American
(b) Delta
(c) Northwest

(4) Specific markets, usually by way of example only, are indicated as markets in which grant of improved authority to Allegheny would adversely affect the objecting carrier.

CITY-PAIR MARKETS AFFECTED BY REALIGNMENT WHICH HAVE BEEN THE SUBJECT OF SPECIFIC OBJECTIONS BY OPPOSING CARRIERS [1]

American: None

Delta:

Memphis	Indianapolis
Chicago	Memphis
	Lexington
	Nashville
	St. Louis
Louisville	Columbus
	Dayton
Detroit	Evansville
	Memphis
	Nashville
Memphis	Evansville
	Louisville
Burlington	Chicago
	Cleveland
	Detroit

[1] It should be noted that several carriers mentioned various of the listed markets as examples only of the types of authority they believe Allegheny should be denied.

Delta—continued	
Chicago	Cleveland
	Detroit
Boston	Chicago
	Detroit
Eastern: 97 markets listed in an appendix no specific analysis offered for any.	
North Central:	
Twin Cities	New York
Detroit	New York
Chicago	South Bend
	Kalamazoo
	Grand Rapids
	Detroit
	Cleveland
Philadelphia	Columbus
	Dayton
	Cincinnati
Northwest:	
Twin Cities	New York/Philadelphia
New York	Detroit
Islip	Detroit
	Twin Cities
Twin Cities	Detroit
	Pittsburgh
	Cleveland
	Chicago
Ozark:	
Louisville	Nashville
Chicago	Nashville
Twin Cities	Indianapolis
	Louisville
	Nashville
Piedmont:	
Norfolk	Nashville
	Memphis
Washington/Baltimore	Louisville
Norfolk	Louisville
Charleston	Norfolk
	Newport News
	Chicago
Southern:	
Memphis	St. Louis
	Chicago
Nashville	St. Louis
	Chicago
	Detroit
TWA:	
Dayton	Washington
United:	
Boston	Toledo
Norfolk	Chicago
Pittsburgh	Minneapolis

POSITIONS OF RESPONDING CIVIC PARTIES

1. Friendship International Airport Authority, Department of Transportation of the State of Maryland, and the Chamber of Commerce of Metropolitan Baltimore—Support
2. Broome County, New York, and Broome County Airport Advisory Board—Support
3. Greater Cincinnati Chamber of Commerce, and Greater Cincinnati Airport—Support
4. City of Dayton and Dayton Area Chamber of Commerce—Support
5. Commonwealth of Pennsylvania—Opposition in the absence of a public hearing.
6. County of Albany, New York—Support
7. Greater Atlantic City Chamber of Commerce—Support
8. Indianapolis Airport Authority—Support
9. Islip, Long Island—Support
10. Louisville and Jefferson County Air Board—Support
11. Massachusetts Port Authority—Support
12. New England Council for Economic Development—Support
13. New York State Department of Transportation—Support[1]
14. Rochester Chamber of Commerce—Support
15. South Bend-Mishawaka Chamber of Commerce—Support
16. State of Rhode Island—Support

NOTE.—In general, 15 civic parties' responses supported grant of Allegheny's application on the ground that there would result from a realignment of Allegheny's route structure improved scheduling opportunities and improve flexibility for Allegheny which the communities believe would inure to their benefit.

[1] New York State, however, expressed some reservations about transferring the less onerous skip-stop authority of segment 33 to the new realigned certificate. For the reasons cited in the Order, we believe that such authority should be continued.

APPENDIX B—MARKETS IN WHICH ALLEGHENY'S AUTHORITY WILL NOT CHANGE[1]

I. NONSTOP

AKRON

Buffalo	Indianapolis
Cleveland	Pittsburgh
Columbus	Sandusky
Danville	Terre Haute
Dayton	Toledo
Detroit	Youngstown
Erie	

ALBANY

Atlantic City	New York
Baltimore	Ogdensburg
Binghamton	Olean
Boston	Philadelphia
Buffalo	Pittsburgh
Burlington	Plattsburgh
Cape May	Providence
Cleveland	Rochester
Detroit	Rutland
Elmira	Salisbury
Erie	Saranac Lake
Glens Falls	Syracuse
Hartford	Trenton
Islip	Utica
Ithica	White Plains
Jamestown	Wilmington
Keene	Worcester
New Haven	Massena

ALLENTOWN

Altoona	Jamestown
Atlantic City	Johnstown
Bellefonte	Lancaster
Boston	Lexington
Bradford	Memphis
Bridgeport	Nashville
Clearfield	New Haven
Cleveland	New London
Detroit	New York
Du Bois	Parkersburg
Erie	Philadelphia
Harrisburg	Pittsburgh
Hartford	Providence
Hazleton	Reading
Huntington	Scranton
Islip	Williamsport

ALTOONA

Atlantic City	Lancaster
Baltimore	Lexington
Bellefonte	Memphis
Boston	Nashville
Bradford	New Haven
Bridgeport	New London
Buffalo	New York
Clearfield	Oil City
Du Bois	Parkersburg
Hagerstown	Philadelphia
Harrisburg	Pittsburgh
Hartford	Providence
Hazleton	Reading
Huntington	Scranton
Islip	Washington
Jamestown	Williamsport
Johnstown	

[1] Authority considered in this appendix is stop authority only; changes in other conditions such as long-haul restrictions are not shown. In some cases cities listed under a base city may be out of alphabetical order.

ATLANTIC CITY

Baltimore	Memphis
Boston	Nashville
Bradford	New Haven
Bridgeport	New London
Cape May	New York
Cleveland	Parkersburg
Detroit	Philadelphia
Erie	Pittsburgh
Harrisburg	Providence
Hartford	Reading
Huntington	Salisbury
Islip	Trenton
Jamestown	Washington
Johnstown	Williamsport
Lancaster	Wilmington
Lexington	

BALTIMORE

Boston	Kalamazoo
Bradford	Morgantown
Bridgeport	New Haven
Buffalo	New London
Cape May	New York
Charleston	Oil City
Cincinnati	Parkersburg
Clarksburg	Philadelphia
Elkins	Pittsburgh
Erie	Providence
Grand Rapids	Salisbury
Hagerstown	South Bend
Harrisburg	Trenton
Hartford	Washington
Indianapolis	Williamsport
Islip	Wilmington
Jamestown	Zanesville
Johnstown	

BELLEFONTE

Boston	Johnstown
Bridgeport	New Haven
Clearfield	New London
Du Bois	New York
Harrisburg	Pittsburgh
Hartford	Providence
Hazleton	Scranton
Islip	Williamsport

BINGHAMTON

Boston	New York
Buffalo	Olean
Chicago	Pittsburgh
Cleveland	Poughkeepsie
Detroit	Providence
Elmira	Rochester
Erie	Syracuse
Hartford	Utica
Ithica	White Plains
Jamestown	Worcester
Keene	

BLOOMINGTON

Chicago	Indianapolis
Cincinnati	Terre Haute
Danville	

BOSTON

Bradford	New London
Bridgeport	Olean
Buffalo	Philadelphia
Cape May	Pittsburgh
Clearfield	Poughkeepsie
Du Bois	Providence
Elmira	Reading
Erie	Rochester
Harrisburg	Salisbury
Hartford	Scranton
Hazleton	Syracuse
Islip	Trenton
Ithica	Utica
Jamestown	Washington
Johnstown	White Plains
Keene	Williamsport
Lancaster	Wilmington
New Haven	Worcester

BRADFORD

Bridgeport
Buffalo
Cleveland
Detroit
Erie
Hagerstown
Harrisburg
Hartford
Huntington
Islip
Jamestown
Johnstown
Lancaster
Lexington
Memphis
Nashville
New Haven
New London
New York
Oil City
Parkersburg
Philadelphia
Pittsburgh
Providence
Reading
Scranton
Washington
Williamsport

BRIDGEPORT

Cape May
Clearfield
Cleveland
Du Bois
Erie
Harrisburg
Hartford
Hazleton
Islip
Jamestown
Johnstown
Lancaster
New Haven
New London
New York
Philadelphia
Pittsburgh
Providence
Reading
Salisbury
Scranton
Trenton
Washington
Williamsport
Wilmington

BUFFALO

Cleveland
Danville
Dayton
Detroit
Elmira
Erie
Hagerstown
Harrisburg
Hartford
Huntington
Indianapolis
Ithaca
Jamestown
Johnstown
Keene
Lexington
Minneapolis
New York
Oil City
Parkersburg
Pittsburgh
Providence
Rochester
Syracuse
Terre Haute
Utica
Washington
White Plains
Williamsport
Worcester
Youngstown

BURLINGTON

Glens Falls
New York
Ogdensburg
Plattsburgh
Rutland
Saranac Lake

CAPE MAY

Hartford
Islip
New Haven
New London
New York
Philadelphia
Providence
Salisbury
Trenton
Washington
Wilmington

CHARLESTON

Clarksburg
Elkins
Erie
Morgantown

CHICAGO

Danville
Elmira
Erie
Indianapolis
Ithaca
Kokomo
Lafayette
Lima
Mansfield
Muncie
Pittsburgh
Terre Haute
Utica

CINCINNATI

Clarksburg
Columbus
Danville
Dayton
Detroit
Elkins
Evansville
Grand Rapids
Indianapolis
Kalamazoo
Kokomo
Lafayette
Lima
Louisville
Muncie
Parkersburg
South Bend
Terre Haute
Toledo

CLARKSBURG

Elkins
Erie
Grand Rapids
Indianapolis
Kalamazoo
Morgantown
Parkersburg
Pittsburgh
South Bend
Washington

CLEARFIELD

Du Bois
Harrisburg
Hartford
Hazleton
Islip
Johnstown
New Haven
New London
New York
Pittsburgh
Providence
Scranton
Williamsport

CLEVELAND

Columbus
Danville
Dayton
Detroit
Elmira
Erie
Harrisburg
Hartford
Ithica
Jamestown
Lancaster
Mansfield
New Haven
New London
Olean
Pittsburgh
Reading
Sandusky
Scranton
Syracuse
Terre Haute
Toledo
Utica
Williamsport
Youngstown

COLUMBUS

Danville
Dayton
Detroit
Erie
Evansville
Indianapolis
Lima
Mansfield
Morgantown
Pittsfield
St. Louis
Terre Haute
Toledo
Youngstown
Zanesville

DANVILLE

Dayton
Erie
Evansville
Indianapolis
Mansfield
Terre Haute
Youngstown

DAYTON

Detroit
Erie
Evansville
Indianapolis
Lima
Mansfield
Morgantown
Pittsburgh
St. Louis
Terre Haute
Toledo
Youngstown
Zanesville

DETROIT

Elmira
Erie
Harrisburg
Hartford
Ithica
Jamestown
Keene
Lancaster
Lima
New Haven
New London
Reading
Rochester
Sandusky
Scranton
Syracuse
Toledo
Utica
White Plains
Williamsport
Worcester
Youngstown

DU BOIS

Harrisburg
Hartford
Hazleton
Islip
Johnstown
New Haven
New London
New York
Pittsburgh
Providence
Scranton
Williamsport

ELKINS

Grand Rapids
Indianapolis
Kalamazoo
Parkersburg
South Bend
Washington

ELMIRA

Erie
Hartford
Ithica
Jamestown
Keene
New York
Ogdensburg
Olean
Philadelphia
Pittsburgh
Providence
Rochester
Syracuse
Utica
Washington
Watertown
White Plains
Worcester
Massena

ERIE

Harrisburg
Hartford
Indianapolis
Islip
Ithica
Jamestown
Keene
Lancastser
Morgantown
New Haven
New London
New York
Philadelphia
Pittsburgh
Providence
Reading
Rochester
Scranton
Syracuse
Terre Haute
Utica
Washington
White Plains
Williamsport
Worcestser
Youngstown

EVANSVILLE

Indianapolis
Lima
Terre Haute
Toledo

GLENS FALLS

New York
Ogdenburg
Plattsburgh
Rutland
Saranac Lake
Massena

GRAND RAPIDS

Indianapolis
Kalamazoo
Parkersburg
South Bend
Toledo

HAGERSTOWN

Harrisburg
Jamestown
Johnstown
Oil City
Pittsburgh
Washington
Williamsport

HARRISBURG

Hartford
Hazleton
Huntington
Islip
Jamestown
Johnstown
Lancaster
Lexington
Memphis
Nashville
New Haven
New London
New York
Oil City
Parkersburg
Philadelphia
Pittsburgh
Providence
Reading
Scranton
Washington
Williamsport

HARTFORD

Hazleton
Islip
Ithica
Jamestown
Johnstown
Keene
Lancaster
New Haven
New London
New York
Olean
Philadelphia
Pittsburgh
Providence
Reading
Rochester
Salisbury
Scranton
Syracuse
Trenton
Utica
Washington
Williamsport
Wilmington
Worcester

HAZLETON

Islip
Johnstown
New Haven
New York
New London
Pittsburgh
Providence
Scranton
Williamsport

HUNTINGTON

Jamestown
Johnstown
Lancaster
Lexington
Memphis
Nashville
New York
Oil City
Parkersburg
Philadelphia
Pittsburgh
Reading

INDIANAPOLIS

Kalamazoo
Lafayette
Louisville
Mansfield
New York
Parkersburg
St. Louis
South Bend
Terre Haute
Youngstown

ISLIP

Jamestown
Johnstown
Lancaster
New Haven
New London
New York

ISLIP—continued

Philadelphia
Pittsburgh
Providence
Reading
Salisbury
Scranton
Syracuse
Trenton
Washington
Williamsport
Wilmington

ITHACA

Jamestown
Keene
New York
Ogdensburg
Olean
Pittsburgh
Providence
Rochester
Syracuse
Utica
Washington
Watertown
White Plains
Worcester
Massena

JAMESTOWN

Johnstown
Lancastser
Lexington
Memphis
Nashville
New Haven
New London
New York
Oil City
Olean
Parkersburg
Philadelphia
Pittsburgh
Providence
Reading
Scranton
Syracuse
Utica
Washington
Williamsport

JOHNSTOWN

Lancaster
Lexington
Memphis
Nashville
New Haven
New London
New York
Oil City
Parkersburg
Philadelphia
Pittsburgh
Providence
Reading
Scranton
Washington
Williamsport

KALAMAZOO

Parkersburg
South Bend
Washington

KEENE

Providence
Rochester
Syracuse
Utica
Worcester

KOKOMO

Lafayette
Lima
Mansfield
Muncie
Pittsburgh

LAFAYETTE

Lima
Mansfield
Muncie
Pittsburgh

LANCASTER

Lexington
Memphis
Nashville
New Haven
New London
New York
Parkersburg
Philadelphia
Pittsburgh
Providence
Reading
Scranton
Williamsport

LEXINGTON

Memphis
Nashville
Oil City
Parkersburg
Philadelphia
Pittsburgh
Reading

LIMA

Louisville
Mansfield
Pittsburgh
Toledo

LOUISVILLE

Pittsburgh

MANSFIELD

Pittsburgh
Terre Haute

MASSENA

New York
Ogdensburg
Syracuse
Utica
Watertown
White Plains
Pittsburgh
Plattsburgh
Rutland
Saranac Lake

MEMPHIS

Nashville
Oil City
Parkersburg
Philadelphia
Pittsburgh
Reading

MORGANTOWN

Pittsburgh
Washington
Zanesville

NASHVILLE

Oil City
Parkersburg
Philadelphia
Pittsburgh
Reading

NEW HAVEN

New London
New York
Philadelphia
Pittsburgh
Providence
Reading
Salisbury
Scranton
Trenton
Washington
Williamsport
Wilmington

NEW LONDON

New York
Philadelphia
Pittsburgh
Providence
Reading
Salisbury
Scranton
Trenton
Washington
Williamsport
Wilmington

NEWPORT NEWS

Norfolk
Philadelphia

NEW YORK

Ogdensburg
Parkersburg
Philadelphia
Pittsburgh
Plattsburgh
Providence
Reading
Rochester
Rutland
Salisbury
Saranac Lake
Scranton
Syracuse
Trenton
Utica
Watertown
White Plains
Williamsport
Wilmington

NORFOLK

Philadelphia

OGDENSBURG

Pittsburgh
Plattsburgh
Rutland
Saranac Lake
Syracuse
Utaca
Watertown
White Plains

OIL CITY

Parkersburg
Pittsburgh
Washington
Williamsport

OLEAN

Providence
Syracuse
Utica

PARKERSBURG

Philadelphia
Pittsburgh
Reading
South Bend
Washington

PHILADELPHIA

Pittsburgh
Providence
Reading
Salisbury
Trenton
Washington
Williamsport
Wilmington

PITTSBURGH

Providence
Reading
Rochester
St. Louis
Sandusky
Scranton
Syracuse
Toledo
Utica
Watertown
Williamsport
Youngstown
Zanesville

PLATTSBURGH

Rutland
Saranac Lake

POUGHKEEPSIE

Providence
White Plains

PROVIDENCE

Reading
Rochester
Salisbury
Scranton
Syracuse
Trenton
Utica
Washington
White Plains
Williamsport
Wilmington
Worcester

READING

Scranton
Williamsport

ROCHESTER

Syracuse
Utica
Washington
White Plains
Worcester

RUTLAND

Saranac Lake

ST. LOUIS

Terre Haute

SALISBURY

Trenton
Washington
Wilmington

SANDUSKY

Toledo
Youngstown

SARANAC LAKE

Utica

SCRANTON

Williamsport

SYRACUSE

Utica
Washington
Watertown
White Plains
Worcester

TERRE HAUTE

Youngstown

TOLEDO

Youngstown

TRENTON

Washington
Wilmington

UTICA

Washington
Watertown
White Plains
Worcester

WASHINGTON

White Plains
Williamsport
Wilmington
Zanesville

WATERTOWN

White Plains

MARKETS IN WHICH ALLEGHENY'S AUTHORITY WILL NOT CHANGE[1]

II. One Stop Via Named Point

MINNEAPOLIS

(Via Buffalo)
Akron
Altoona
Bradford
Cleveland
Danville
Dayton
Detroit
Erie
Huntington
Indianapolis
Jamestown
Johnstown
Lexington
Oil City
Parkersburg
Pittsburgh
Terre Haute
Youngstown
Olean

MEMPHIS

(Via Philadelphia) Norfolk

III. No Single Plane Authority

BURLINGTON

Chicago

[1] Authority considered in this appendix is stop authority only; changes in other conditions such as long-haul restrictions are not shown. In some cases cities listed under a base city may be out of alphabetical order.

APPENDIX C—MINOR MARKETS[1] IN WHICH IT IS PROPOSED THAT ALLEGHENY WOULD RECEIVE IMPROVED AUTHORITY[2]

I. NONSTOP MARKETS[3]

AKRON

*Albany
Altoona
Atlantic City
Bellefonte
Binghamton
Bloomington
Bradford
Bridgeport
*Burlington
Cape May
*Cincinnati
Clarksburg
Clearfield
Du Bois
Elkins
Elmira
*Evansville
Glens Falls
Hagerstown
*Harrisburg
Hazleton
*Islip
Ithica
Jamestown
Johnstown
*Kalamazoo
Keene
Kokomo
Lafayette
Lancaster
Lima
*Louisville
Mansfield
Massena
Morgantown
Muncie
*Nashville
New Haven
New London
Ogdensburg
Oil City
Olean
*Parkersburg
Plattsburgh
Poughkeepsie
Reading
Rutland
Salisbury
Saranac Lake
*Scranton
*Syracuse
Trenton
Utica
Watertown
White Plains
Williamsport
Wilmington
*Worcester
Zanesville

ALBANY

*Allentown
Altoona
Bellefonte
Bloomington
Bradford
Bridgeport
*Charleston
Clarksburg
Clearfield
Danville
*Dayton
Du Bois
Elkins
*Evansville
*Grand Rapids
Hagerstown
*Harrisburg
Hazleton
*Huntington
Johnstown
*Kalamazoo
Kokomo
Lafayette
Lancaster
*Lexington
Lima
Mansfield
Minneapolis
Morgantown
Muncie
New London
*Newport News
Norfolk
Oil City
*Parkersburg
Poughkeepsie
Reading
Sandusky
*Scranton
*South Bend
Terre Haute
*Toledo
Watertown
Williamsport
*Youngstown
Zanesville

ALLENTOWN

Binghamton
Bloomington
*Buffalo
*Burlington
Cape May
*Cincinnati
Clarksburg
*Columbus
Danville
*Dayton
Elkins
Elmira
Glens Falls
Hagerstown
Ithaca
*Kalamazoo
*Keene
Kokomo
Lafayette
Lima
Mansfield
Massena
Morgantown
Muncie
*Newport News
*Norfolk
Ogdensburg
Oil City
Olean
Plattsburgh
Poughkeepsie
*Rochester
Rutland
Salisbury
Sandusky
Saranac Lake
Terre Haute
Trenton
Utica
Watertown
White Plains
*Worcester
Zanesville

*Denotes nonexclusive market which generated traffic in 1971.

See footnotes on p. 20260.

ALTOONA

Binghamton
Bloomington
Burlington
Cape May
Charleston
Chicago
Cincinnati
Clarksburg
Cleveland
Columbus
Danville
Dayton
Detroit
Elkins
Elmira
Erie
Evansville
Glens Falls
Grand Rapids
Indianapolis
Ithaca
Kalamazoo
Keene
Kokomo
Lafayette
Lima
Louisville
Mansfield
Massena
Morgantown
Muncie
Newport News
Norfolk
Ogdensburg
Olean
Plattsburgh
Poughkeepsie
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Watertown
White Plains
Wilmington
Worcester
Youngstown
Zanesville

ATLANTIC CITY

Bellefonte
Binghampton
Bloomington
Buffalo
Burlington
Charleston
Chicago
Cincinnati
Clarksburg
Clearfield
Columbus
Danville
Dayton
Du Bois
Elkins
Elmira
Evansville
Glens Falls
Grand Rapids
Hagerstown
Hazleton
Indianapolis
Ithica
Kalamazoo
Keene
Kokomo
Lafayette
Lima
Louisville
Mansfield
Massena
Minneapolis
Morgantown
Muncie
Newport News
Norfolk
Ogdensburg
Oil City
Olean
Plattsburgh
Poughkeepsie
Rochester
Rutland
St. Louis
Sandusky
Saranac Lake
Scranton
South Bend
Syracuse
Terre Haute
Toledo
Utica
Watertown
White Plains
Worcester
Youngstown
Zanesville

BALTIMORE

Bellefonte
Binghamton
Bloomington
*Burlington
Clearfield
Danville
Du Bois
Elmira
Glens Falls
Hazleton
Ithica
*Keene
Kokomo
Lafayette
Lancaster
Lima
Mansfield
Massena
Muncie
Ogdensburg
Olean
Plattsburgh
Poughkeepsie
Reading
Rutland
Sandusky
Saranac Lake
Terre Haute
Utica
Watertown
White Plains
*Worcester

BELLEFONTE

Binghamton
Bloomington
Bradford
Buffalo
Burlington
Cape May
Charleston
Chicago
Cincinnati
Clarksburg
Cleveland
Columbus
Danville
Dayton
Detroit
Elkins
Elmira
Erie
Evansville
Glens Falls
Grand Rapids
Hagerstown
Huntington
Indianapolis
Ithica
Jamestown
Kalamazoo
Keene
Kokomo
Lafayette
Lancaster
Lexington
Lima
Louisville
Mansfield
Massena
Memphis
Morgantown
Muncie
Nashville
Newport News
Norfolk
Ogdensburg
Oil City
Olean
Parkersburg
Philadelphia
Plattsburgh
Poughkeepsie
Reading
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Washington
Watertown
White Plains
Wilmington
Worcester
Youngstown
Zanesville

BINGHAMTON

Bloomington
Bradford
Bridgeport
Burlington
Cape May
Charleston
Cincinnati
Clarksburg
Clearfield
Columbus
Danville
Dayton
Du Bois
Elkins
Evansville
Glens Falls
Grand Rapids
Hagerstown
Harrisburg
Hazelton
Huntington
Indianapolis
Islip
Johnstown
Kalamazoo
Kokomo
Lafayette
Lancaster
Lexington
Lima
Louisville
Mansfield
Massena
Memphis
Minneapolis
Morgantown
Muncie
Nashville
New Haven
New London
Newport News
Norfolk
Ogdensburg
Oil City
Parkersburg
Philadelphia
Plattsburgh
Reading
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
Scranton
South Bend
Terre Haute
Toledo
Trenton
Watertown
Williamsport
Wilmington
Youngstown
Zanesville

BLOOMINGTON

Boston
Bradford
Bridgeport
Buffalo
Burlington
Cape May
Charleston
Clarksburg
Clearfield
Cleveland
Columbus
Dayton
Detroit
Du Bois
Elkins
Elmira
Erie
Evansville
Glens Falls
Grand Rapids
Hagerstown
Harrisburg
Hartford
Hazleton
Huntington
Islip
Ithaca
Jamestown
Johnstown
Kalamazoo
Keene
Kokomo
Lafayette
Lancaster
Lexington
Lima
Louisville
Mansfield
Massena
Memphis
Morgantown
Muncie
Nashville
New Haven
New London
Newport News
New York
Norfolk
Ogdensburg
Oil City
Olean
Parkersburg
Philadelphia
Pittsburgh

BLOOMINGTON—continued

Plattsburgh
Poughkeepsie
Providence
Reading
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
Scranton
South Bend
Syracuse
Toledo
Trenton
Utica
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

BOSTON

Clarksburg
Danville
Elkins
Glens Falls
Hagerstown
*Kalamazoo
Kokomo
Lafayette
Lima
Mansfield
Massena
Morgantown
Muncie
Ogdensburg
Oil City
*Parkersburg
Plattsburgh
Rutland
Sandusky
Saranac Lake
Terre Haute
Watertown
Zanesville

BRADFORD

Burlington
Cape May
Charleston
Chicago
Cincinnati
Clarksburg
Clearfield
Columbus
Danville
Dayton
Du Bois
Elkins
Elmira
Evansville
Glens Falls
Grand Rapids
Hazleton
Indianapolis
Ithaca
Kalamazoo
Keene
Kokomo
Lafayette
Lima
Louisville
Mansfield
Massena
Morgantown
Muncie
Newport News
Norfolk
Ogdensburg
Olean
Plattsburgh
Poughkeepsie
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Watertown
White Plains
Wilmington
Worchester
Youngstown
Zanesville

BRIDGEPORT

Buffalo
Burlington
Charleston
Chicago
Cincinnati
Clarksburg
Columbus
Danville
Dayton
Detroit
Elkins
Elmira
Evansville
Glens Falls
Grand Rapids
Hagerstown
Huntington
Indianapolis
Ithica
Kalamazoo
Keene
Kokomo
Lafayette
Lexington
Lima
Louisville
Mansfield
Massena
Memphis
Minneapolis
Morgantown
Muncie
Nashville
Newport News
Norfolk
Ogdensburg
Oil City
Olean
Parkersburg
Plattsburgh
Poughkeepsie
Rochester
Rutland
St. Louis
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Utica
Watertown
White Plains
Worcester
Youngstown
Zanesville

BUFFALO

*Burlington
Cape May
Clarksburg
Clearfield
Du Bois
Elkins
Glens Falls
Hazleton
*Kalamazoo
Kokomo
Lafayette
Lancaster
Lima
Mansfield
Massena
Morgantown
Muncie
New Haven
New London
Ogdensburg
Olean
Plattsburgh
Poughkeepsie
Reading
Rutland
Salisbury
Sandusky
Saranac Lake
*Scranton
*Toledo
Trenton
Watertown
Zanesville

BURLINGTON

Cape May
*Charleston
*Cincinnati
Clarksburg
Clearfield
*Columbus
Danville
*Dayton
Du Bois
Elkins
Elmira
Erie
*Evansville
*Grand Rapids
Hagerstown
*Harrisburg
Hazleton
*Huntington
*Indianapolis
*Islip
Ithica
Jamestown
Johnstown
*Kalamazoo
*Keene
Kokomo
Lafayette
Lancaster
*Lexington
Lima
*Louisville
Mansfield
*Memphis
*Minneapolis
Morgantown
Muncie
*Nashville
New Haven
New London
*Newport News
*Norfolk
Oil City
Olean
*Parkersburg
Pittsburgh
Poughkeepsie
*Providence
Reading
*Rochester
*St. Louis
Salisbury
Sandusky
*Scranton
*South Bend
*Syracuse
Terre Haute
*Toledo
Trenton
Utica
Watertown
White Plains[2]
Williamsport
*Wilmington
*Worchester
*Youngstown
Zanesville

CAPE MAY

Charleston
Chicago
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MUNCIE

Nashville
New Haven
New London
Newport News
New York
Norfolk
Ogdensburg
Oil City
Olean
Parkersburg
Philadelphia
Pittsburgh
Plattsburgh
Poughkeepsie
Providence
Reading
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake

MUNCIE—continued

Scranton
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

NASHVILLE

New Haven
New London
*Newport News
Ogdensburg
Olean
Plattsburg
Poughkeepsie
*Providence
*Rochester
Rutland
Salisbury
Sandusky
Saranac Lake
*Scranton
*South Bend
*Syracuse
Terre Haute
*Toledo
Trenton
Utica
Watertown
White Plains
Williamsport
*Wilmington
*Youngstown
*Worcester
Zanesville

NEW HAVEN

Newport News
Norfolk
Ogdensburg
Oil City
Olean
Parkersburg
Plattsburgh
Poughkeepsie
Rochester
Rutland
St. Louis
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Utica
Watertown
White Plains
Worcester
Youngstown
Zanesville

NEW LONDON

Newport News
Norfolk
Ogdensburg
Oil City
Olean
Parkersburg
Plattsburgh
Poughkeepsie
Rochester
Rutland
St. Louis
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Utica
Watertown
White Plains
Worcester
Youngstown
Zanesville

NEWPORT NEWS

Ogdensburg
Oil City
Olean
Plattsburgh
Poughkeepsie
Reading
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
*Scranton
*Syracuse
Terre Haute
Trenton
Utica
Watertown
White Plains
Williamsport
*Wilmington
*Worcester
Zanesville

NEW YORK

Oil City
Olean
Poughkeepsie
Sandusky
Terre Haute
Zanesville

NORFOLK

Ogdensburg
Oil City
Olean
Plattsburgh
Poughkeepsie
Reading
Rutland
St. Louis
Salisbury
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Saranac Lake
*Scranton
Syracuse
Terre Haute
Trenton
Utica
Watertown
White Plains
Williamsport
*Wilmington
*Worcester
Zanesville

OGDENSBURG

Oil City
Olean
Parkersburg
Philadelphia
Poughkeepsie
Providence
Reading
Rochester
St. Louis
Salisbury
Sandusky
Scranton
South Bend
Syracuse
Terre Haute

OGDENSBURG—continued

Toledo
Trenton
Washington
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

OIL CITY

Olean
Philadelphia
Plattsburgh
Poughkeepsie
Providence
Reading
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
Scranton
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Watertown
White Plains
Wilmington
Worcester
Youngstown
Zanesville

OLEAN

Parkersburg
Philadelphia
Pittsburgh
Plattsburgh
Poughkeepsie
Reading
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
Scranton
South Bend
Terre Haute
Toledo
Trenton
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

PARKERSBURG

Plattsburgh
Poughkeepsie
*Providence
*Rochester
Rutland
*St. Louis
Salisbury
Sandusky
Saranac Lake
*Scranton
*Syracuse
Terre Haute
*Toledo
Trenton
Utica
Watertown
White Plains
Williamsport
Wilmington
*Worcester
*Youngstown
Zanesville

PHILADELPHIA

Plattsburgh
Poughkeepsie
Rutland
Sandusky
Saranac Lake
Terre Haute
Utica
Watertown
White Plains
*Worcester
Zanesville

PITTSBURGH

Plattsburgh
Poughkeepsie
Rutland
Salisbury
Saranac Lake
Terre Haute
Trenton
White Plains
*Worcester

PLATTSBURGH

Poughkeepsie
Providence
Reading
Rochester
St. Louis
Salisbury
Sandusky
Scranton
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

POUGHKEEPSIE

Reading
Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
Scranton
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Washington
Watertown
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

PROVIDENCE

Rutland
Sandusky
Saranac Lake
Terre Haute
Watertown
Zanesville

READING

Rochester
Rutland
St. Louis
Salisbury
Sandusky
Saranac Lake
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Washington
Watertown
White Plains
Wilmington
Worcester
Youngstown
Zanesville

ROCHESTER

Rutland
Salisbury
Sandusky
Saranac Lake
*Scranton
Terre Haute
Trenton
Watertown
Williamsport
*Wilmington
*Youngstown
Zanesville

RUTLAND

St. Louis
Salisbury
Sandusky
Scranton
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Utica
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

ST. LOUIS

Salisbury
Sandusky
Saranac Lake
South Bend
Trenton
Utica
Watertown
White Plains
Williamsport
*Worcester
*Youngstown
Zanesville

SALISBURY

Sandusky
Saranac Lake
Scranton
South Bend
Syracuse
Terre Haute
Toledo
Utica
Watertown
White Plains
Williamsport
Worcester
Youngstown
Zanesville

SANDUSKY

Saranac Lake
Scranton
South Bend
Syracuse
Terre Haute
Trenton
Utica
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Zanesville

SARANAC LAKE

Scranton
South Bend
Syracuse
Terre Haute
Toledo
Trenton
Washington
Watertown
White Plains
Williamsport
Wilmington
Worcester
Youngstown
Zanesville

SCRANTON

*South Bend
Terre Haute
*Toledo
Trenton
Utica
Watertown
White Plains
*Worcester
*Youngstown
Zanesville

SOUTH BEND

*Syracuse
Terre Haute
*Toledo
Trenton
Utica
Watertown
White Plains
Williamsport
*Wilmington
*Worcester
Zanesville

SYRACUSE

Terre Haute
*Toledo
Trenton
Williamsport
*Youngstown
Zanesville

TERRE HAUTE

Toledo — White Plains
Trenton — Williamsport
Utica — Wilmington
Washington — Worcester
Watertown — Zanesville

TOLEDO

Trenton — Williamsport
Utica — *Wilmington
Watertown — *Worcester
White Plains — Zanesville

TRENTON

Utica — Worcester
Watertown — Youngstown
White Plains — Zanesville
Williamsport

UTICA

Williamsport — Youngstown
Wilmington — Zanesville

WASHINGTON

Watertown — Worcester

WATERTOWN

Williamsport — Youngstown
Wilmington — Zanesville
Worcester

WHITE PLAINS

Williamsport — Youngstown
Wilmington — Zanesville
Worcester

WILLIAMSPORT

Wilmington — Youngstown
Worcester — Zanesville

WILMINGTON

Worcester — Zanesville
Youngstown

WORCESTER

Youngstown — Zanesville

YOUNGSTOWN

Zanesville

MINOR MARKETS[1] IN WHICH IT IS PROPOSED THAT ALLEGHENY WOULD RECEIVE IMPROVED AUTHORITY[3]

II. ONE-STOP MARKETS[4]

AKRON

Allentown — Newport News
Charleston — Norfolk
Grand Rapids — Providence
Huntington — Rochester
Lexington — South Bend
Memphis

ALBANY

Memphis — Nashville

ALLENTOWN

Baltimore — South Bend
Charleston — Syracuse
Evansville — Toledo
Grand Rapids — Wilmington
Louisville — Youngstown
Minneapolis

BALTIMORE

Evansville — Scranton
Lexington

BELLEFONTE

Minneapolis[5 6]

BINGHAMPTON

Washington[5]

BLOOMINGTON

Minneapolis[5 6]

BOSTON

Huntington

BUFFALO

Charleston — Newport News
Evansville — South Bend
Grand Rapids — Wilmington

BURLINGTON

Hartford

CHARLESTON

Columbus — Parkersburg
Dayton — Providence
Evansville — Rochester
Grand Rapids — St. Louis
Hartford — Scranton
Huntington — South Bend
Indianapolis — Syracuse
Lexington — Toledo
Louisville — Wilmington
Memphis — Youngstown
Nashville

CHICAGO

Wilmington

CINCINNATI

Lexington — Newport News

CLARKSBURG

Minneapolis[5 6]

CLEARFIELD

Minneapolis[5 6]

CLEVELAND

Lexington

COLUMBUS

Grand Rapids — Newport News
Huntington — Parkersburg
Lexington

DAYTON

Lexington — Newport News

DETROIT

Huntington — Wilmington

DU BOIS

Minneapolis[6]

ELKINS

Minneapolis[6]

EVANSVILLE

Huntington — Scranton
Lexington — Syracuse
Nashville — Wilmington

GRAND RAPIDS

Newport News — Rochester
Norfolk — Youngstown
Providence

HARTFORD

Huntington — Youngstown
Lexington

HUNTINGTON

Indianapolis — Providence
Louisville — St. Louis
Newport News — Syracuse
Norfolk — Wilmington

INDIANAPOLIS

Lexington — Wilmington
Toledo

ISLIP

St. Louis

KOKOMO

Minneapolis[6]

LAFAYETTE

Minneapolis[6]

LEXINGTON

Louisville — Scranton
Newport News — Syracuse
Norfolk — Toledo
Providence — Wilmington
St. Louis

LIMA

Minneapolis[5 6]

LOUISVILLE

Newport News — Toledo
Scranton — Wilmington

MANSFIELD

Minneapolis[5 6]

MEMPHIS

Newport News — Syracuse
Rochester — Toledo

MINNEAPOLIS

Morgantown[5 6] — Sandusky[5 6]
Muncie[5 6] — Zanesville[5 6]
Olean[5 6]

NEWPORT NEWS

Parkersburg — South Bend
Providence — Toledo
Rochester — Youngstown

NORFOLK

Parkersburg — Toledo
South Bend — Youngstown

PHILADELPHIA

Scranton

PITTSBURGH

Wilmington

PROVIDENCE

South Bend — Youngstown
Toledo

ROCHESTER

South Bend — Toledo

ST. LOUIS

Scranton — Wilmington

SCRANTON

Syracuse — Wilmington

SOUTH BEND

Youngstown

SYRACUSE

Wilmington

MINOR MARKETS[1] IN WHICH IT IS PROPOSED THAT ALLEGHENY WOULD RECEIVE IMPROVED AUTHORITY[3]

III. TWO-STOP MARKETS

MINNEAPOLIS

Charleston[6]
Evansville[6]

CHARLESTON

Newport News

[1] Minor markets (except as noted) are those which generated less than 10 daily O&D passengers in either calendar 1971 or the fourth quarter thereof, or which are monopoly markets.

[2] Including nonexclusive and monopoly markets.

a. Nonexclusive markets are those in which another carrier is certificated at both points; markets in this category which generated traffic in 1971 are marked with an *, and

b. Monopoly markets are those in which no one carrier, besides the applicant is certificated at both points and markets where the only competitor has been suspended. Markets in this group are not marked.

[3] These markets generated between 10 and 23 daily O&D passengers.

[4] These are (except as noted) nonexclusive markets in which Allegheny requests one-stop authority.

[5] Allegheny monopoly market.

[6] Buffalo must be served as an intermediate point.

[7] Not used.

[8] Authority considered in this appendix is stop authority only; other certificate conditions such as long-haul restrictions are not shown.

APPENDIX D

MAJOR MARKETS[1] IN WHICH IT IS PROPOSED THAT ALLEGHENY WOULD RECEIVE IMPROVED AUTHORITY[2]

Market	Other carriers certificated at both cities	Stop authority			
			Allegheny		
		Best competing[3]	Current[4]	Requested	Proposed authority
AKRON					
Baltimore	EA, UA	0	1	1	1
Boston	EA, UA	1	1	1	1
Chicago	EA, UA	0	1	1	1
Hartford	EA, UA	1	1	0	1
New York	EA, UA	0	1	1	1
Philadelphia	EA, UA	0	1	0	1
St. Louis	EA	1	1	0	1
Washington	EA, UA	0	1	1	1
ALBANY					
Chicago	AA	0	1	1	1
Cincinnati	AA	1	1	0	1
Columbus	AA	1	1	0	1
Indianapolis	AA	1	1	0	1
Louisville	AA	1	1	1	1
St. Louis	AA	0	1	0	1
Washington	AA	1	1	0	1
ALLENTOWN					
Chicago	EA, UA	0	1	1	1
Indianapolis	EA	2	1	0	0
St. Louis	EA	1	1	1	1
Washington	EA, UA	0	1	1	1
BALTIMORE					
Chicago	AA, BI, DL, EA, NW, PI, TW, UA	0	1	1	1
Cleveland	AA, EA, NW, TW, UA	0	1	1	1
Columbus	AA, DL, EA, PI, TW, UA	0	1	0	1
Dayton	AA, DL, TW, UA	0	2	1	1
Detroit	AA, BI, DL, EA, NW, TW, UA	0	1	1	1
Huntington	AA, EA, PI	0	1	1	1
Louisville	AA, DL, EA, PI, TW	0	1	1	1
Memphis	AA, BI, DL, EA, PI, TW	0	1	1	1
Minneapolis	BI, EA, NW, UA	0	1	1	1
Nashville	AA, BI, DL, EA, PI, TW	0	1	1	1
Newport News	NA, PI, UA	0	1	1	1
Norfolk	NA, PI, UA	0	1	1	1
Rochester	AA, UA	0	1	1	1
St. Louis	AA, BI, DL, EA, TW	0	1	1	1
Syracuse	AA, EA	0	1	1	1
Toledo	DL, EA, UA	0	1	1	1
Youngstown	UA	0	1	1	1
BOSTON					
Burlington	DL	0	1	1	1
Charleston	AA, EA, PI, UA	0	1	1	1
Chicago	AA, DL, EA, TW, UA	0	1	1	1
Cincinnati	AA, DL, EA, TW	0	1	1	1
Cleveland	AA, DL, EA, TW, UA	0	1	1	1
Columbus	AA, DL, EA, TW, UA	0	1	1	1
Dayton	AA, DL, TW, UA	0	1	1	1
Detroit	AA, DL, EA, NW, TW, UA	0	1	1	1
Evansville	DL, EA	0	2	1	1
Grand Rapids	UA	0	1	1	1
Indianapolis	AA, DL, EA, TW	0	1	1	1
Lexington	DL, EA	0	1	1	1
Louisville	AA, DL, EA, TW	0	1	0	1
Memphis	AA, DL, EA, UA	0	1	1	1
Minneapolis	EA, NW, UA	0	1	1	1
Nashville	AA, DL, EA, UA	0	1	1	1
Newport News	NA, UA	0	1	0	1
New York	AA, DL, EA, NW, TW, UA	0	1	1	1
Norfolk	NA, UA	0	1	0	1
St. Louis	AA, DL, EA, TW	0	1	1	1
South Bend	AA, UA	0	1	1	1
Toledo	DL, EA, UA	0	1	0	1
Youngstown	UA	0	1	1	1
BUFFALO					
Chicago	AA, EA, UA	0	1	1	1
Cincinnati	AA, EA,	1	1	0	1
Columbus	AA, EA, UA	1	1	0	1
Islip	AA	*1	1	0	0
Louisville	AA, EA	1	1	1	1
Memphis	AA, EA, UA	1	1	1	1
Nashville	AA, EA	1	1	1	1
Norfolk	UA	1	2	1	1
Philadelphia	AA, EA, UA	0	1	1	1
St. Louis	AA, EA	1	1	1	1

Market	Other carriers certificated at both cities	Stop authority			
			Allegheny		
		Best competing [3]	Current [3]	Requested	Proposed authority
BURLINGTON					
Cleveland	DL	0	1	1	1
Detroit	DL	0	1	1	1
Philadelphia	DL	0	1	0	1
Washington	DL	0	2	0	1
CHARLESTON					
Chicago	AA, PI, UA	0	2	1	2
Cincinnati	AA, PI	0	*1	1	2
Cleveland	AA	0	2	1	1
Detroit	AA, UA	1	*2	1	2
New York	AA, PI, UA	0	1	1	1
Norfolk	PI, UA	0	*2	1	2
Philadelphia	AA, UA	1	1	1	1
Pittsburgh	AA, UA	1	1	1	1
Washington	AA, EA, PI, UA	0	1	1	1
CHICAGO					
Cincinnati	AA, DL, EA, NO, PI, NW	0	1	1	1
Cleveland	AA, DL, EA, NO, NW, TW, UA	0	2	1	1
Columbus	AA, DL, EA, NO, PI, TW, UA	0	1	1	1
Dayton	AA, DL, NO, TW, UA	0	1	1	1
Detroit	AA, BI, DL, EA, NO, NW, TW, UA	0	2	1	1
Evansville	DL, EA	0	1	1	1
Grand Rapids	NO, UA	0	*1	1	2
Harrisburg	TW	0	1	1	1
Hartford	AA, DL, EA, TW, UA	0	1	1	1
Huntington	EA, PI	0	2	1	1
Islip	AA	0	1	1	1
Kalamazoo	NO	0	*1	0	2
Lexington	DL, EA, UA	0	*1	1	2
Louisville	AA, DL, EA, UA, PI, TW	0	1	1	1
Memphis	AA, BI, DL, EA, FL, PI, SO, UA	0	*1	1	2
Minneapolis	BI, EA, NO, NW, OZ, UA	0	*2	1	*2
Nashville	AA, BI, DL, EA, OZ, PI, SO, TW	0	*1	1	2
Newport News	NA, PI, UA	0	2	1	1
New York	AA, BI, DL, EA, NO, NW, OZ, PI, SO, TW, UA	0	1	1	1
Norfolk	PI, UA	0	2	2	2
Parkersburg	PI	0	1	1	1
Philadelphia	AA, DL, EA, NW, TW, UA	0	1	1	1
Providence	AA, EA, UA	0	1	1	1
Rochester	AA, UA	0	1	1	1
St. Louis	AA, BI, DL, EA, FL, OZ, SO, TW	0	1	1	1
Scranton	EA	*2	1	0	0
South Bend	NO, UA	0	*1	1	2
Syracuse	AA, EA	0	1	1	1
Toledo	DL, EA, UA	0	1	1	1
Washington	AA, BI, DL, EA, NW, OZ, PI, SO, TW, UA	0	2	1	1
Youngstown	UA	0	1	1	1
CINCINNATI					
Cleveland	AA, DL, EA, NO, TW	0	1	1	1
Harrisburg	TW	0	1	1	1
Hartford	AA, DL, EA, TW	0	1	0	1
Huntington	AA, DL, EA, PI	0	*1	1	2
Memphis	AA, DL, EA, PI	0	*1	1	2
Minneapolis	EA, NO	0	*2	1	*2
Nashville	AA, DL, EA, PI, TW	0	*1	1	2
New York	AA, DL, EA, NO, PI, TW	0	1	1	1
Norfolk	PI	1	*2	1	2
Philadelphia	AA, DL, EA, TW	0	1	1	1
Pittsburgh	AA, EA, TW	0	1	1	1
Providence	AA, EA	0	1	0	1
Rochester	AA	1	1	1	1
St. Louis	AA, DL, EA, TW	0	1	1	1
Scranton	EA	*2	2	0	0
Syracuse	AA, EA	1	1	1	1
Washington	AA, DL, EA, PI, TW	0	1	1	1
CLEVELAND					
Evansville	DL, EA	1	1	1	1
Grand Rapids	NO, UA	0	*2	1	2
Indianapolis	AA, DL, EA, TW	0	1	1	1
Kalamazoo	NO	1	*2	0	2
Louisville	AA, DL, EA, PI, TW	0	2	1	1
Memphis	AA, DL, EA, UA	1	1	1	1
Nashville	AA, DL, EA, TW	1	1	1	1
Newport News	UA	1	2	1	1
New York	AA, DL, EA, NO, NW, TW, UA	0	2	1	1
Norfolk	UA	0	2	1	1
Philadelphia	AA, DL, EA, TW, UA	0	1	1	1
Providence	AA, EA, UA	0	1	1	1
Rochester	AA, UA	0	1	1	1
St. Louis	AA, DL, EA, TW	0	1	1	1
South Bend	NO, UA	0	*2	1	2
Washington	AA, DL, EA, NW, TW, UA	0	1	1	1

Market	Other carriers certificated at both cities	Stop authority			
			Allegheny		
		Best competing [3]	Current [3]	Requested	Proposed authority
COLUMBUS					
Harrisburg	TW	0	1	0	1
Hartford	AA, DL, EA, TW, UA	0	1	0	1
Louisville	AA, DL, EA, PI, TW	0	1	1	1
Memphis	AA, DL, EA, PI, UA	0	*1	1	2
Minneapolis	EA, NO, UA	1	*2	1	*2
Nashville	AA, DL, EA, PI, UA	0	*1	1	2
New York	AA, DL, EA, PI, TW, UA	0	1	1	1
Norfolk	PI, UA	0	2	0	1
Philadelphia	AA, DL, EA, TW, UA	0	1	1	1
Providence	AA, EA, UA	0	1	0	1
Rochester	AA, UA	1	1	1	1
Scranton	EA	*2	1	0	0
Syracuse	AA, EA	1	1	0	1
Washington	AA, DL, EA, PI, TW, UA	0	1	1	1
DAYTON					
Harrisburg	TW	0	1	0	1
Hartford	AA, TW, UA	0	1	0	1
Louisville	AA, DL, TW	0	1	0	1
Memphis	AA, DL, UA	0	*1	1	2
Nashville	AA, DL, TW	0	*1	1	2
New York	AA, DL, NO, TW, UA	0	1	1	1
Norfolk	UA	1	*2	1	2
Philadelphia	AA, DL, TW, UA	0	1	1	1
Rochester	AA, UA	1	1	1	1
Syracuse	AA	1	1	0	1
Washington	AA, DL, TW, UA	0	2	1	2
DETROIT					
Evansville	DL, EA	0	1	1	1
Grand Rapids	NO, UA	0	*1	1	2
Indianapolis	AA, DL, EA, TW	0	1	1	1
Kalamazoo	NO	0	*1	0	2
Lexington	DL, EA	1	*2	1	2
Louisville	AA, DL, EA, TW	0	1	1	1
Memphis	AA, BI, DL, EA, UA	0	2	1	1
Nashville	AA, BI, DL, EA, TW	1	2	2	2
Newport News	UA	0	2	1	1
New York	AA, BI, DL, EA, NO, NW, TW, UA	0	2	1	1
Norfolk	UA	0	2	1	2
Philadelphia	AA, DL, EA, NW, TW, UA	0	1	1	1
Pittsburgh	AA, EA, TW, UA	0	1	1	1
Providence	AA, EA, UA	0	1	0	1
St. Louis	AA, BI, DL, EA, TW, UA	0	1	1	1
South Bend	NO, UA	0	*1	1	2
Washington	AA, BI, DL, EA, NW, TW, UA	0	1	1	1
EVANSVILLE					
Louisville	DL, EA	0	*1	1	2
Memphis	DL, EA	0	*2	1	2
New York	DL, EA	0	1	1	1
Philadelphia	DL, EA	0	2	0	1
Pittsburgh	EA	*1	1	0	0
St. Louis	DL, EA	0	*1	1	2
Washington	DL, EA	0	2	1	2
GRAND RAPIDS					
Hartford	UA	1	1	1	1
Minneapolis	NO, UA	0	*3	1	*2
New York	NO, UA	0	1	1	1
Philadelphia	UA	0	1	1	1
Pittsburgh	UA	0	1	0	1
Washington	UA	0	1	0	1
HARRISBURG					
Indianapolis	TW	0	1	0	1
Louisville	TW	0	1	0	1
St. Louis	TW	0	1	0	1
HARTFORD					
Indianapolis	AA, DL, EA, TW	0	1	0	1
Louisville	AA, DL, EA, TW	0	1	0	1
Memphis	AA, DL, EA, UA	0	1	0	1
Minneapolis	EA, UA	1	1	1	1
Nashville	AA, DL, EA, TW	0	1	0	1
Norfolk	UA	1	1	0	1
St. Louis	AA, DL, EA, TW	0	1	0	1
South Bend	UA	0	1	1	1
Toledo	DL, EA, UA	0	1	1	1
HUNTINGTON					
Washington	AA, EA, PI	0	1	1	1
INDIANAPOLIS					
Memphis	AA, DL, EA	0	*1	1	2
Nashville	AA, DL, EA, OZ, TW	0	*1	1	2
Philadelphia	AA, DL, EA, TW	0	1	1	1
Pittsburgh	AA, EA, TW	0	1	1	1
Providence	AA, EA	1	1	0	1
Rochester	AA	1	1	1	1
Syracuse	AA, EA	1	1	0	1
Washington	AA, DL, EA, OZ, TW	0	1	1	1

Market	Other carriers certificated at both cities	Stop authority			
			Allegheny		
		Best competing [3]	Current [4]	Requested	Proposed authority
BLIP					
Rochester	AA	*1	1		
KALAMAZOO					
Minneapolis	NO	0	*2	1	*2
New York	NO	1	1	0	1
KERNE					
New York	DL	0	1	1	1
LEXINGTON					
New York	DL, EA, PI	0	1	1	1
Washington	DL, EA, PI	0	1	1	1
LOUISVILLE					
Memphis	AA, DL, EA, PI	0	*1	1	2
Minneapolis	EA, OZ	0	*2	1	*2
Nashville	AA, DL, EA, OZ, PI, TW	0	*1	1	2
New York	AA, DL, EA, OZ, PI, TW	0	1	1	1
Norfolk	PI	0	*2	1	2
Philadelphia	AA, DL, EA, TW	0	1	0	1
Providence	AA, EA	0	1	1	1
Rochester	AA	1	1	1	1
St. Louis	AA, DL, EA, OZ, TW	0	1	1	1
Syracuse	AA, EA	1	1	1	1
Washington	AA, DL, EA, OZ, PI, TW	0	2	1	2
MEMPHIS					
Minneapolis	BI, EA, UA	1	*2	1	*2
New York	AA, BI, DL, EA, PI, SO, UA	0	1	1	1
Providence	AA, EA, UA	0	1	0	1
St. Louis	AA, BI, DL, EA, FL, SO	0	*1	1	2
Washington	AA, BI, DL, EA, PI, SO, UA	0	1	1	1
MINNEAPOLIS					
Nashville	BI, EA, OZ	1	*2	1	*2
Newport News	UA	0	3	1	1
New York	BI, EA, NO, NW, OZ, UA	0	2	2	2
Norfolk	UA	0	3	1	1
Philadelphia	EA, NW, UA	0	2	1	2
Providence	EA, UA	1	1	0	1
Rochester	UA	2	1	0	0
St. Louis	BI, EA, OZ	0	*2	1	*2
South Bend	NO, UA	1	*2	1	*2
Syracuse	EA	*2	1	0	0
Toledo	EA, UA	1	*2	1	*2
Washington	BI, EA, NW, OZ, UA	0	1	1	1
NASHVILLE					
New York	AA, BI, DL, EA, OZ, PI, SO, TW	0	1	1	1
Norfolk	PI	0	*1	1	2
St. Louis	AA, BI, DL, EA, OZ, SO, TW	0	*2	1	2
Washington	AA, BI, DL, EA, OZ, PI, SO, TW	0	1	1	1
NEWPORT NEWS					
New York	NA, PI, UA	0	1	1	1
Pittsburgh	UA	0	1	1	1
Washington	NA, PI, UA	0	*1	1	2
NEW YORK					
Norfolk	NA, PI, UA	0	1	1	1
St. Louis	AA, BI, DL, EA, OZ, SO, TW	0	1	1	1
South Bend	NO, UA	0	1	1	1
Toledo	DL, EA, UA	0	1	1	1
Washington	AA, BI, DL, EA, NA, NW, OZ, PI, SO, TW, UA	0	1	1	1
Worcester	EA	0	1	1	1
Youngstown	DL	0	1	1	1
NORFOLK					
Pittsburgh	UA	0	*1	0	2
Providence	NA, UA	0	1	0	1
Rochester	UA	1	2	1	1
Washington	NA, PI, UA	0	*1	1	2
PHILADELPHIA					
Rochester	AA, UA	0	1	1	1
St. Louis	AA, DL, EA, TW	0	1	1	1
South Bend	UA	0	1	1	1
Syracuse	AA, EA	0	1	1	1
Toledo	DL, EA, UA	0	1	0	1
Youngstown	UA	0	1	1	1
PITTSBURGH					
South Bend	UA	0	1	0	1
Washington	AA, EA, NW, TW, UA	0	1	1	1
PROVIDENCE					
St. Louis	AA, EA	0	1	0	1
ROCHESTER					
St. Louis	AA	0	1	1	1
ST. LOUIS					
Syracuse	AA, EA	0	1	0	1
Toledo	DL, EA	*1	1	0	0
Washington	AA, BI, DL, EA, OZ, SO, TW	0	2	1	1
SCRANTON					
Washington	EA	0	1	1	1
SOUTH BEND					
Washington	UA	0	1	0	1

Market	Other carriers certificated at both cities	Stop authority			
			Allegheny		
		Best competing [2]	Current [3]	Requested	Proposed authority
TOLEDO					
Washington	AA, EA	0	2	1	2
WASHINGTON					
Youngstown	UA	1	1	1	1

NOTE.—Authority denoted with * is circuitous authority.

[1] Major markets are those which generated more than 10 daily O&D passengers a day in either the fourth quarter or in the calendar year 1971.

[2] Authority shown in this appendix is stop authority only; other certificate conditions such long haul restrictions are not shown.

[3] In some markets, other competitive routings may be available which involve a different number of stops and a different amount of circuity.

[4] Buffalo must be served as an intermediate point.

APPENDIX E

PROPOSED ALLEGHENY CERTIFICATE FOR ROUTE 97

Allegheny Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

Between the terminal point Boston, Mass., the intermediate points Providence, R.I., Worcester, Mass., Keene, N.H., Hartford, Conn.-Springfield-Westfield, Mass., New London-Groton, New Haven and Bridgeport, Conn., Islip, New York, N.Y.-Newark, N.J., White Plains, Albany and Glens Falls, N.Y., Rutland, Vt., Saranac Lake-Lake Placid, N.Y., Burlington, Vt., Plattsburgh, Ogdensburg, Massena, Watertown, Utica-Rome and Poughkeepsie, N.Y., Trenton, Atlantic City and Cape May, N.J., Salisbury, Md., Norfolk-Virginia Beach-Portsmouth-Chesapeake and Newport News-Hampton-Williamsburg-Yorktown, Va., Washington, D.C., Baltimore, Md., Hagerstown, Md.-Martinsburg, W. Va., Wilmington, Del., Philadelphia, Pa.-Camden, N.J., Allentown-Bethlehem-Easton and Scranton-Wilkes-Barre, Pa., Binghamton-Endicott-Johnson City, Syracuse, Ithaca-Cortland and Elmira-Corning, N.Y., Hazleton, Reading, Lancaster, Harrisburg-York, Williamsport, Pa., Rochester and Buffalo-Niagara Falls, N.Y., Erie, Pa., Jamestown and Olean, N.Y., Bradford, Oil City-Franklin, Dubois, Clearfield-Philipsburg and Bellefonte-State College, Altoona, Johnstown and Pittsburgh, Pa.-Wheeling, W. Va. (to be served through the Greater Pittsburgh International Airport), Morgantown, Elkins, Clarksburg-Fairmont, Charleston and Huntington, W. Va., Parkersburg, W. Va.-Marietta, Ohio, Zanesville-Cambridge, Youngstown, Akron-Canton, Cleveland, Mansfield, Columbus, Lima, Sandusky and Toledo, Ohio, Detroit, Mich., Grand Rapids and Kalamazoo, Mich., South Bend, Ind., Dayton and Cincinnati, Ohio, Lexington and Louisville, Ky., Nashville and Memphis, Tenn., Evansville, Terre Haute, Bloomington, Indianapolis, Muncie-Anderson-New Castle, Kokomo-Logansport-Peru and Lafayette, Ind., Danville, Ill., St. Louis, Mo., Chicago, Ill., and the terminal point Minneapolis/St. Paul, Minn.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of route 97, the holder shall stop at each point named between the point of origin and point of termination of such trip except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of said route, subject to the conditions set forth in paragraph (5) below: *Provided, however,* That if the holder has scheduled one daily round trip to the following points:

Atlantic City or Cape May, N.J., Dubois, Pa., Hagerstown, Md.-Martinsburg, W. Va., Rutland, Vt., Salisbury, Md., Glens Falls, Jamestown, Olean, Plattsburg, or Saranac Lake-Lake Placid, N.Y., it may omit such points on any additional trips.

(4) In the case of Poughkeepsie, N.Y., if the holder has scheduled two daily round trips to Binghamton-Endicott-Johnson City, N.Y., and one daily round trip to Providence, R.I., and Boston, Mass., the holder may omit service to such point on any additional trips, subject to the limitations specified in paragraph (5) below.

(5) The holder may operate unrestricted nonstop service between any two points listed above: *Provided, however,* That the holder's authority in the following city-pairs shall be restricted as follows:

Market	Stop restriction	Other restrictions
Akron-[1]		
Allentown	1	
Baltimore	1	
Boston	1	
Charleston	1	
Chicago	1	
Grand Rapids	1	
Hartford	1	
Huntington	1	
Lexington	1	
Memphis	1	
Minneapolis	1	Must serve Buffalo, N.Y., as an intermediate point.
Newport News	1	
New York	1	
Norfolk	1	
Philadelphia	1	
Providence	1	
Rochester	1	
St. Louis	1	
South Bend	1	
Washington	1	
Albany-		
Chicago	1	
Cincinnati	1	
Columbus	1	
Indianapolis	1	
Louisville	1	
Memphis	1	
Albany-		
Nashville	1	
St. Louis	1	
Washington	*1	
Allentown-		
Baltimore	1	
Charleston	1	
Chicago	1	
Evansville	1	
Grand Rapids	1	
Louisville	1	
Minneapolis	1	
St. Louis	1	
South Bend	1	
Syracuse	1	
Toledo	1	
Washington	1	
Wilmington	1	
Youngstown	1	
Altoona-Minneapolis	1	Do.
Baltimore-		
Chicago	1	
Cleveland	1	
Columbus	1	
Dayton	1	
Detroit	1	
Evansville	1	
Huntington	1	
Lexington	1	
Louisville	1	
Memphis	1	
Minneapolis	1	
Nashville	1	
Newport News	1	
Norfolk	1	
Rochester	1	
St. Louis	1	
Scranton	1	
Syracuse	1	
Toledo	1	
Youngstown	1	
Bellefonte-Minneapolis	1	Do.
Binghamton-Washington	1	Do.
Bloomington-Minneapolis	1	Do.
Boston-		
Burlington	1	
Charleston	1	
Chicago	1	
Cincinnati	1	
Cleveland	1	
Columbus	1	
Dayton	1	
Detroit	1	
Evansville	1	
Grand Rapids	1	
Huntington	1	
Indianapolis	1	
Lexington	1	
Louisville	1	
Memphis	1	
Minneapolis	1	
Nashville	1	
Newport News	1	
New York	1	
Norfolk	1	
St. Louis	1	
South Bend	1	
Toledo	1	
Youngstown	1	
Bradford-Minneapolis	1	Do.

[1] Akron-Canton. The listed stop restrictions omit all but the first city contained in hyphenated points. This is done for convenience only, and is not intended to dehyphenate such points, all of which are fully set forth on pages one and two of this certificate.

[2] *Provided,* That this restriction shall not prevent the holder from providing nonstop service between Albany, N.Y., and Friendship Airport and from holding out such service as service to Washington, D.C., so long as the holder apprises the public of the airport through which such Albany-Washington nonstop service is being provided.

Market	Stop restriction	Other restrictions
Buffalo-		
Charleston	1	
Chicago	1	
Cincinnati	1	
Columbus	1	
Evansville	1	
Grand Rapids	1	
Louisville	1	
Memphis	1	
Nashville	1	
Newport News	1	
Norfolk	1	
Philadelphia	1	
St. Louis	1	
South Bend	1	
Wilmington	1	
Burlington-		
Chicago		No single-plane service.
Cleveland	1	
Detroit	1	
Hartford	1	
Philadelphia	1	
Washington	1	
Charleston-		
Chicago	2	
Cincinnati	2	
Cleveland	1	
Columbus	1	
Dayton	1	
Detroit	2	
Evansville	1	
Grand Rapids	1	
Hartford	1	
Huntington	1	
Indianapolis	1	
Lexington	1	
Louisville	1	
Memphis	1	
Minneapolis	2	Must serve Buffalo, N.Y., as an intermediate point.
Nashville	1	
Newport News	2	
New York	1	
Norfolk	2	
Parkersburg	1	
Philadelphia	1	
Pittsburgh	1	
Providence	1	
Rochester	1	
St. Louis	1	
Scranton	1	
South Bend	1	
Syracuse	1	
Toledo	1	
Washington	1	
Wilmington	1	
Youngstown	1	
Chicago		
Cincinnati	1	
Cleveland	1	
Columbus	1	
Dayton	1	
Detroit	1	
Evansville	1	
Grand Rapids	2	
Harrisburg	1	
Hartford	1	
Huntington	1	
Islip	1	
Kalamazoo	2	
Lexington	2	
Louisville	1	
Memphis	2	
Minneapolis	2	Do.
Nashville	2	
Newport News	1	
New York	1	
Norfolk	2	
Parkersburg	1	
Philadelphia	1	
Providence	1	
Rochester	1	
St. Louis	1	
South Bend	2	
Syracuse	1	
Toledo	1	
Washington	1	
Wilmington	1	
Youngstown	1	
Cincinnati-		
Cleveland	1	
Harrisburg	1	
Hartford	1	
Huntington	2	
Lexington	1	
Memphis	2	
Minneapolis	2	Do.
Nashville	2	
Newport News	1	
New York	1	
Norfolk	2	
Philadelphia	1	
Pittsburgh	1	
Providence	1	
St. Louis	1	
South Bend	2	
Washington	1	
Wilmington	1	
Clarksburg-Minneapolis	1	Do.
Clearfield-Minneapolis	1	Do.
Cleveland-		
Detroit		Must originate or terminate at a point east or south of Cleveland.
Evansville	1	
Grand Rapids	2	
Indianapolis	1	
Kalamazoo	2	
Lexington	1	
Louisville	1	
Memphis	1	
Minneapolis	1	Must serve Buffalo, N.Y., as an intermediate point.
Nashville	1	
Newport News	1	
New York	1	
Norfolk	1	
Philadelphia	1	
Pittsburgh		Must serve a point beyond this market.
Providence	1	
Rochester	1	
St. Louis	1	
South Bend	2	
Washington	1	
Columbus-		
Grand Rapids	1	
Harrisburg	1	
Hartford	1	
Huntington	1	
Lexington	1	
Louisville	1	
Memphis	2	
Minneapolis	2	Must serve Buffalo, N.Y., as an intermediate point.
Nashville	2	
Newport News	1	
New York	1	
Norfolk	1	
Parkersburg	1	
Philadelphia	1	
Providence	1	
Rochester	1	
Syracuse	1	
Washington	1	
Danville-Minneapolis	1	Do.
Dayton-		
Harrisburg	1	
Hartford	1	
Lexington	1	
Louisville	1	
Memphis	2	
Minneapolis	1	Do.
Nashville	2	
Newport News	1	
New York	1	
Norfolk	2	
Philadelphia	1	
Rochester	1	
Syracuse	1	
Washington	2	
Detroit-		
Evansville	1	
Grand Rapids	2	
Huntington	1	
Indianapolis	1	
Kalamazoo	2	
Lexington	2	
Louisville	1	
Memphis	1	
Minneapolis	1	Do.
Nashville	2	
Newport News	1	
New York	1	
Norfolk	2	
Philadelphia	1	
Pittsburgh	1	
Providence	1	
St. Louis	1	
South Bend	2	
Washington	1	
Wilmington	1	
Dubois-Minneapolis	1	Do.
Elkins-Minneapolis	1	Do.
Erie-Minneapolis	1	Do.
Evansville-		
Huntington	1	
Lexington	1	
Louisville	2	
Memphis	2	
Minneapolis	2	Do.
Nashville	1	
New York	1	
Philadelphia	1	
St. Louis	2	
Scranton	1	
Syracuse	1	
Washington	2	
Wilmington	1	
Grand Rapids-		
Hartford	1	
Minneapolis	2	Do.
Newport News	1	
New York	1	
Norfolk	1	
Philadelphia	1	
Pittsburgh	1	
Providence	1	
Rochester	1	
Washington	1	
Youngstown	1	
Harrisburg-		
Indianapolis	1	
Louisville	1	
St. Louis	1	
Hartford-		
Huntington	1	
Indianapolis	1	
Lexington	1	
Louisville	1	
Memphis	1	
Minneapolis	1	
Nashville	1	
Norfolk	1	
St. Louis	1	
South Bend	1	
Toledo	1	
Youngstown	1	
Huntington-		
Indianapolis	1	
Louisville	1	
Minneapolis	1	Do.
Newport News	1	
Norfolk	1	
Providence	1	
St. Louis	1	
Syracuse	1	
Washington	1	
Wilmington	1	
Indianapolis-		
Lexington	1	
Memphis	2	
Minneapolis	1	Do.
Nashville	2	
Philadelphia	1	
Pittsburgh	1	
Providence	1	
Rochester	1	
Syracuse	1	
Toledo	1	
Washington	1	
Wilmington	1	
Islip-St. Louis	1	
Jamestown-Minneapolis	1	Do.
Johnstown-Minneapolis	1	Do.
Kalamazoo-		
Minneapolis	2	Do.
New York	1	
Keene-New York	1	
Kokomo-Minneapolis	1	Do.
Lafayette-Minneapolis	1	Do.
Lexington-		
Louisville	1	
Minneapolis	1	Do.
Newport News	1	
New York	1	
Norfolk	1	
Providence	1	
St. Louis	1	
Scranton	1	
Syracuse	1	
Toledo	1	
Washington	1	
Wilmington	1	
Lima-Minneapolis	1	Do.
Louisville-		
Memphis	2	
Minneapolis	2	Do.
Nashville	2	
Newport News	1	
New York	1	
Norfolk	2	
Philadelphia	1	
Providence	1	
Rochester	1	
St. Louis	1	
Scranton	1	
Syracuse	1	
Toledo	1	
Washington	2	
Wilmington	1	
Mansfield-Minneapolis	1	Do.
Minneapolis	2	Do.
New York	1	
Philadelphia	1	
St. Louis	2	
Scranton	1	
Syracuse	1	
Washington	2	
Wilmington	1	
Youngstown	1	

Market	Stop restriction	Other restrictions
Memphis-		
Nashville		Must originate or terminate at a point north or east of Nashville.
Newport News	1	
New York	1	
Norfolk	1	Must serve Philadelphia, Pa., as an intermediate point.
Providence	1	
Rochester	1	
St. Louis	2	
Syracuse	1	
Toledo	1	
Washington	1	
Minneapolis-		
Morgantown	1	Must serve Buffalo, N.Y., as an intermediate point.
Muncie	1	Do.
Nashville	2	Do.
Newport News	1	
New York	2	
Norfolk	1	
Oil City	1	Do.
Olean	1	Do.
Parkersburg	1	Do.
Philadelphia	2	
Pittsburgh	1	Do.
Providence	1	
Sandusky	1	Do.
St. Louis	2	Do.
South Bend	2	Do.
Terre Haute	1	Do.
Toledo	2	Do.
Washington	1	
Youngstown	1	Do.
Zanesville	1	Do.
Nashville-		
New York	1	
Norfolk	2	
St. Louis	2	
Washington	1	
Newport News-		
New York	1	
Parkersburg	1	
Pittsburgh	1	
Providence	1	
Rochester	1	
South Bend	1	
Toledo	1	
Washington	2	
Worcester	1	
Youngstown	1	
New York-		
Norfolk	1	
St. Louis	1	
South Bend	1	
Toledo	1	
Washington	1	
Worcester	1	
Youngstown	1	
Norfolk-		
Parkersburg	1	
Pittsburgh	2	
Providence	1	
Rochester	1	
South Bend	1	
Toledo	1	
Washington	2	
Youngstown	1	
Philadelphia-		
Rochester	1	
Scranton	1	
St. Louis	1	
South Bend	1	
Syracuse	1	
Toledo	1	
Youngstown	1	
Pittsburgh-		
South Bend	1	
Washington	1	
Wilmington	1	
Providence-		
St. Louis	1	
South Bend	1	
Toledo	1	
Youngstown	1	
Rochester-		
St. Louis	1	
South Bend	1	
Toledo	1	
St. Louis-		
Scranton	1	
Syracuse	1	
Washington	1	
Wilmington	1	
Scranton-		
Syracuse	1	
Washington	1	
Wilmington	1	
South Bend-		
Washington	1	
Youngstown	1	
Syracuse-Wilmington	1	
Toledo-Washington	2	
Washington-Youngstown	1	

(6) The intermediate point Cape May, N.J., shall be served only during the period commencing not earlier than June 1, or later than June 15, and terminating not earlier than September 1, or later than September 15, inclusive, of each year, except that the Board may enlarge said period if the Board determines that said period does not permit adequate seasonal service.

(7) Harrisburg-York, Pennsylvania shall be served through a single airport.

(8) The holder is authorized to render flagstop service by omitting the physical landing of its aircraft at any point scheduled to be served on a particular flight: *Provided*, That there are no persons, property, or mail on the aircraft destined for such point, and no such traffic available at such point for the flight at the scheduled time of departure.

(9) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to Order is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with operations specified in paragraph (9), and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

This certificate shall become effective on ---------- *Provided, however*, That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ---------- insofar as such order authorizes the issuance of this certificate, may by order or orders extend such effective date from time to time: *Provided, further*, That the effective date of said certificate shall be automatically postponed until further Board order if the appropriate license fees are not paid pursuant to § 389.21(b) of the Regulations.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the

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

APPENDIX F—ALLEGHENY AIRLINES, INC.

LIST OF OPERATIONS INELIGIBLE FOR SUBSIDY

1. Flight stages to and from the following points:

Allentown/Bethlehem/Easton
Burlington
Glens Falls
Lexington
Louisville
Memphis
Minneapolis/St. Paul
Nashville
Newport News/Hampton/Williamsburg/Yorktown
Norfolk/Virginia Beach/Portsmouth/Chesapeake
Plattsburgh
Rutland
St. Louis
Saranac Lake/Lake Placid

2. Turnaround operations between New York/Newark and Providence

3. Nonstop operations between the following pairs of points:

	To
Albany	Atlantic City
	Baltimore
	Buffalo/Niagara Falls
	Cape May
	Cleveland
	Islip
	Jamestown
	New Haven/Bridgeport
	New York/Newark
	Ogdensburg/Massena
	Olean
	Philadelphia/Camden
	Salisbury
	Trenton
	Washington
	White Plains
	Wilmington
Allentown/Bethlehem/Easton	Binghamton/Endicott/Johnson City
	Indianapolis
Altoona	Bradford
	Buffalo/Niagara Falls
	Huntington
	Islip
	Jamestown
	Oil City/Franklin
	Parkersburg/Marietta
	Reading
Atlantic City	Bradford
	Cleveland
	Detroit
	Erie
	Huntington
	Jamestown
	Parkersburg/Marietta
	Reading
	Williamsport
Baltimore	Boston
	Bradford
	Buffalo/Niagara Falls
	Cincinnati
	Erie
	Indianapolis
	Jamestown
	New York/Newark
	Oil City/Franklin
	Pittsburgh/Wheeling
	Williamsport
Bellefonte/State College	Harrisburg/York
	Islip
Binghamton/Endicott/Johnson City	Chicago
	Erie
Bloomington	Indianapolis

	To
Boston	Bradford Buffalo/Niagara Falls Harrisburg/York Jamestown Lancaster Olean Philadelphia/Camden Pittsburgh/Wheeling Reading Rochester Syracuse Washington
Bradford	Hagerstown/Martinsburg Hartford/Springfield/Westfield Huntington Islip Johnstown New Haven/Bridgeport New London/Groton Parkersburg/Marietta Providence Washington
Buffalo/Niagara Falls	Cleveland Detroit Hagerstown/Martinsburg Harrisburg/York Hartford/Springfield/Westfield Huntington Islip Johnstown New York/Newark Parkersburg/Marietta Pittsburgh/Wheeling Washington Williamsport
Chicago	Elmira/Corning Erie Indianapolis Ithaca/Cortland Pittsburgh/Wheeling Scranton/Wilkes-Barre Utica/Rome Williamsport
Cincinnati	Scranton/Wilkes-Barre
Clarksburg/Fairmont	New York/Newark Philadelphia/Camden
Clearfield/Philipsburg	Harrisburg/York Islip
Cleveland	Hartford/Springfield/Westfield Islip New Haven/Bridgeport New London/Groton Syracuse
Columbus	Pittsburgh/Wheeling Scranton/Wilkes-Barre
Dayton	Pittsburgh/Wheeling
Detroit	Islip New Haven/Bridgeport New London/Groton
Dubois	Harrisburg/York Islip
Elmira/Corning	Erie Philadelphia/Camden Washington
Erie	Islip Ithaca/Cortland Keene New Haven/Bridgeport New London/Groton Rochester Syracuse Utica/Rome Washington White Plains Worcester
Evansville	Indianapolis Pittsburgh/Wheeling
Grand Rapids	Toledo
Hagerstown/Martinsburg	Jamestown Oil City/Franklin Williamsport
Harrisburg/York	Hartford/Springfield/Westfield Huntington Islip Minneapolis/St. Paul New Haven/Bridgeport
Harrisburg/York	Oil City/Franklin Parkersburg/Marietta Providence
Hartford/Springfield/Westfield.	Jamestown Lancaster Olean Pittsburgh/Wheeling Reading Rochester Syracuse Washington White Plains
Hazelton	Islip
Huntington	Jamestown Johnstown Lancaster New York/Newark Oil City/Franklin Philadelphia/Camden Reading
Indianapolis	Kokomo/Logansport/Peru Muncie/Anderson/New Castle New York/Newark
Islip	Jamestown Johnstown Lancaster Pittsburgh/Wheeling Reading Rochester Scranton/Wilkes-Barre Williamsport
Ithaca/Cortland	Washington
Jamestown	Johnstown New Haven/Bridgeport New London/Groton Parkersburg/Marietta Washington
Johnstown	Oil City/Franklin Parkersburg/Marietta Reading
Lancaster	New Haven/Bridgeport New London/Groton Parkersburg/Marietta Providence Scranton/Wilkes-Barre Washington
Minneapolis-St. Paul	Rochester Syracuse
Morgantown	New York/Newark
New Haven/Bridgeport	Reading
New London/Groton	New York/Newark Norfolk/Virginia Beach/Portsmouth/Chesapeake Reading
New York/Newark	Rochester Parkersburg/Marietta Pittsburgh/Wheeling Poughkeepsie
Oil City/Franklin	Parkersburg/Marietta Washington Williamsport
Olean	Providence
Parkersburg/Marietta	Philadelphia/Camden Reading
Philadelphia/Camden	Rochester Syracuse White Plains
Pittsburgh/Wheeling	Reading Rochester
Providence	Reading
Reading	Scranton/Wilkes-Barre Washington
Rochester	Washington
St. Louis	Toledo
Syracuse	Washington
Utica/Rome	Washington
Washington	White Plains Williamsport

4. One-stop or better operations between the following pairs of points:

Albany	Erie Washington
Baltimore	Cleveland Detroit
Binghamton/Endicott/Johnson City.	Detroit
Boston	Buffalo/Niagara Falls Cleveland Lexington Pittsburgh/Wheeling (via Albany or Binghamton/Endicott/Johnson City)
Buffalo/Niagara Falls	Hartford/Springfield/Westfield Memphis Nashville Providence
Cleveland	Philadelphia/Camden Washington
Detroit	Elmira/Corning Ithaca/Cortland Keene Philadelphia/Camden Providence Rochester Syracuse Utica/Rome Washington White Plains Worcester
Erie	Hartford/Springfield/Westfield
Jamestown	Providence
Indianapolis	St. Louis
Lexington	New York/Newark
Memphis	New York/Newark
Nashville	New York/Newark

5. Two-stop or better operations between the following pairs of points:

Albany	Detroit
Boston	Erie
Detroit	Hartford/Springfield/Westfield New York/Newark

6. Three-stop or better operations between Boston and Detroit.

APPENDIX G.—ALLEGHENY ROUTE REALIGNMENT SERVICE LIST

This order is being served on the following:

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705 Woodruff Building
Springfield, Missouri

Edward J. Crane, President
Ozark Air Lines, Inc.
Lambert-St. Louis International Airport
St. Louis, Missouri

William V. Costello
Staff Vice President
Regulatory Affairs
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World Way Postal Center
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E. O. Pennell, Esq.
Senior Vice President-Law
United Air Lines, Inc.
P.O. Box 66100
Chicago, Illinois 60666

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Olean, N.Y.
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Philadelphia, Pa.
Phillipsburg, Pa.
Pittsburgh, Pa.
Plattsburgh, N.Y.
Portsmouth, Va.
Poughkeepsie, N.Y.
Providence, R.I.
Reading, Pa.
Rochester, N.Y.
Rutland, Vt.
Rome, N.Y.
St. Louis, Mo.
Salisbury, Md.
Sandusky, Ohio
Saranac Lake, N.Y.
Scranton, Pa.
St. Paul, Minn.
South Bend, Ind.
Springfield, Mass.
State College, Pa.
Syracuse, N.Y.
Terre Haute, Ind.
Toledo, Ohio
Trenton, N.J.
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Youngstown, Ohio
York, Pa.
Yorktown, Ohio
Zanesville, Ohio

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Connecticut Department of Transportation
Bureau of Aeronautics
60 Washington Street
Hartford, Connecticut 06115

Delaware Aeronautics Section
Division of Transportation
Department of Highway & Transportation
Highway Administration Building
Box 778
Dover, Delaware 19901

Kentucky Department of Aeronautics
Old Capital Annex
Frankfort, Kentucky 40601

Maryland State Aviation Administration
Department of Transportation
Friendship International Airport
Box 8755
Baltimore, Maryland 21240

New Hampshire Aeronautics Commission
Municipal Airport
Concord, New Hampshire 03301

New Jersey Department of Transportation
Division of Aeronautics
1035 Parkway Avenue
Trenton, New Jersey 08625

New York State Department of Transportation
Air Technical Assistance Section
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Albany, New York 12226

Ohio Department of Commerce
Division of Aviation
University Airport
3130 Case Road
Columbus, Ohio 43220

Pennsylvania Department of Transportation
Bureau of Aviation
Harrisburg State Airport
New Cumberland, Pa. 17070

Massachusetts Aeronautics Commission
Boston-Logan Airport
East Boston, Massachusetts 02128

Indiana Aeronautics Commission
100 N. Senate Avenue
Indianapolis, Indiana 46204

Michigan Aeronautics Commission
Department of Commerce
Capital City Airport
Lansing, Michigan 48906

Minnesota Department of Aeronautics
St. Paul Downtown Airport
(Holman Field)
Administration Building
St. Paul, Minnesota 55107

Missouri Division of Commerce & Industrial Development
Aviation Section
Jefferson Building
Jefferson City, Missouri 65101

Tennessee Aeronautics Commission
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Airport Station
Nashville, Tennessee 37217

Vermont Aeronautics Board
State House
Montpelier, Vermont 05602

Virginia State Corporation Commission
Division of Aeronautics
4508 S. Laburnum Avenue
Box 7716
Richmond, Virginia 23231

West Virginia State Aeronautics Commission
Kanawha Airport
Charleston, West Virginia 25311

Illinois Department of Aeronautics
Capital Airport
Springfield, Illinois 62705

[FR Doc.73-22254 Filed 10-19-73;8:45 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

POSTPONEMENT OF PROCEEDINGS

OCTOBER 17, 1973.

Notice is hereby given that the proceedings scheduled for Tuesday, October 23, 1973, are postponed by the Commission on Highway Beautification.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.73-22463 Filed 10-19-73;8:45 am]

COST OF LIVING COUNCIL

[Order No. 37, Amdt. 1]

SECRETARY OF THE TREASURY

Delegation of Authority

The purpose of this amendment to the delegation of authority to the Secretary of the Treasury to carry out certain Phase IV price stabilization activities is to reflect the Council's decisions (1) to eliminate certain limitations on the authority of the Internal Revenue Service to make decisions and issue orders with respect to prenotified price increases and (2) to carry out the principal activities relating to Insurance through the Council's staff rather than through the Internal Revenue Service.

Accordingly, Cost of Living Council Order No. 37 is amended as follows:

1. Paragraph 1.(c) is amended by adding the word "and" at the end of clause (1), deleting clause (2), and renumbering clause (3) as clause (2). As amended paragraph 1.(c) reads as follows:

"(c) Make decisions and issue orders with respect to notices of proposed price increases filed pursuant to Part 150 of Title 6, Code of Federal Regulations except

"(1) Those involving a prenotified price increase on a product, product line, service, or service line of $10 million or more; and

"(2) Such other prenotified price increases as the Director of the Cost of Living Council or his delegate may direct."

2. Paragraph 2 is amended by adding the words "or to insurers or rating bureaus who are subject to Subpart M of Part 150 of Title 6, Code of Federal Regulations" at the end thereof. As amended, paragraph 2 reads as follows:

"2. The authority delegated by paragraph 1. (a) through (f) and (i) through (o) of this order does not extend to institutional and non-institutional providers of health services who are subject to Subpart O of Part 150 of Title 6, Code of Federal Regulations or to insurers or rating bureaus who are subject to Subpart M of Part 150 of Title 6, Code of Federal Regulations."

This amendment is effective October 18, 1973.

Issued in Washington, D.C., on October 18, 1973.

GEORGE P. SHULTZ,
Chairman,
Cost of Living Council.

[FR Doc.73-22556 Filed 10-18-73;1:01 pm]

FEDERAL ENERGY REGULATION STUDY

ENERGY REGULATORY SYSTEM

Opportunity for Participation by Interested Individuals and Groups

The Federal Energy Regulation Study Team is seeking written statements concerning problems related to the organization of Federal energy-related regulatory activities. These statements will be used in assessing the current energy regulatory system and in developing recommendations for alternative ways to improve the organization of Federal energy-related regulatory activities. Persons submitting statements may also request an informal meeting with the Study Team to further discuss the substance of their views.

Statements should be brief and include the following:

1. A description of the interested individual or group.

2. Identification of the Federal energy-related regulatory activities and the Federal agencies involved.

3. Enumeration of the problems that the respondent believes exist and the agencies involved and/or other potential problems which may be of concern. Only problems that stem from the existing organization of Federal energy-related regulatory activities should be included; e.g., duplications of authority, lack of coordination, conflicting agency requirements, and agency practices that discourage or bias energy research and development or the implementation of new technologies.

4. Suggestions as to how the problems identified could be eliminated or mitigated by a modification or reorganization of Federal energy-related activities.

Meetings with individuals or groups will be informal. Such meetings will be announced and open to the public. Requests for such meetings should be made prior to November 2, 1973, and statements should be submitted by November 9, 1973.

The study of Federal energy-related regulatory activities was directed by President Nixon in his June 29, 1973, Energy Statement. It is supported by a full-time Study Team of personnel from key Federal agencies and is chaired by William O. Doub, a Commissioner of the Atomic Energy Commission.

Both the request for a meeting and the written statement should be addressed to: Herbert Brown, Director, Federal Energy Regulation Study, New Executive Office Building, Washington, D.C. 20503. Telephone inquiries should be made to area code 202-395-3686.

WILLIAM O. DOUB,
Chairman.

OCTOBER 17, 1973.

[FR Doc.73-22473 Filed 10-19-73;8:45 am]

FEDERAL MARITIME COMMISSION

TAMPA PORT AUTHORITY AND CARGILL INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James D. Moe
Cargill, Incorporated
Law Department
Cargill Building
Minneapolis, Minnesota 55402

Agreement No. T-2860, between the Tampa Port Authority (Tampa) and Cargill, Incorporated (Cargill), provides for the 20-year lease (with renewal options) to Cargill of certain premises upon which it will construct and operate a grain handling facility. Compensation will be as agreed upon by the parties and filed with the Commission.

By order of the Federal Maritime Commission.

Dated October 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22460 Filed 10-19-73;8:45 am]

CARGIL, INC. AND CONGARA, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 2, 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 violaton or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James D. Moe
Cargill, Incorporated
Law Department
Cargill Building
Minneapolis, Minnesota 55402

Agreement No. T-2861, between Cargill, Incorporated (Cargill), and ConAgra, Inc. (ConAgra), is a sublease, construction, service and handling agreement whereby Cargill will sublease Con Agra a portion of the premises leased by it from the Tampa Port Authority under FMC Agreement No. T-2860, and construct and operate on ConAgra's behalf a 516,600 bushel upright grain storage bin and handling facility. Compensation is as agreed upon between the parties and filed with the Commission.

By order of the Federal Maritime Commission.

Dated October 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22461 Filed 10-19-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

OCTOBER 15, 1973.

Take notice that on October 9, 1973, Beacon Gasoline Company (Petitioner), P.O. Box 396, Minden, Louisiana 71055, filed in Docket No. CI67-248 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing Petitioner to deliver residue gas for the account of Crystal Oil Company (Crystal) to United Gas Pipe Line Company (United) for the account of Louisiana Nevada Transit Company (LNT), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner has been delivering residue gas, from Crystal's production in the Shongaloo Field, Webster Parish, Louisiana, to United for the account of Crystal at the outlet of Petitioner's plant in Webster Parish. Petitioner states that Crystal is now selling gas to United for the account of LNT. Petitioner states that this change has not affected its operations.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 25, 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.73-22497 Filed 10-19-73;8:45 am]

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Notice of Amendment to Application

OCTOBER 12, 1973.

Take notice that on September 24, 1973, Chattanooga Gas Company, a division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed an amendment to its application pending in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of liquefied natural gas (LNG) or vaporized LNG in interstate commerce from facilities in Chattanooga, Tennessee, and a natural gas service, with pregranted abandonment authorized for said sales and services. This original application is herein amended to request additional authorization to operate Applicant's existing LNG facility located in Chattanooga, Tennessee, in interstate commerce, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the amount of LNG capacity that is excess to its needs at present is about 200,000 Mcf plus the volumes of limited term sales and storage service applied for in the instant docket.

Applicant states that the above requested authorization is necessary to permit Applicant to assure energy supplies for winter peak loads and meet the future needs of residential and small consumers.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22443 Filed 10-19-73;8:45 am]

[Docket No. CP74-79]

COLORADO INTERSTATE GAS CO.

Notice of Application

OCTOBER 12, 1973.

Take notice that on September 24, 1973, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP74-79 an application pursuant to sections 7(c) and 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Panhandle Eastern Pipe Line Company (Panhandle) pursuant to an agreement between said parties dated September 1, 1973, and for permission and approval to abandon said exchange upon cancellation of the agreement by either party, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under the terms of the exchange agreement dated September 1, 1973, Panhandle agrees to deliver or cause to be delivered into Applicant's existing system certain volumes of gas, estimated to be approximately 5,000 Mcf per day, from sources in Adams County, Colorado. The application states that Applicant agrees to redeliver equivalant volumes of natural gas at existing interconnections between the two companies in western Kansas and Oklahoma. Applicant states that no new main line facilities will be required by Applicant and any facilities required at the delivery points will be installed by Panhandle. Applicant further states that no rates or charges are applicable to said gas exchange. The exchange agreement is stated as having a primary term of six months and continuing month-to-month

thereafter until terminated by either party. This exchange is stated to be a necessary interim arrangement to allow for the flow of gas for the interstate market until Panhandle is able to meet the full conditions of the Commission's order issued March 30, 1973 (49 FPC ——), as amended by order issued July 19, 1973 (50 FPC ——) in Docket No. CP73-44, at which time the exchange agreement contained therein is contemplated as replacing the subject interim arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordancce with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22444 Filed 10-19-73;8:45 am]

[Docket Nos. RP73-86 and RP73-85]

COLUMBIA GAS TRANSMISSION CORP. ET AL.

Extension of Time

OCTOBER 12, 1973.

On September 24, 1973, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued April 13, 1973, in the above-designated matter. On October 3, 1973, a notice was issued deferring the procedural dates pending disposition of the above motion, which inadvertently referred to the date of the filing as September 2, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service Date, December 4, 1973.

Prehearing Conference, December 11, 1973, 10:00 a.m., e.s.t.

Intervener Service Date, December 18, 1973.

Columbia Rebuttal Service Date, January 15, 1974.

Hearing, January 29, 1974, 10:00 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22445 Filed 10-19-73;8:45 am]

[Docket No. E-8390]

INTERSTATE POWER CO.

Notice of Agreement

OCTOBER 11, 1973.

Take notice that on September 10, 1973, Interstate Power Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Regulations under the Federal Power Act, an Electric Service Agreement between Applicant and the Board of Trustees of the Municipal Electric Utility of the City of Independence, Iowa, dated August 16, 1973. Upon completion of facility construction, this Agreement will supersede and cancel an Electric Service Agreement, dated January 16, 1973, which provided for emergency service. The latter Agreement was designated Applicant's Rate Schedule FPC No. 109.

The effective date of the new Agreement will be determined at a later date by letter agreement between the parties when the construction of facilities is completed. Accordingly, Applicant requests waiver of section 35.3(b) of the Commission's Regulations, since this filing may precede the proposed effective date by more than 90 days.

Any person wishing to be heard or to make any protests with reference to such Application should, on or before October, 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22446 Filed 10-19-73;8:45 am]

[Docket No. E-8381]

IOWA PUBLIC SERVICE CO.

Notice of Interconnection Agreement

OCTOBER 11, 1973.

Take notice that on August 30, 1973, Iowa Public Service Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Regulations under the Federal Power Act, a Seventh Supplement, dated July 27, 1973, to the Interchange Agreement, dated November 20, 1961 and designated as Applicant's Rate Schedule FPC No. 16, between Applicant and Corn Belt Power Cooperative. This Supplement provides for an additional point of interconnection between the parties at one of the Applicant's 34.5 KV electric transmission lines located in Sac County, Iowa. This Supplement will become effective upon approval thereof by the Federal Power Commission.

Any person desiring to be heard or to make any protests with reference to such Application should, on or before October 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22447 Filed 10-19-73;8:45 am]

[Docket No. CP74-78]

NATURAL GAS PIPELINE CO. ET AL.

Notice of Application

OCTOBER 12, 1973.

Take notice that on September 24, 1973, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74-78, a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing by means of existing facilities the exchange of natural gas between the Applicants for the benefit of Kaskaskia Gas Company (Kaskaskia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Kaskaskia, an existing resale customer of Applicants, has requested their assistance in meeting peak day needs in several isolated

areas of Kaskaskia's distribution system in Southern Illinois through an exchange displacement arrangement between Applicants. The petition states that under this arrangement Natural will deliver for the account of Kaskaskia up to 500 Mcf of gas per day to MRT at an existing delivery point in Clinton County, Illinois. Contemporaneously therewith, MRT will deliver equivalent volumes of gas to Kaskaskia for the account of Natural at existing MRT delivery points in Salem, Huey and Iuka, Illinois. Applicants state that delivery will be on a Mcf-for-Mcf basis with no adjustment for thermal content. The application states that said exchange will not result in increased volumes of gas sold to Kaskaskia as on days of exchange there will be a corresponding reduction in deliveries by Natural to Kaskaskia at the existing Cowden, Illinois, delivery point.

Applicants state approval of this arrangement will permit Kaskaskia to install one large peak shaving facility at Cowden in lieu of several otherwise required. Applicants further state no new facilities are required for the proposed exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22448 Filed 10-19-73;8:45 am]

[Docket Nos. CP70-135 and CP72-145]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

OCTOBER 12, 1973.

Take notice that on October 1, 1973, Transcontinental Gas Pipe Line Corpoation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket Nos. CP 70-135 and CP72-145 a petition to amend the order issued in Docket No. CP70-135 on January 20, 1970 (443 FPC 100), as ration (Petitioner), P.O. Box 1396, Housamend the order issued in Docket No. CP72-145 on April 7, 1972 (47 FPC 1018), as amended by order of December 12, 1972 (48 FPC ——), all pursuant to Section 7(c) of the Natural Gas Act, by revising the volumetric limitations on the amounts of natural gas permitted to be stored in Eminence Storage Field Cavern Nos. 1 through 4, 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 in the instant dockets to construct and operate four salt dome storage caverns (Cavern Nos. 1 through 4) in the Eminence Storage Field in Covington County, Mississippi. Petitioner states that the volumes of gas to be stored were limited by the Commission to 8,378,214 Mcf (Cavern Nos. 1 and 2, 1,485,000 Mcf each; and Nos. 3 and 4, 2,704,107 Mcf each). Petitioner states that the salt dome caverns are subject to closure, thereby decreasing the available storage space, and states further that these caverns, which have had substantial closure, are leached by circulating water to their original design capacity, or to a greater capacity in anticipation of subsequent closure within a particular cavern or to compensate for known closure in another particular cavern. Petitioner indicates that as a result of these leaching procedures, one or more of the caverns will, at least on a temporary basis, be able to store a greater volume of natural gas than the maximum volume authorized because the injection of cold water into the salt formation will cause the temperature of the gas to fall, causing an effective increase in the storage volume. This temporary increase in storage volume is in addition to the volumetric increase accomplished by the reversal of closure in the leaching process.

Petitioner states that as a result of this procedure that one or more of the subject caverns will be able to store for the winter of 1973-74 volumes up to 1,114,000 Mcf greater than previously authorized by the Commission in the orders in the subject dockets and that without this procedure the total capacity of the field will be below the currently authorized volumes for the 1974-75 winter. Accordingly, Petitioner requests that the orders issuing certificates in the instant dockets be amended to eliminate specific capacity limitations for each storage cavern and substituting therefor a total capacity limitation for the field of 8,378,214 Mcf, which is equal to the sum of the present individual limitations; provided, however, that Petitioner may exceed such total volume on a temporary basis in any one year by an amount equal to no more than 15 percent thereof.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22449 Filed 10-19-73;8:45 am]

[Docket No. CI65-557, *et al.*]

PECOS WESTERN CORP.

Notice of Applications for Certificates; Correction

OCTOBER 9, 1973.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, Issued September 24, 1973, and published in the FEDERAL REGISTER October 2, 1973 FR 38(27325): Under Docket Nos. and Date Filed: Change "CI73-163" to read "CI73-160."

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-22452 Filed 10-19-73;8:45 am]

[Docket No. G-18886]

TEXAS GAS TRANSMISSION CORP.

Notice of Refund Report

OCTOBER 12, 1973.

Take notice that on October 8, 1971, Texas Gas Transmission Corporation filed with the Commission in Docket No. G-18886 a report of refunds made by Texas Gas to its jurisdictional customers for the period November 1, 1959, through May 5, 1961. Texas Gas states that the refunds, which total $108,485.38, were made in accordance with Article IX of Appendix A of the Commission's order issued in this docket on October 14, 1960.

Any person desiring to be heard with respect to Texas Gas' subject refund report 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 November 15, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22451 Filed 10-19-73;8:45 am]

[Docket No. RP73-99]

SOUTHWEST GAS CORP.

Notice of Extension of Time

OCTOBER 12, 1973.

On October 5, 1973, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued September 10, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are postponed as follows:

Intervener Service Date, December 7, 1973.

Company Rebuttal Date, December 21, 1973.

Hearing, January 8, 1974, 10:00 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22450 Filed 10-19-73;8:45 am]

[Docket No. RP73-99]

SOUTHWEST GAS CORP.

Notice of Proposed Changes in Rates and Charges

OCTOBER 15, 1973.

Take notice that Southwest Gas Corporation (Southwest) on September 27, 1973, tendered for filing two alternative tariff sheets, both of which are designated as "Substitute Third Revised Sheet No. 3A", and both sheets contain Purchased Gas Cost Adjustment Rate Changes. Both tariff sheets would become effective on October 26, 1973 and would further increase the proposed increased rates which Southwest's simultaneously filed motion would make effective on that date. The increased rates which would thus become effective were suspended by order of the Commission issued May 25, 1973 in the above entitled proceeding.

The increment in rates tendered on September 27 is intended to reflect the increased rates of Southwest's gas supplier, El Paso Natural Gas Company (El Paso) effective October 1, 1973. Southwest states that El Paso has proposed alternative rate increases, either 0.218 cents or 0.384 cents per therm, and that it is unable to anticipate which El Paso increase the Commission will finally authorize. Southwest requests that the Commission select for approval Southwest's tariff sheet that has the identical rate increase which reflects the El Paso increase which the Commission makes effective October 1, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless a petition has been previously filed, or protest with the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C. in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22498 Filed 10-19-73;8:45 am]

[Docket Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

OCTOBER 18, 1973.

Take notice that Texas Eastern Transmission Corporation, on October 16, 1973, tendered for filing Substitute First Revised Sheet No. 92A as part of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1.

Substitute First Revised Sheet No. 92A contains additional provisions providing that Texas Eastern's small customers which do not obtain natural gas from any supplier in the same service area shall be entitled to take a daily quantity of gas up to their maximum contract entitlement on days of peak demand but such customers shall not be relieved of curtailment on an annual basis. These buyers would not be entitled to petition for gas in excess of their annual entitlements unless exceptional circumstances which could not have been reasonably anticipated should occur. This provision shall remain in effect until August 31, 1974, or until the effective date of a Commission order accepting a curtailment plan filed by Texas Eastern, whichever shall first occur.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Public interest requires that the normal 15 day notice period be shortened. Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests shall be filed on or before October 24, 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.73-22499 Filed 10-19-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE INFORMATION COUNCIL

Notice of Meeting and Agenda

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given that a meeting of the Science Information Council will be held at 9:30 a.m. on October 29 and 30, 1973, in Room 540 at 1800 G Street NW., Washington, D.C. 20550. The purpose of the Council, pursuant to P.L. 85-864, is to advise, to consult with, and to make recommendations to the Science Information Service.

The agenda for this meeting shall include:

OCTOBER 29

MORNING

(Open to the public)

1. Welcome to Science Information Council members.	Assistant Director for National and International Programs.
2. Remarks	NSF Director.
3. Remarks	Council Chairman.
4. Remarks	Head, Office of Science Information Service.
5. Reorientation of Science Information Service programs.	Head, Office of Science Information Service.

AFTERNOON

(Begins at 2 p.m.; open to the public)

6. National Information Program:	Acting Program Director, National Information Program.
a. Document Systems Group	Senior Staff Associate Document Systems Group.
b. Data System Group	Senior Staff Associate, Data System Group.
7. User Support Program	Acting Program Director, User Support Program.

OCTOBER 30

MORNING

(Open to the public)

8. Research Program	Program Director, Research Program.
9. International Activities	Staff Associate, Coordination Staff Group.
10. Economics of Information	Head, Office of Science Information Service.
11. Discussion of Status of Council Activities.	Council Chairman.
12. Future Directions for the Council	Council Chairman.
13. Other Business	

AFTERNOON

(Begins at 2 p.m.)

14. Council Discussion of Program Priorities and Plans as related to the Projected FY 1975 Budget.

The entire session of October 29 and the morning portion of the October 30 session shall be open to the public. Individuals who wish to attend should notify Mr. Eugene Pronko, Staff Associate, Coordination Staff Group, Office of Science Information Service, by telephone (202–632–5706) or by mail (Room 651, 1800 G Street NW., Washington, D.C. 20550) prior to the meeting. The remainder of the meeting is concerned with matters which are within the exemptions of 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 October 5, 1973, pursuant to the provisions of Section 10(d) of P.L. 92–463.

Persons requiring further information about the Science Information Council should contact Mr. Eugene Pronko at the above address. Summary minutes relative to the open portion of the meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director, for Administration.

OCTOBER 5, 1973.

[FR Doc.73–22588 Filed 10–19–73;9:05 am]

SECURITIES AND EXCHANGE COMMISSION

[811–1391]

ACME FUND, INC.

Notice of Filing of Application

OCTOBER 16, 1973.

Notice is hereby given that Acme Fund, Inc., 425 Broadhollow Road, Melville, New York 11746 (Applicant), an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a New York corporation on March 30, 1962, and registered under the Act by filing a Form N–8A Notification of Registration on May 25, 1966.

Applicant represents that pursuant to a Plan and Agreement of Reorganization adopted by its shareholders at a special meeting held on April 11, 1973, it has transferred substantially all of its assets to The Burnham Fund (Burnham), an open-end investment company registered under the Act, in exchange for 94 shares of Burnham which it has distributed to its shareholders in liquidation. Applicant further represents that it has ceased to function as an investment company and has filed its Certificate of Dissolution in the Office of the Secretary of State of New York on May 10, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 12, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following November 12, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–22434 Filed 10–19–73;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

OCTOBER 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 17, 1973 through October 26, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–22437 Filed 10–19–73;8:45 am]

[811–353]

FIF 120 ACCUMULATOR PLAN

Notice of Application for Order Declaring That Company Has Ceased To Be An Investment Company

OCTOBER 15, 1973.

In the matter of The FIF 120 Accumulator Plan (Formerly The FIF Monthly Accumulation Plan (MAP) For the Accumulation of Shares of Financial Industrial Fund) Financial Programs, Inc., 900 Grant Street, Denver, Colorado 80201.

Notice is hereby given that The FIF Accumulator Plan (Applicant), a unit investment trust registered under the Investment Company Act of 1940 (the Act), and Financial Programs, Inc. (Sponsor), the Sponsor and depositor of Applicant, have filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant, which registered under the Act in December 1942, was created to facilitate monthly purchases by investors, over a long term, of shares of Financial Industrial Fund, Inc. (the Fund), a diversified, open-end investment company. Shares of the Fund, which were sold to direct investors with a sales charge, were acquired by Applicant without sales charges. Applicant's monthly payment plans were, however, sold with a front-end sales charge; that

is, up to 50 percent of the first year's payments could be used to pay the sales charges on a plan. In May 1971, Applicant elected to be governed by subsection 27(h) of the Act rather than by subsection 27(a) and (b) of the Act, and, thus, become a "spread-load" company, which among other things, meant that no more than 20 percent of any payment could be deducted for sales loads. Applicant's assets were held by and in the custody of the United Bank of Denver National Association (the Custodian) and a custodial fee was charged to planholder accounts to cover the custodian services.

On June 22, 1972, pursuant to action by the Fund's board of directors, the charge on the sale of Fund shares was eliminated, and since that date, Fund shares have been offered to the public at net asset value. The Sponsor has assumed all expenses incident to the adoption of a no-load sales policy by the Fund, and Applicant has ceased selling monthly payment plans and has ceased charging a maintenance fee with respect to existing monthly payment plans.

On April 30, 1973, the Fund, the Sponsor, and the Custodian terminated the custodianship of Applicant's assets. All former holders of Applicant's monthly payment contractual investment plans are now shareholders of record of the Fund, and all of such shareholders' accounts are being maintained and serviced by the Sponsor pursuant to the investment supervisory and services agreement between Sponsor and the Fund. Applicant's outstanding monthly payment plan certificates are deemed to represent the shares of Fund now held of record by the respective former planholders, such plan certificates may be surrendered, for Fund share certificates or for redemption at net asset value. The Fund will mail to former planholders of Applicant notices of termination of the custodianship. The notice will describe the rights and options available to them as record owners of Fund shares maintained in open investment accounts. All expenses in connection with the termination of the custody agreement and the distribution of the underlying shares of Fund have been assumed by Sponsor.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 12, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein will be issued by the Commission as of course following November 12, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22402 Filed 10-19-73;8:45 am]

[File No. 500-1]

GLOBA, INC.

Notice of Suspension of Trading

OCTOBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Globa, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12 noon, E.d.t., October 11, 1973, through October 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22396 Filed 10-19-73;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

OCTOBER 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 17, 1973 through October 26, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22438 Filed 10-19-73;8:45 am]

[File No. 500-1]

HYDROPLEX CORP.

Notice of Suspension of Trading

OCTOBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Hydroplex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12 noon, e.d.t., October 11, 1973, through October 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22397 Filed 10-19-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Notice of Suspension of Trading

OCTOBER 16, 1973.

The common stock of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, 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 exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from October 17, 1973 through October 26, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22439 Filed 10-19-73;8:45 am]

[812-3515]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO.

Notice of Filing of Application

OCTOBER 15, 1973.

Notice of hereby given that Massachusetts Mutual Life Insurance Company, 1295 State Street, Springfield, Massachusetts 01101 (Applicant), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, has filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (the Act) and Rule 17d-1 thereunder for an order of the Commission permitting Applicant to engage in the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690), Applicant, which acts as investment adviser of MassMutual Corporate Investors, Inc. (the Fund), a nondiversified, closed-end management investment company registered under the Act, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges, and other rights at the same time as the Fund. This order is subject to several conditions, one of which requires, generally, that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by Applicant and the Fund. Another condition is that once Applicant and the Fund have acquired interests in an issuer neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

Applicant wishes to purchase at direct placement $3,000,000 in principal amount of a new issue of 9¾ percent subordinated notes due 1990 (the Notes) of Warnaco, Inc., ("Warnaco"). Since Applicant and the Fund each presently hold $1,500,000 in principal amount of 7 percent convertible debenture notes due 1991 issued by Warnaco, Applicant requests an order from the Commission permitting it to acquire the Notes.

The Fund's investment policy restricts it to investment in long-term obligations and preferred stocks which are purchased directly from issuers and which have "equity features." Applicant represents that the Notes, whose terms were determined by Warnaco and certain investors other than the Applicant, lack such equity features and are therefore not appropriate investments for the Fund.

Under section 17(d) of the Act, and Rule 17d-1 thereunder, an affiliated person of a registered investment company may not effect any transaction in which such investment company is a joint participant without the permission of the Commission. In passing upon applications for orders granting such permission, the Commission is required to consider whether the participation of the investment company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicant submits that its proposed acquisition of the Notes is not disadvantageous to the Fund and is consistent with the provisions, policies, and purposes of the Act.

Notice is further given that any interested person may, not later than October 30, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 30, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22435 Filed 10-19-73;8:45 am]

[File No. 500-1]

NATIONAL HEALTH SERVICES, INC.

Notice of Suspension of Trading

OCTOBER 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Health Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m., e.d.t., on October 12, 1973, through October 21, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22398 Filed 10-19-73;8:45 am]

[70-5390]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Correction of Previous Notice

OCTOBER 15, 1973.

In the Matter of Ohio Edison Co., 47 North Main Street, Akron, Ohio 44308 and Pennsylvania Power Co., 1 East Washington Street, New Castle, Pennsylvania 16103.

A notice in this matter was issued on October 11, 1973 (Holding Company Act Release No. 18122) which stated that interested persons may, not later than October 30, 1973, request that a hearing be held in this proceeding. Such date for requesting a hearing is hereby corrected to read "October 29, 1973".

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22403 Filed 10-19-73;8:45 am]

[File No. 500-1]

PENN GENERAL AGENCIES, INC.

Notice of Suspension of Trading

OCTOBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants and units of Penn General Agencies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:45 a.m., e.d.t., on October 11, 1973, through October 19, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22399 Filed 10-19-73;8:45 am]

[File No. 500-1]

PENNSYLVANIA LIFE CO.

Notice of Suspension of Trading

OCTOBER 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants and units of Pennsylvania Life Co., being traded otherwise

than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:45 p.m., e.d.t., on October 10, 1973, through October 19, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22400 Filed 10-19-73;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

OCTOBER 16, 1973.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. 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;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 17, 1973 through October 26, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22440 Filed 10-19-73;8:45 am]

[File No. 500-1]

TELEPROMPTER CORP.

Notice of Suspension of Trading

OCTOBER 16, 1973.

The common stock of TelePrompTer Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of TelePrompTer Corporation 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;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 17, 1973 through October 26, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22441 Filed 10-19-73;8:45 am]

[File No. 500-1]

TORGINOL INDUSTRIES, INC.

Notice of Suspension of Trading

OCTOBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Torginol Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12 noon, e.d.t., October 11, 1973, through October 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22401 Filed 10-19-73;8:45 am]

[70-5398]

WEST PENN POWER CO. AND ALLEGHENY PITTSBURGH COAL CO.

Proposed Issuance of Note by Subsidiary to Holding Company and Open Account Advances to Subsidiary Company

OCTOBER 15, 1973.

In the Matter of WEST PENN POWER CO., ALLEGHENY PITTSBURGH COAL CO., Cabin Hill, Greensburg, Pennsylvania 15601.

Notice is hereby given that West Penn Power Co. (West Penn), an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, and Allegheny Pittsburgh Coal Co. (Allegheny Pittsburgh), a wholly owned subsidiary company of West Penn, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, and 12 of the Act and rules 44 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to make a loan of $2,700,000 to Allegheny Pittsburgh to enable Allegheny Pittsburgh to pay off an outstanding bank loan from First National City Bank in the amount of $2,700,000, which matures on November 12, 1973. Interest on the note has been paid by Allegheny Pittsburgh from open account advances from West Penn and such interest has been capitalized by Allegheny Pittsburgh. The loan will be evidenced by a note bearing interest at a rate equal to the effective cost of interest from time to time to West Penn of short-term borrowings such as those authorized by the Commission in File No. 70-5357. The note is to be prepayable at any time without premium or penalty.

It is also proposed that West Penn make open account advances to Allegheny Pittsburgh from time to time until November 15, 1975, in amounts sufficient to pay the interest on such note, taxes, and other incidental expenses, not to exceed $50,000 per calendar year, incurred by Allegheny Pittsburgh.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is stated that no fees or expenses will be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than November 8, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted, and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-22404 Filed 10-19-73;8:45 am]

[70-5408]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale at Competitive Bidding

Notice is hereby given that West Penn Power Company, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601 (West

Penn), an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its $_____ Preferred Stock, Series I, par value $100 per share. The dividend rate (which will be a multiple of 4¢) and the price (exclusive of accrued dividends) to be paid to West Penn (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. In connection with the issue and sale of the preferred stock, West Penn proposes to amend its charter to increase the authorized number of shares of its preferred stock from 847,077 to 947,077.

The net proceeds realized from the sale of the preferred stock will be used to finance, in part, the construction program of West Penn and its subsidiary companies, including payment of $3,000,000 of short-term notes incurred therefor, and for other corporate purposes. Construction expenditures for 1973 and 1974 are presently estimated at $76,000,000 and $75,000,000, respectively.

It is stated that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to the preferred stock is required for their issue and sale and that such securities certificate is being filed with that Commission. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $66,000, including legal fees of $10,000. The fees of counsel for the successful bidders, which are to be paid by such bidders, will be filed by amendment.

Notice is further given that any interested person may, not later than November 8, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-22436 Filed 10-19-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Correction

In FR Doc. 73-20738 appearing at page 27115 in the issue of Friday, September 28, 1973, section 622.30, paragraph 1b which reads "The term 'child' shall include only military service by reason of dependency or hardship." should read "Who has been separated from active military service by reason of dependency or hardship."

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

CHAPTER 608—INFORMATION

CHAPTER 608—INFORMATION

Sec. 608.1 Public information policy.—1. Part 1608, Selective Service Regulations, establishes policy regarding public information and availability of information contained in Selective Service records. These policies are stated in this Chapter.

2. In addition to the policies relative to the disclosure of information when requested by a member of the public, the Selective Service System has a positive public information policy under which information is brought to the attention of the public. Under this policy, the Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, colleges and universities, and other documents, information concerning important events, the application of the Military Selective Service Act, Selective Service Regulations, and the functions of the Selective Service System.

Sec. 608.2 General policy on disclosure of information.—1. Title 5, United States Code, Section 552, provides in part that each agency of the Federal Government shall make available, for public inspection and copying, statements of policy and interpretations which have been adopted by the agency and have not been published in the FEDERAL REGISTER, as well as administrative staff manuals and instructions to staff that affect a member of the public. The aforementioned section also provides in part that each agency of the Federal Government, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedures to be followed, shall make the records available to any person.

2. It is the general policy of the Selective Service System to make information available to the public even though it has been published in the FEDERAL REGISTER unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters or other documents and the disclosure of which would interfere with the functions of the Selective Service System. The Director of Selective Service reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the interests of the individual or individuals involved.

3. The records in a registrant's file and the information contained in such records shall be confidential. The registrant's file folder does not come under Title 5 United States Code, section 552, as set forth in paragraph 1 of this section.

4. Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Selective Service System, or between the Selective Service System and other organizations or persons, generally are information not available to the public.

Sec. 608.3 Availability and use of information in registrants' files.—1. Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

a. The registrant, or any person having written authority dated and signed by the registrant: Provided, that, whenever the time

of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of one (1) year from its date.

b. The legal representative of a deceased or incompetent registrant.

c. All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

d. Any other agency, official, or employee, or class or group of officials or employees of the United States or an State or subdivision thereof upon written request in individual cases, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

2. Information contained in records in a registrant's file may be disclosed or furnished to or examined by a United States Attorney and his duly authorized representatives including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the United States Attorney for prosecution for allegedly violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

3. Notwithstanding any other provisions in this Chapter, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific writen authortiy from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

4. No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

5. Where a registrant has been indicted under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish, to him or to any person he may designate, one copy of his Selective Service file free of charge. Any other registrant may secure a copy of his file upon payment of the fees prescribed in Section 608.12.

Sec. 608.4 Waiver of confidential nature of information in registrants' files.—The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all Selective Service records of such registrant, and, in addition all such records shall be produced in response to the subpena or summons of the tribunal in which such claim or action is pending.

Sec. 608.5 Subpena of records.—1. In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpena or summons of the court in which such proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

2. No officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpena or summons of any court, which is not in connection with an alleged Selective Service violation, without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

3. Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

Sec. 608.6 "Disclose", "furnish", and "examine" defined.—1. When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

a. "Disclose" shall mean a verbal or written statement concerning any such record or information.

b. "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

c. "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

Sec. 608.7 Searching or handling records.—Except as specifically provided in this Chapter or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.

Sec. 608.8 Furnishing lists of registrants.—Lists of registrants may be prepared and posted or furnished only as provided in this Chapter or in accordance with written instructions from the Director of Selective Service.

Sec. 608.9 Addresses of registrants.—The addresses of registrants are confidential information.

Sec. 608.10 Disclosing information to former employers of registrants.—A State Director of Selective Service may disclose to the former employer of a registrant who is serving in or who has been discharged from the armed forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the armed forces.

Sec. 608.11 Available information.—1. Upon request, current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each individual requesting such documents shall be entitled to only one copy of each document.

2. For processed copies of a Registrant File Folder (SSS Form 101) or other identifiable records or documents prepared on Selective Service System equipment, the requester will pay 25 cents per page, except when a copy of a registrant's file is provided at no charge in accordance with paragraph 5 of Section 608.3; or, when documents are furnished to a court in compliance with its request.

3. For copies of a Registrant File Folder (SSS Form 101) or other identifiable records or documents reproduced by a private concern, the requester will assume the expense of copying. The Selective Service System employee's time to monitor the reproduction, computed from the time of his departure until his return to his post, will be charged by the Selective Service System to the requester at the rate of $1 per quarter-hour after the first quarter-hour. (See Section 608.3, paragraph 5, for circumstances when a Registrant File Folder will be furnished to a registrant without charge.)

4. Copies will not be released to any requester until these fees are paid in full by money order payable to the Selective Service System.

5. Copying of records as prescribed by this section is a service provided to registrants and members of the public. Except as provided in Section 608.3, paragraph 5, the Director may without notice suspend this service at any Selective Service site if its continuation would impede the effective operation of the office located at the site.

6. Copies of Selective Service Regulations and the Registrants Processing Manual are offered for sale and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

7. The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any States, or at the Registrant Services Branch, National Headquarters, Selective Service System.

8. Each local board maintains a Classification Record (SSS Form 102), which contains the name, Selective Service Number, and the current and past classifications for each person registered with that board. Information in this record will be furnished upon request. Responses need not be made to requests for information which are not reasonably specific, or which would be unduly burdensome, or which appear to be for the purpose of harassment.

9. Chapter 294, Sub-Chapter 7, Appendices B and C of the Federal Personnel Manual govern the release of information with regard to a Government employee. The criteria for disclosure of information applies to uncompensated personnel in the same manner that it applies to compensated personnel.

a. The names, present and past position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information and will be disclosed upon request, except when there is reason to believe that the information is sought for political purposes or for commercial or other solicitation.

b. Home addresses and home telephone numbers of employees are not public information and are not to be furnished in reply to requests, except as specifically authorized in paragraph 10, below, in the case of advisors to registrants.

10. The names of board members, but not their addresses, and the names and addresses of registrars and advisors to registrants, will be posted in an area available to the public at each board office to which such personnel are assigned.

11. Upon request, the executive secretary or clerk of a local or appeal board will verify that a member of the board is legally qualified for appointment and for continuation in office but will not furnish personal data about such member without the member's written consent.

Sec. 608.12 Places where information may be obtained.—1. The information contained in a registrant's Selective Service file is confidential, and may be disclosed only upon strict compliance with the provisions of Section 608.3. Requests for information concerning a registrant shall be addressed to the local board where he is registered.

2. Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the Director of Selective Service, National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

3. Requests for information concerning the administration of the Military Selective Service Act within a particular State shall be

addressed to the State Director of Selective Service involved.

Address of the offices of the State Directors of Selective Service are as follows:

State:	Address
Alabama	Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage, AK 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
Arkansas	Federal Office Building, 700 West Capitol, Little Rock, AR 72201.
California	Federal Building, 801 I Street, Sacramento, CA 95814.
Canal Zone	Post Office Box 2014, Balboa Heights, CZ (200–A Administration Building, Balboa Heights, CZ).
Colorado	Hampden Center Building, 750 West Hampden Avenue, Englewood, CO 80110.
Connecticut	Post Office Box 1558, Hartford, CT 06010 (State Armory, Hartford, CT).
Delaware	Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.
District of Columbia.	441 G Street NW., Washington, D.C. 20001.
Florida	Post Office Box 1988, St. Augustine, FL 32084 (19 McMillan Street, St. Augustine, FL).
Georgia	901 West Peachtree Street NE., Atlanta, GA 30309.
Guam	Post Office Box 3036, Agana, GU 96910 (Room 410, Pedro's Plaza, West O'Brien Drive, Agana, GU).
Hawaii	Post Office Box 4006, Honolulu, HI 96813 (Fifth Floor, Hawaiian Life Building, 1311 Kapiolani Boulevard, Honolulu, HI).
Idaho	Room 480, Federal Building, 550 West Fort Street, Boise, ID 83702.
Illinois	528 South Fifth Street, Springfield, IL 62701.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.
Iowa	Building 68, Fort Des Moines, Des Moines, IA 50305.
Kansas	Suite 320, New England Building, 503 Kansas Avenue, Topeka, KS 66603.
Kentucky	Federal Building, 330 West Broadway, Frankford, KY 40601.
Louisiana	Building No. 63, Jackson Barracks, New Orleans, LA 70146.
Maine	Federal Building, 40 Western Avenue, Augusta, ME 04330.
Maryland	Room 1119, 31 Hopkins Plaza, Baltimore, MD 21201.
Massachusetts.	Room 2312, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.
Michigan	Post Office Box 626, Lansing, MI 48903 (Arnold Building, 1120 East May Street, Lansing, MI).
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39296.
Missouri	411 Madison Street, Jefferson City, MO 65101.
Montana	Post Office Box 1183, Helena, MT 59601 (616 Helena Avenue, Helena, MT).
Nebraska	941 O Street, Lincoln, NE 68508.
Nevada	1511 North Carson Street, Carson City, NV 89701.
New Hampshire.	Post Office Box 427, Concord, NH 03301 (Room 337, 55 Pleasant Street, Concord, NH).
New Jersey	402 East State Street, Trenton, NJ 08608.
New Mexico	Post Office Box 5175, Santa Fe, NM 87501 (The New Mexico National Guard Complex, 2600 Cerillos Road, Santa Fe, NM).
New York State.	Federal Building, 441 Broadway, Albany, NY 12207.
New York City.	Room 2337, Federal Building, 26 Federal Plaza, New York, NY 10007.
North Carolina.	Post Office Box 26008, Raleigh, NC 27611 (Room 448, 310 New Bern Avenue, Raleigh, NC).
North Dakota.	Post Office Box 1417, Bismarck, ND 58501 (New Federal Office Building, 3d and Rosser Streets, Bismarck, ND).
Ohio	85 Marconi Boulevard, Columbus, OH 43215.
Oklahoma	Room 417, Post Office Courthouse Building, 200 Northwest 3d Street, Oklahoma City, OK 73102.
Oregon	355 Belmont Street NE., Salem, OR 97301.
Pennsylvania.	Post Office Box 1266, Harrisburg, PA 17108 (228 Walnut Street, Harrisburg, PA).
Puerto Rico	400 Fernandez Juncos Avenue, San Juan, PR 00906.
Rhode Island.	1 Washington Avenue, Providence, RI 02905.
South Carolina.	2711 Middleburg Drive, Columbia, SC 29204.
South Dakota	Annex Box 3105, Rapid City, SD 57701 (Camp Rapid, SD).
Tennessee	Room 500, 1717 West End Building, Nashville, TN 37203.
Texas	Room G161, Federal Building, 300 East Eighth Street, Austin, TX 78701.
Utah	333 South Second East, Salt Lake City, UT 84111.
Vermont	Post Office Box 308, Montpelier, VT 05602 (Federal Building, 87 State Street, Montpelier, VT).
Virginia	400 North Eighth Street, Richmond, VA 23240.
Virgin Islands	Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801 (26 Norre Gade, Charlotte Amalie, St. Thomas, VI).
Washington	19415 Pacific Highway South, Seattle, WA 98188.
West Virginia	Federal Office Building, 500 Quarrie Street, Charleston, WV 25301.
Wisconsin	702 Blackhawk Avenue, Madison, WI 53705.
Wyoming	308 West 21st Street, Cheyenne, WY 82001.

Sec. 608.13 Rules Governing the Obtaining of Information.—1. A request for information in a registrant's file must be made in writing during business hours at the appropriate selective service office. A request for information of a public nature, such as brochures or forms, may be made orally. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

2. Although the time period allowed for inspection of identifiable documents and registrants' files must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the Selective Service office. Accordingly, the Selective Service employee handling the request for information or inspection should arrange for inspection of Selective Service files and documents during specified hours of the business week.

3. Any person entitled under the provisions of this Chapter to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

Sec. 608.14 Identification of information requested.—1. Any person who requests information under the provisions of this Chapter shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identifiable by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

2. If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist the requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

3. When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

Sec. 608.15 Review of denials of requests for information.—1. Complaints concerning possible abuse of discretion granted Selective Service employees under this chapter or failure to respond to inquiries or denial of information shall be directed to the State Director in the case of State Headquarters or local board employees and to the Director in the case of National Headquarters employees.

2. A requester whose request for information or documents has not been satisfied pursuant to paragraph 1 of this section may petition the General Counsel, Selective Service System, National Headquarters, 1724 F Street NW., Washington, D.C. 20435, for appropriate action on the request. The General Counsel's decision shall be the final action of the Selective Service System except in those

cases where, in the General Counsel's judgment, a denial of the request may lead to litigation and a court decision adversely affecting the government. Such cases will be referred by the General Counsel to the Department of Justice for review and advice prior to final action thereon.

Sec. 608.16 Demands of courts or other authorities for records or information.—1. Authority to furnish records or information, the disclosure of which is prohibited or restricted by the provisions of this Chapter, including personal information bearing on the qualifications of an official to serve in the position he occupied, is reserved to the Director of Selective Service. A request, demand or order to produce such information (hereafter "demand") will not be honored by an employee of the System without prior approval of the Director.

2. Whenever such demand is made upon an employee of the System by or through a court or other authority, he will immediately notify the Regional Counsel responsible for the U. S. District in which the issuing court or other authority is located.

3. The Regional Counsel shall without delay notify the appropriate U. S. Attorney and immediately request instructions from the Director of Selective Service through the Office of the General Counsel, National Headquarters, Selective Service System.

4. If response to the demand is required before instructions from the Director of Selective Service are received, the Regional Counsel responsible for responding shall request the appropriate U. S. Attorney to represent the Selective Service employee before the court or other authority, shall cause the court or other authority to be furnished a copy of sections 1608.17 and 1608.12(f) of the Selective Service Regulations, and shall cause it to be informed that the demand has been or is being, as the case may be, referred for the prompt consideration of the Director of Selective Service. The Regional Counsel should respectfully request the court or other authority to stay the demand pending receipt of instructions from the Director of Selective Service.

5. If the court or other authority declines to stay the effect of the demand, or rules that the demand must be complied with regardless of the instructions from the Director of Selective Service, the Regional Counsel will advise the employee to respectfully decline to comply with the demand, citing United States ex rel. Touhy v. Ragan, 340 U.S.C. 462 (1951).

Sec. 608.17 Information booklet, "What Happens Next?".—

The information booklet, "What Happens Next?" was designed to fit into a window envelope and shall be mailed to a registrant:

1. In each instance when a Status Card (SSS Form 7) is mailed or when a Notice of Classification (SSS Form 110) is mailed for the purpose of notifying a registrant of a change in his classification,

2. Upon receipt of a claim for a conscientious objector classification or a hardship deferment, or

3. With an Individual Appeal Record (SSS Form 120) indicating that an appeal has been taken by the Director of Selective Service or a State Director.

Sec. 608.18 Information brochure "But I Thought the Draft Had Ended".—1. The information brochure, "But I Thought the Draft Had Ended" provides registrants with accurate information on the standby draft system and their legal responsibilities under the Selective Service law. It has been designed to fit into a window envelope.

2. The brochure will be a standard inclusion in each local board mailing of a Status Card (SSS Form 7), or Notice of Classification (SSS Form 110) when used in notifying a registrant of a change in his classification.

3. Local boards shall distribute this brochure to advisors to registrants, uncompensated registrars, school counselors, and other individuals from whom young men may seek advice about Selective Service.

Sec. 608.19 Information on veterans' reemployment rights referral project.—1. In accordance with an agreement between the Director of the Office of Veterans' Reemployment Rights, United States Department of Labor, and the Director of Selective Service, the Selective Service System has, since September 1952, assisted veterans in need of information regarding their reemployment rights by means of a special referral card project.

2. Statutory reemployment rights are provided for inductees, enlistees, reservists, National Guardsmen, and persons found not acceptable for any type of military service. The field offices of the Office of Veterans' Reemployment Rights furnish referral forms for the use of local boards. When a person comes to a local board seeking information regarding reemployment rights, the local board clerk should have him complete United States Department of Labor Eligibility Data Form (LMSA–1010) which the clerk should then mail to the appropriate field office. The field office will then take over and furnish the person with the information desired. The identification of the local board shall be shown by affixing the local board stamp on the back of the form.

3. Attachment 608–1 to this Chapter is a directory of the Office of Veterans' Reemployment Rights field offices. A supply of the Eligibility Data (LMSA–1010) forms will be procured by each State Director from the nearest field office and made available for use by local boards within his state.

LIST OF FIELD OFFICES OF THE OFFICE OF VETERANS' REEMPLOYMENT RIGHTS (ATTACHMENT 608–1)

FIELD DIRECTORY

Mr. Hayden B. Clements, Assistant Regional Administrator (VRR) Telephone: (404) 526–5407
Labor-Management Services Administration U.S. Department of Labor, Room 300, 1371 Peachtree Street Northeast, Atlanta, Georgia 30309, Telephone: (404) 526–5237
Mr. Wilbur T. Lindholm, Assistant Regional Administrator (VRR)
Labor-Management Services Administration U.S. Department of Labor, 848 Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604 Telephone: (312) 353–1920
Mr. James W. Higgins, Assistant Regional Administrator (VRR)
Labor-Management Services Administration 2200 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106, Telephone: (816) 374–5131
Mr. Joseph D. Breitbart, Assistant Regional Administrator (VRR)
Labor-Management Services Administration U.S. Department of Labor, 1515 Broadway-35th Floor, New York, New York 10019 Telephone: (212) 971–7035, 7036
Mr. Kenneth L. Evans, Assistant Regional Administrator (VRR)
Labor-Management Services Administration U.S. Department of Labor, 14120 Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104, Telephone: (215) 597–1134, 1135
Mr. Robert L. Shelby, Assistant Regional Administrator (VRR) Telephone: (415) 556–6215, 6216
Labor-Management Services Administration U.S. Department of Labor, 9061 Federal Office Building, 450 Golden Gate Avenue San Francisco, California 94102, Telephone: (415) 556–5915

TEMPORARY INSTRUCTION NO. 622–4

SUBJECT: REGISTRANTS UNDER CONFINEMENT OR COURT SUPERVISION

1. The Department of the Army is currently considering the issuance of new guidelines to the Armed Forces Examining and Entrance Stations regarding "papers only" reviews of registrants under confinement or court supervision.

2. Local boards shall continue to document the files of registrants under confinement or court supervision, in accordance with paragraph 7 of Section 622.44 of the Registrants Processing Manual.

3. Pending receipt of further instructions:

a. No documentation on these registrants shall be forwarded to AFEES, and

b. Registrants shall not be reclassified into or out of Class 4–F under the provisions of paragraphs 4, 5, 6, or 7 of Section 622.44, RPM.

4. The reclassification of registrants under any of the other provisions of Chapter 622, RPM, shall continue.

This Temporary Instruction will remain in effect until amended or rescinded.

Issued October 15, 1973.

BYRON V. PEPITONE,
Director.

OCTOBER 17, 1973.

[FR Doc.73–22392 Filed 10–19–73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 *et seq.*) and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Ashland Crafts, Inc., Ashland, KY; 8–8–73 to 8–7–74 (children's dresses).

Bernice Industries, Bernice, LA; 8–11–73 to 8–10–74 (boys' shirts).

Big River Mfg. Co., Kittanning, PA; 8–31–73 to 8–30–74 (boys' shirts).

Clayburne Mfg. Co., Inc., Clayton, GA; 8–5–73 to 8–4–74 (men's shirts).

Coatesville Garment Co., Coatesville, PA; 9–11–73 to 9–10–74; 5 learners (women's dresses).

Crane Mfg. Co., Crane, MO; 8-1-73 to 7-31-74 (men's and boys' jeans).

Elder Mfg. Co., Dexter, MO; 8-21-73 to 8-20-74 (men's and boys' shirts and boys' slacks).

Excelsior Frocks, Inc., Archbald, PA; 8-23-73 to 8-22-74; 10 learners (women's dresses).

Fairmont Mfg. Co., Inc., Fairmont, NC; 9-14-73 to 9-13-74; 7 learners (women's sleepwear).

Garan, Inc., Clinton, KY; 8-16-73 to 8-15-74 (women's and girls' blouses and men's and boys' shirts).

Hamburg Shirt Corp., Hamburg, AR; 8-14-73 to 8-13-74 (women's, girls' and boys' shirts).

Health-tex, Inc., Guin, AL; 8-13-73 to 8-12-74 (children's jackets, longies, overalls and jumpers).

The Hercules Trouser Co., Wellston, OH; 7-30-73 to 7-29-74 (men's and boys' pants).

Jamestown Mfg. Corp., Jamestown, TN; 8-6-73 to 8-5-74 (men's and boys' pants).

Katz Underwear Co., Honesdale, PA; 8-13-73 to 8-12-74 (women's and misses' nightgowns and pajamas).

Kingstree Industries, Inc., Kingstree, SC; 8-15-73 to 8-14-74; 10 learners (women's slacks and shirts).

Lackawanna Pants Mfg. Co., Scranton, PA; 9-17-73 to 9-16-74 (men's pants).

McCreary Mfg. Co., Inc., Stearns, KY; 7-19-73 to 7-18-74 (men's shirts).

Monticello Mfg. Co., Inc., Monticello, KY; 7-19-73 to 7-18-74 (men's shirts and women's blouses).

Paramount Sportswear Corp., Fall River, MA; 8-30-73 to 8-29-74; 10 learners (women's outerwear coats).

Petersburg Mfg. Corp., Petersburg, TN; 8-29-73 to 8-28-74 (women's and girls' pants).

Probity Enterprise, Inc., Blain, PA; 8-15-73 to 8-14-74; 5 learners (women's and children's dresses).

R. C. M. Enterprises, Inc., Baconton, GA; 8-27-73 to 8-26-74; 10 learners (women's and girls' blouses).

Raycord Co., Inc., Spartanburg, SC; 8-22-73 to 8-21-74 (men's shirts).

Somerset Shirt and Pajama Co., Somerset, PA; 8-26-73 to 8-25-74 (boys' nightwear).

Vernon Mfg. Co., Inc., Vernon, AL; 9-1-73 to 8-31-74 (men's and boys' pants).

Wendell Garment Co., Inc., Wendell, NC; 9-5-73 to 9-4-74 (men's shirts).

Woodbury Mfg. Co., Inc., Woodbury, TN; 8-6-73 to 8-5-74 (men's shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Eudora Garment Corp., Eudora, AR; 9-10-73 to 3-9-74; 50 learners (work clothing).

Stitchcraft, Inc., Athens, GA; 8-15-73 to 2-14-74; 10 learners (women's dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Vienna, IL; 9-1-73 to 8-31-74; 10 learners for normal labor turnover purposes (work gloves).

Tex-Sun Glove Co., Corsicana, TX; 8-19-73 to 8-18-74; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Oak Grove, LA; 9-6-73 to 9-5-74; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Fort Payne DeKalb Hosiery Mills, Inc., Fort Payne, AL; 8-24-73 to 8-23-74; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35 as amended).

Junior Form Lingerie Corp., Boswell, PA; 8-15-73 to 8-14-74; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Ciales, Inc., Ciales, PR; 9-5-73 to 9-4-74; 11 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour (tobacco).

Carlita Corp., Hormigueros, PR; 7-16-73 to 7-15-74; 12 learners for normal labor turnover purposes in the occupation of machine stitching for a learning period of 480 hours at the rates of $1.28 an hour for the first 240 hours and $1.41 an hour for the remaining 240 hours (women's and men's dress and sport gloves).

Ciales Mfg. Corp., Ciales, PR; 9-7-73 to 9-6-74; 13 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of $1.30 an hour ($1.39 an hour effective 9-15-73) (women's panties).

Glamourette Fashion Mills, Inc., Quebradillas, PR; 7-17-73 to 7-16-74; 13 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (sweaters and related products).

Mesana Dyeing & Finishing Inc., Quebradillas, PR; 7-17-73 to 7-16-74; 14 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching and pressing, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.27 an hour (sweaters and related products).

Puritan Caribbean, Inc., Cidra, PR; 7-20-73 to 7-19-74; 16 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (sweaters and shirts).

Ricardo Corp., Hormigueros, PR; 7-16-73 to 7-15-74; 17 learners for nomal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.28 an hour for the first 240 hours and $1.41 an hour for the remaining 240 hours (ladies' and men's dress gloves).

Wendy Textile Mills, Inc., Quebradillas, PR; 7-17-73 to 7-16-74; 5 learners for normal labor turnover purposes in the occupation of machine knitting for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (sweaters and related products).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Adelphian Academy, Holly, MI; 9-1-73 to 8-31-74; authorizing the employment of 60 student-workers in the woodworking industry in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of $1.40 an hour for the first 120 hours and $1.45 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, MI; 9-1-73 to 8-31-74; authorizing the employment of: (1) 35 student-workers in the bookbinding industry in the occupations of gluing, backing, stamping, overmaking and related operations, for a learning period of 600 hours at the rates of $1.45 an hour for the first 300 hours and $1.50 an hour for the remaining 300 hours; (2) 8 student-workers in the printing industry in the occupations of composition, presswork, machine composition, and platemaking, for a learning period of 1,000 hours at the rates of $1.45 an hour for the first 500 hours and $1.50 an hour for the remaining 500 hours; (3) 100 student-workers in the furniture manufacturing industry in the occupations of millwork, assembly, and finishing, for a learning period of 600 hours at the rates of $1.45 an hour for the first 300 hours and $1.50 an hour for the remaining 300 hours; and (4) 12 student-workers in the clerical industry in the occupations of bookkeeping, stenographic, switchboard, and data processing, for a learning period of 480 hours at the rates of $1.45 an hour for the first 240 hours and $1.50 an hour for the remaining 240 hours.

Atlantic Union College, South Lancaster, MA; 9-1-73 to 8-31-74; authorizing the employment of (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of $1.45 an hour; (2) 50 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations for a learning period of 300 hours at the rate of $1.45 an hour; and (3) 10 student-workers in the broom manufacturing industry in the occupations of broommaker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of $1.45 an hour.

Brigham Young University, Provo, UT; 9-1-73 to 8-31-74; authorizing: (1) a learning period of 1,000 hours at the rates of $1.40 an hour for the first 500 hours and $1.45 an hour for the remaining 500 hours, for 50 student-workers in the university press industry in the occupations of press operators, assembly workers; and (2) a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours, for (a) 50 student-workers in the university press industry in the occupations of press clerical workers and typist, (b) 15 student-workers in the motion picture production industry in the occupations of technicians, production assistants, clerical workers, (c) 30 student-workers in the Division of Continuing Education in the occupations of clerical workers, and stenographic workers, (d) 50 student-workers in the public relations and telephone industry in the occupations of switchboard operators,

typist, clerical workers, (e) 60 student-workers in the educational media service industry in the occupations of clerical workers, inspection, shipping, and receiving, (f) 35 student-workers in the Admissions, Records, and Alumni Division in the occupations of stenographic and clerical workers.

Cedar Lake Academy, Cedar Lake, MI; 9–1–73 to 8–31–74; authorizing the employment of 35 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours.

Grand Ledge Academy, Grand Ledge, MI; 9–1–73 to 8–31–74; authorizing the employment of; (1) 40 student-workers in the woodworking industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.45 an hour for the first 200 hours, $1.50 an hour for the second 200 hours, and $1.55 an hour for the remaining 200 hours; and (2) 10 student-workers in the cafeteria industry in the occupations of chef and baker trainee for a learning period of 400 hours at the rates of $1.40 an hour for the first 100 hours, $1.45 an hour for the second 100 hours, $1.50 an hour for the third 100 hours, and $1.55 an hour for the remaining 100 hours.

Pacific Union College, Angwin, CA; 9–1–73 to 8–31–74; authorizing the employment of 21 student-workers in the bookbindery industry in the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, caseworker, and related skilled occupations including incidental clerical work in the shop, for a learning period of 500 hours at the rate of $1.50 an hour.

Union College, Lincoln, NE; 9–1–73 to 8–31–74; authoirzing the employment of (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semi-skilled occupations, for a learning period of 1000 hours at the rates of $1.40 an hour for the first 500 hours and $1.50 an hour for the remaining 500 hours; (2) 2 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semi-skilled occupations, for a learning period of 500 hours at the rates of $1.40 an hour for the first 250 hours and $1.45 an hour for the remaining 250 hours.

The student-worker certificates were issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before November 7, 1973.

Signed at Washington, D.C., this 16th day of October 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-22457 Filed 10-19-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 15, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 130 TA), filed October 5, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans*, with or without can ends, from Baltimore, Md., and Philadelphia, Pa., to Suffolk, Va., for 180 days. SUPPORTING SHIPPER: American Can Company, American Lane, Greenwich, Conn. 06830. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 26396 (Sub-No. 96 TA), filed October 4, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, 201 W. Park, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Ann McIntyre (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automotive and farm machinery bodies and parts and scrap iron and steel*, from points in Montana, North Dakota, Minnesota, and Wyoming, to points in Washington, Oregon, and Utah and to all points on the international boundary line between the United States and Canada located in Montana and North Dakota, for 180 days. SUPPORTING SHIPPER: Williams Salvage Company, 7117 King Road West, Route 4, Billings, Mont. 59101. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 36509 (Sub-No. 21 TA), filed October 5, 1973. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coin currency, securities, and negotiable instruments*, between San Francisco, Calif., and State line, Gardnerville, Minden, Zepher Cove, and Incline Village, Nev., and (2) *Coin, currency, securities, and negotiable instruments* between Portland, Oreg., and White Salmon, Bingen, Stevenson, Ilwaco, Long Beach, and Cathlamet, Wash., for 180 days. RESTRICTION: Service under (1) and (2) above will be restricted to service to be performed under continuing contract or contracts with banks and banking institutions. SUPPORTING SHIPPERS: Federal Reserve Bank of San Francisco, San Francisco, Calif. 94120, and Columbia Gorge Bank, P.O. Box 340, Stevenson, Wash. 98648. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 50069 (Sub-No. 467 TA), filed October 5, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and fuel oils*, in bulk, in tank vehicles, from Clermont, Ind., to points in Kentucky, for 180 days. SUPPORTING SHIPPER: Sun Oil Company of Pennsylvania, P.O. Box 920, Toledo, Ohio 43693. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 50069 (Sub-No. 468 TA), filed October 5, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative:

Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Pipeline slop) *Petroleum products N.O.I.* in bulk, from Huntington, Ind., to Lima, Ohio for 180 days. SUPPORTING SHIPPER: The Standard Oil Company (Ohio), 1074 Guildhall Building, Cleveland, Ohio. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 51146 (Sub-No. 336 TA), filed October 4, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Box zip 54306, Green Bay, Wis. 54304. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and warehouse facilities of Midland Glass Co. at or near Shakopee, Minn., to points in Wisconsin, for 180 days. SUPPORTING SHIPPER: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 56344 (Sub-No. 2 TA), filed October 5, 1973. Applicant: ALERT MOTOR FREIGHT, INC., Route 130 and Chester Avenue, P.O. Box 1045, Delran, N.J. 08075. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Concrete pipe, manhole chambers, fittings, supplies, and equipment* used in the manufacture thereof, from the plantsite of Atlantic Concrete Products Co. at Tullytown, Bucks County, Pa., to points in New Jersey, Delaware, Maryland, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Atlantic Concrete Products Co., 675 Main Street, Tullytown, Pa. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 87720 (Sub-No. 151 TA) (correction), filed September 20, 1973, published in the FEDERAL REGISTER issue of October 9, 1973 and republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048.

NOTE.—The purpose of this partial republication to show the correct MC number as No. MC 87720 (Sub-No. 151 TA) in lieu of No. MC 88720 (Sub-No. 151 TA), which was published in error. The rest of the application remains the same.

No. MC 102616 (Sub-No. 882 TA), filed October 4, 1973. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, P.O. Box 7211, Box zip 44319, Akron, Ohio 44306. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and distillate fuel oils*, in bulk, in tank vehicles, from Clermont, Ind., to points in Kentucky, for 180 days. SUPPORTING SHIPPER: Sun Oil Company of Pennsylvania, P.O. Box 920, Toledo, Ohio 43693. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103051 (Sub-No. 286 TA), filed October 4, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Delaware, for 180 days. SUPPORTING SHIPPER: Swift Edible Oil Company, Division of Swift & Co., 115 W. Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Bldg., Nashville, Tenn. 37203.

No. MC 107496 (Sub-No. 911 TA), filed October 13, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosaukua Way, P.O. Box 855, Box zip 50304, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Depue, Ill., to Fort Madison, Iowa, for 150 days. SUPPORTING SHIPPER: Firstmiss, Inc., Fort Madison, Iowa 52627. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 116282 (Sub-No. 26 TA), filed October 5, 1973. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine 04210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Auburn, Maine, to New York, N.Y., and Ramsey, North Vale, River Edge, and Fair Lawn, N.J., for 90 days. SUPPORTING SHIPPER: F. R. Lepage Bakery, Inc., d.b.a. Country Kitchen Bakers, 60 Second Street, Auburn, Maine 04210. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 119656 (Sub-No. 18 TA), filed October 1, 1973. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel fluxing compounds*, from Painesville, Ohio, and Chicago, Ill., to North Judson, Ind., for 180 days. SUPPORTING SHIPPER: Cravens Insul Co., Inc., North Judson, Ind. 46366. SEND PROTESTS TO: J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 123048 (Sub-No. 278 TA), filed October 5, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Racine, Wis. 53403. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain buggies and feed mixers*, from Tonkawa, Okla., to the United States/Canada border crossings in North Dakota, for 180 days. SUPPORTING SHIPPER: Wetmore, Inc., Box 307, Tonkawa, Okla. 74653. SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124170 (Sub-No. 34 TA), filed October 5, 1973. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour and icing mixes*, from Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic originating at Chelsea, Mich., and destined to the named destination States. SUPPORTING SHIPPER: Chelsea Milling Company, C. L. Athanson, Gen. Mgr., Traffic-Distribution, Chelsea, Mich. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 124236 (Sub-No. 59 TA), filed October 3, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from Mill Creek, Okla., to Coffeyville, Kans., for 180 days. SUPPORTING SHIPPER: Precision Metal Pattern Co., Inc., 1311 Mulberry, Coffeyville,

Kans. 67337. SEND PROTEST TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 128133 (Sub-No. 12 TA), filed October 9, 1973. Applicant: H. H. OMPS, INC, P.O. Box 368, Route 5, Winchester, Va. 22601. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Clear Brook, Va., to points in West Virginia, Virginia, Maryland, Delaware, Pennsylvania, North Carolina, South Carolina, Ohio, New York, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: W. S. Frey Company, Inc., 257 E. Market Street, York, a. 17403. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 128527 (Sub-No. 44 TA), filed October 4, 1973. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple cider and vinegar*, from the plantsite of Payette Cider and Vinegar Co., located at, or near Payette, Idaho, to points in Washington and Oregon, for 180 days.

NOTE.—Applicant does not intend to tack authority or to interline with any other carriers.

SUPPORTING SHIPPER: Payette Cider and Vinegar, Payette, Idaho. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 129667 (Sub-No. 4 TA), filed October 5, 1973. Applicant: CHARRO TRUCKING CORP., 700 Eastgate Boulevard South, Garden City, L.I., N.Y. 11530. Applicant's representative: Jay M. Kaplowitz, 375 Park Avenue, New York, N.Y. 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail supermarkets and equipment and supplies used therein, between Garden City (Nassau County), N.Y., on the one hand, and Danbury, Conn., on the other hand, for 180 days.

NOTE.—Applicant intends to tack with Permit No. MC 129667 Sub 1.

SUPPORTING SHIPPER: Waldbaum, Inc., 700 Eastgate Blvd. South, Garden City, Long Island, N.Y. 11530. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134073 (Sub-No. 16 TA), filed October 5, 1973. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, for the account of Mrs. Paul's Kitchens, Inc., from Philadelphia, Pa., to Bridgeport, Cheshire, Hartford, Suffield, Torrington, Conn.; Albany, Buffalo, Jamestown, Rochester, Syracuse, Yorkville, N.Y.; Milton, Southboro, Springfield, and Watertown, Mass.; East Providence, R.I.; and Norfolk and Richmond, Va., for 180 days. SUPPORTING SHIPPER: Mrs. Paul's Kitchens, Inc., 5830 Henry Ave., Philadelphia, Pa. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 135318 (Sub-No. 2 TA), filed September 20, 1973. Applicant: GRANE TRUCKING COMPANY, INC., 1001 So. Laramie Avenue, Chicago, Ill. 60644. Applicant's representative: Daniel T. Grane (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Zayre Warehouse facility, Alsip, Ill., and various warehouse facilities, Chicago, Ill., Commercial Zone, and points in (1) Lake, Porter, and La Porte Counties, Ind.; (2) Scott and Dubuque Counties, Iowa; and (3) Kenosha, Racine, Waukesha, Milwaukee, Walworth, Rock, Dane, and Jefferson Counties, Wis., for 180 days. SUPPORTING SHIPPER: Mr. George W. Peske, Regional Traffic Manager, Zayre Corporation, 11535 South Central Avenue, Alsip, Ill. (Worth Post Office) 60482. SEND PROTESTS TO: Richard Shullaw, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 136685 (Sub-No. 2 TA), filed October 5, 1973. Applicant: PRICE'S PRODUCERS, INC., PRICE'S VALLEY GOLD DAIRIES, INC., AND LA CORONA FOODS, INC., doing business as PRICE'S TRANSPORTATION, 5025 Peoria Avenue, Glendale, Ariz. 85301. Applicant's representative: Phil B. Hammond, Tenth Floor, 111 West Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cartons for dairy packaging and cartons for the processing and manufacturing of fruit drinks*, from points in Texas on and east of U.S. Highway 281, to Albuquerque, N. Mex.; (2) *Butter and butter products*, from Albuquerque, N. Mex., to points in Texas on and east of U.S. Highway 281; points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties; Oklahoma City and Kansas City, Mo.; and Kansas City, Kans.; and (3) *Ice cream, sherberts, milk, and flavored ice or ice cream novelties*, from El Paso, Tex., to Santa Fe and Taos, N. Mex., for 180 days. SUPPORTING SHIPPER: Price's Valley Gold Dairies, Inc., 1710 Fourth Street SW., Albuquerque, N. Mex. 87102. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 138384 (Sub-No. 3 TA), filed September 21, 1973. Applicant: ELWOOD LYNCH, Krafts Trailer Court, Moberly, Mo. 65270. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Memphis, Tenn., to Moberly, Mo., for 180 days. SUPPORTING SHIPPER: Hunt Distributing, Inc., Moberly, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 139108 (Sub-No. 2 TA), filed October 5, 1973. Applicant: METRO SALES CORP., 1921 W. 1st Street, P.O. Box 1861, Sanford, Fla. 32771. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment*, from the plantsites and shipping facilities of Art Steel Company, Inc., Bronx, N.Y., to points in South Carolina, Georgia, and Florida, under a continuing contract with Art Steel Company, Inc., for 180 days. SUPPORTING SHIPPER: Art Steel Company, Inc., 170 W. 233d Street, Bronx, N.Y. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

MOTOR CARRIERS OF PASSENGERS

No. MC 138838 (Sub-No. 1 TA), filed October 2, 1973. Applicant: CONTI HOTEL-BUS, GNB H. GRAFENASCHAU Schloss, Murnau, Bavaria, West Germany 811. Applicant's representative: Elliott B. Nixon, 25 Broadway, New York, N.Y. 10004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from Miami, Fla., to Orlando, Daytona Beach, St. Augustine, Jacksonville, Lake City, and Tallahassee, Fla.; Mobile, Ala.; New Orleans, La.; Fort Walton Beach, Panama City, Old Town, Tampa, Naples, Key Largo, and Miami, Fla., for 90 days. SUPPORTING SHIPPER: Pan American World Airways, Regional Managing Director Germany, 1 Berlin 30, Europa Center, 6th Floor, Germany. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22466 Filed 10-19-73;8:45 am]

[Notice No. 376]

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 November 12, 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-74419. By order of October 16, 1973, the Motor Carrier Board approved the transfer to L & L Moving & Storage, Inc., Fairfield, Calif., of the operating rights in Certificate No. MC-133348 (Sub-No. 2) issued February 10, 1970, to James Edward Lawley, doing business as L & L Moving & Storage Co., Fairfield, Calif., authorizing the transportation of used household goods, between points in Solano, Yolo, and Napa Counties, Calif. George M. Carr, Suite 1215, 351 California Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-74606. By order entered October 16, 1973 the Motor Carrier Board approved the transfer to Rock River Cartage, Inc., Rock Falls, Ill., of the operating rights set forth in Permit No. MC-135658 (Sub-No. 1), issued August 17, 1972, to Robert W. Dobrinske, doing business as Dobrinske Truck Service, Rock Falls, Ill., authorizing the transportation of agricultural and industrial chains and auger flighting, from Fulton, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin; chain pins and auger paddles, from points in Indiana to Fulton, Ill.; and wooden pallets, from points in Iowa to Fulton, Ill., limited to a transportation service to be performed under a continuing contract, or contracts, with Drives Incorporated, Fulton, Ill. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-74652. By order entered October 16, 1973, the Motor Carrier Board approved the transfer to John L. Wenberg and John S. Wenberg, a partnership, doing business as Wenberg Transfer and Storage, International Falls, Minn., of the operating rights set forth in Certificate No. MC-110500, issued by the Commission May 10, 1960, to John L. Wenberg, doing business as Wenberg Transfer, International Falls, Minn., authorizing the transportation of household goods as defined by the Commission, between points in Koochiching County, Minn., on the one hand, and, on the other, points in Iowa, Minnesota, Illinois, North Dakota, South Dakota, and Wisconsin. John L. Wenberg, Box 136, 601 8th St., International Falls, Minn. 56649, representative for applicants.

No. MC-FC-74677. By order entered October 16, 1973, the Motor Carrier Board approved the acquisition by Robert C. Shenk, Lancaster, Pa., of control of Ridgeway Tours, Inc., Lancaster, Pa., which holds a license under No. MC-12744 (Sub-No. 1), issued April 6, 1972, authorizing operations as a broker at Lancaster, Pa., in connection with the transportation of passengers and their baggage, between points in the United States, including Alaska and Hawaii. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-74695. By order of October 15, 1973, the Motor Carrier Board approved the transfer to Josef Schrabal and Eleanor Schrabal, Doing Business As Ski Mate and Mountain Touring, 549 Riverside Drive, N.Y., of License No. MC-12985 issued to Ski-Rent, Inc., Doing Business As Ski-Mate Club (above address), authorizing the holder to engage in operations as a broker, in arranging for the transportation of: Passengers and their baggage, in special and charter operations, subject to certain conditions, beginning and ending at New York, N.Y., and extending to points in Pennsylvania, Connecticut, Massachusetts, New Hampshire, and Vermont.

No. MC-FC-74710. By order of October 16, 1973, the Motor Carrier Board approved the transfer to Quick Delivery Co., a corporation, Livonia, Mich., of the operating rights in Permit No. MC-134433 (Sub-No. 1) issued May 23, 1972, to Fritz-Way Messenger Service, Inc., Chicago, Ill., authorizing the transportation of (1) merchandise, equipment, and supplies sold, used, or distributed by a manufacturer of cosmetics, and (2) returned shipments of said commodities, (a) between points in that part of Indiana located on, north, and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to junction Indiana Highway 15 and thence north along Indiana Highway 15 to the Indiana-Michigan State line; (b) between points in that part of Michigan bounded by a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Michigan-Ohio State line, and (c) between points in that part of Ohio located on, north, and west of a line beginning at the Ohio-Indiana State line, and extending along U.S. Highway 224 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 58, and thence along Ohio Highway 58 to Lorain, Ohio, the said operations limited to a transportation service to be performed under a continuing contract, or contracts, with Avon Products, Inc., of Springdale, Ohio. Guy H. Postell, 3384 Peachtree Road NE., Atlanta, Ga. 30326, and Eugene L. Cohn, One North La Salle Street, Suite 2255, Chicago, Ill. 60602, attorneys for applicants.

No. MC-FC-74729. By order of October 12, 1973, the Motor Carrier Board approved the transfer to Shelton Trucking Service, Inc., Altha, Fla., of the operating rights in Certificate No. MC-124887 (Sub-No. 1) issued April 15, 1971 to Elbert Grady Shelton, doing business as Shelton Trucking, Altha, Fla., authorizing the transportation of various commodities from a described area of Georgia to a described area of Florida. Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22468 Filed 10-19-73;8:45 am]

[Rev. S.O. No. 994; Order No. 110; Amdt. 1]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Rerouting Traffic

Upon further consideration of ICC Order No. 110 (St. Louis-San Francisco Railway Company) and good cause appearing therefor, *it is ordered*, That, ICC Order No. 110 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 14, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-22467 Filed 10-19-73;8:45 am]

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Volume 38 ■ Number 203

PART II

INTERIM COMPLIANCE PANEL

Coal Mine Health

■

Permits for Noncompliance With the Electric Face Equipment Standard for Underground Coal Mines Above the Watertable

Title 30—Mineral Resources

CHAPTER V—INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SUBCHAPTER A—COAL MINE HEALTH

PART 504—PERMITS FOR NONCOMPLIANCE WITH THE ELECTRIC FACE EQUIPMENT STANDARD FOR UNDERGROUND COAL MINES ABOVE THE WATERTABLE

Pursuant to the authority contained in section 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 957) there was published in the FEDERAL REGISTER for September 5, 1973 (38 FR 24024), a notice of proposed rulemaking setting forth the new Part 504 "Electric Face Equipment Standard Noncompliance Permits" of Title 30, Code of Federal Regulations.

Interested persons were afforded a period of 30 days from the date of publication of the notice in which to submit written comments, suggestions or objections to the proposed regulations. Thirteen letters were received offering comments, suggestions, or objections. All were given careful consideration and may be examined together with the Interim Compliance Panel's replies to each in the Panel's offices at 1730 K Street NW., Washington, D.C. 20006, Room 800.

Part 504 of Title 30, Code of Federal Regulations, Subchapter A—Coal Mine Health, as set forth below is herewith promulgated and shall become effective October 19, 1973.

Dated October 16, 1973.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

Sec.

AUTHORITY.—Sec. 508, Public Law 91-173, 83 Stat. 803, 30 U.S.C. 957.

§ 504.1 Application of this Part 504.

This part applies to applications for permits for noncompliance submitted in accordance with the provisions of section 305 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 865(a) (2) and (10)) and to requests for public hearings with respect to such applications. A permit for noncompliance may be issued to an operator only for electric face equipment used in an underground coal mine which: (a) Is operated entirely in coal seams located above the watertable; (b) was not classified as a gassy mine prior to March 30, 1970; and (c) was opened prior to December 30, 1969. However, no permit for noncompliance will be issued for any nonpermissible electric face equipment unless such equipment was being used by an operator in connection with the mining operations in the coal mine on March 30, 1974.

§ 504.2 Definitions.

As used in this part:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, 30 U.S.C. 801 through 960);

(b) "Panel" means the Interim Compliance Panel, an independent agency established by section 5 of the Act (30 U.S.C. 804);

(c) "Application" means a request for a permit for noncompliance filed with the Panel in accordance with this Part 504;

(d) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine and who files an application with the Panel for a permit for noncompliance with the electrical equipment standard as set forth in section 305(a)(2) of the Act (30 U.S.C. 865(a)(2));

(e) "M.E.S.A." means the Mining Enforcement and Safety Administration, U.S. Department of the Interior;

(f) "Permissible" equipment means equipment which has been approved as permissible by the M.E.S.A.;

(g) "Electric face equipment" means:

(1) Electrical equipment with an electrical rating exceeding 2,250 watts (3 horsepower) which is taken into or used in by the last open crosscut, and

(2) All electrical rock dusting equipment which is taken into or used inby the last open crosscut;

(h) "Above the watertable," as it applies to a coal mine means that all of the coal seams of such a mine are located above the elevation of the surface of a river or a tributary of a river into which a local surface water system naturally drains; and

(i) "Permit" means an initial permit for noncompliance, or a renewal thereof, issued by the Panel to an operator to use an item of nonpermissible electric face equipment inby the last open crosscut in connection with mining operations in the designated mine located above the watertable for the period of time specified in the permit.

§ 504.3 Submitting applications for permits.

(a) Application forms may be obtained upon requests to the Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

(b) Each application shall contain the information specified herein and should be submitted on the form provided by the Panel. The original and one copy of each application shall be filed by mail or by personal delivery to the Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006. In order to meet the filing deadline established by the Act, applications must be received by the Panel no later than December 30, 1973, or bear a postmark date no later than December 30, 1973. Postage meter dates will not be accepted as verification of date of mailing.

(c) The accuracy of the information set forth in each application submitted shall be attested by the operator as evidenced by his signature.

(d) Prior to the time an application is mailed or delivered to the Panel, the operator or his agent shall post on the mine bulletin board a notice that an application is being filed and that a copy of the application is available at the mine office for inspection by any interested person during regular working hours. The notice shall remain posted until the operator is informed of the Panel's action on the application.

(e) A copy of each application received by the Panel will be available at the office of the Panel in Washington, D.C., for inspection by any person during official working hours.

§ 504.4 Information required.

The operator shall include in his application each of the following items of information:

(a) The name, address, telephone number, and M.E.S.A. identification number of the mine in which the electric face equipment for which a permit is requested is being used;

(b) The name, address, and telephone number of the operator;

(c) The name and address of a representative of the miners of such mine;

(d) A statement that notice of the application has been posted on the bulletin board of such mine;

(e) A statement that the mine has never been classified as gassy under any provision of Federal or State law;

(f) A statement that the mine is above the watertable;

(g) A statement that the mine was opened prior to December 30, 1969;

(h) A statement that the operator is unable to comply with the electric face equipment standard required by paragraph (2) of section 305(a) of the Act (30 U.S.C. 865(a)(2));

(i) A list of the nonpermissible electric face equipment for which a permit is requested, identified by type and manufacturer's serial number or other permanently marked identification number;

(j) A statement as to whether the item of equipment had ever been rated as permissible;

(k) A statement that the item of equipment was nonpermissible and was being used in connection with mining operations in the mine on March 30, 1970;

(l) A statement that this item of equipment is being used in connection with mining operations in the mine on the date of this application;

(m) A statement that the electric rating of the equipment exceeds 2,250 watts (3 horsepower) or a statement that it is rock dusting equipment;

(n) A statement as to whether the item of equipment had a major overhaul on or after March 30, 1971;

(o) A statement of the specific actions taken with respect to each item of equipment to achieve compliance with the electric face equipment requirements of the Act since March 30, 1970; and

(p) A plan setting forth a schedule for achieving compliance for the item of equipment for which the permit is sought and describing the means and measures to be employed. This plan must contain information regarding one of the following:

(1) If the operator plans to replace the item of equipment for which a permit is requested with permissible equipment, he must furnish the name of the firm from which the replacement equipment will be obtained and the scheduled date of delivery. A copy of the contract or order must be submitted to satisfy this requirement;

(2) If the operator plans to have the item of equipment for which a permit is requested converted to permissible condition, he must furnish the name of the firm which will perform the conversion and the scheduled completion date. A copy of the contract or order must be submitted to satisfy this requirement; or

(3) If the operator plans to use his own employees to convert this item of equipment to permissible status, he must furnish a copy of each contract or order for component parts and materials, the scheduled dates when these materials will be delivered, and an estimated date when the conversion to permissible status will be completed.

(4) Estimated date of compliance.

§ 504.5 Processing of applications.

(a) All applications timely filed in accordance with the provisions of this part will be processed by the Panel in the order in which completed applications are received.

(b) When an application for a permit for noncompliance is received, the Panel shall cause to be published in the FEDERAL REGISTER a notice giving any interested person an opportunity to file with the Panel a request for a public hearing.

(c) On or before the 15th day after publication of notice in the FEDERAL REGISTER that an application has been accepted for consideration, any interested person may file pursuant to provisions of 30 CFR Part 505, as amended, a request for a public hearing.

(d) After public hearing, or after the expiration of the aforementioned 15-day period if no hearing has been requested, the Panel shall make its determination on the merits of the application and such additional evidence as the Panel deems necessary to its determination, including, but not limited to, evidence in support of representations made in the application.

§ 504.6 Issuance of initial permits.

(a) If the Panel determines, after notice to all interested persons and an opportunity for a public hearing, that an application satisfies the provisions of §§ 504.3 and 504.4 and that the applicant operator, despite his diligent efforts, will be unable to comply with the electric face equipment standards of the Act, the Panel may issue to such an operator an initial permit for noncompliance.

(b) Each initial permit will be issued for the period specified by the Panel. Each permit will specify the individual item of equipment which the operator will be entitled to use in nonpermissible status.

(c) The initial permit and one copy plus a metal plate evidencing the permit will be mailed to the operator at the address specified in the application. A copy of the permit shall immediately be posted on the bulletin board of the affected mine by the operator or his agent and the metal plate evidencing the permit shall immediately be affixed to the item of equipment for which the permit was issued.

(d) The Panel shall immediately mail a copy of any initial permit granted under this section to a representative of the miners of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

§ 504.7 Applications for renewal of permits.

(a) To be considered by the Panel, every application for renewal of a permit must:

(1) Be filed with the Panel not more than 90 days nor less than 30 days prior to the expiration date of the permit in effect;

(2) Be submitted on the form and in the manner prescribed in §§ 504.3 and 504.4;

(3) Specifically set forth the actions which have been taken to achieve compliance since the date of filing the previous application; and

(4) Include a detailed schedule for achieving compliance by replacement of such nonpermissible equipment with permissible equipment or by conversion of such nonpermissible equipment to permissible status.

(b) When an application for renewal of a permit for noncompliance is received, the Panel shall cause to be published in the FEDERAL REGISTER a notice giving any interested person an opportunity to file with the Panel a request for a public hearing.

(c) On or before the 15th day after publication of notice in the FEDERAL REGISTER that an application for renewal has been accepted for consideration, any interested person may file a request for a public hearing.

(d) After public hearing, or after the expiration of the 15-day period if no hearing has been requested, the Panel shall make its determination on the merits of the application for a renewal.

§ 504.8 Renewal of permits.

(a) If the Panel determines after notice to all interested persons and an opportunity for a public hearing that the renewal application satisfies the provisions of § 504.7 of this part and that the applicant-operator, despite his diligent efforts, will be unable to comply with the electric face equipment standard of the Act, the Panel may issue to such an operator a renewal permit for noncompliance.

(b) Each renewal permit will be issued for the period specified by the Panel. The period of noncompliance authorized by the permit shall not extend beyond March 30, 1976. Each permit will specify the individual item of equipment which the operator will be entitled to use in a nonpermissible status.

(c) The renewal permit and one copy plus a metal plate evidencing the permit will be mailed to the operator at the address specified in the application. A copy of the permit shall immediately be posted on the bulletin board of the affected mine by the operator or his agent and the metal plate evidencing the permit shall immediately be affixed to the item of equipment for which the permit was issued.

(d) The Panel shall immediately mail a copy of any renewal permit granted under this section to a representative of the miners of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

§ 504.9 Additional evidence.

Each operator shall, upon request by the Panel, submit such additional information as the Panel considers necessary to make its determination, including, but not limited to, evidence in support of representations made in connection with the application.

§ 504.10 Public hearing requests.

Requests for public hearings will be considered by the Panel only if such requests are filed with the Panel by the following persons:

(a) Any person interested in the application after publication in the FEDERAL REGISTER of a Notice of Opportunity for Public Hearing on an application for the renewal of any permit or an application for an initial permit under section 305(a)(2) of the Act (30 U.S.C. 865(a)(2)).

(b) Any interested person, including the applicant or a representative of the miners at the applicant's mine, after the Panel's decision on an application for an initial permit provided that no public hearing was held on an application for which Notice of Opportunity for Public Hearing was published.

§ 504.11 Public Hearings—practice and procedure.

Public hearings will be conducted pursuant to the Panel's regulation governing practice and procedure for hearings, 30 CFR Part 505, as amended.

[FR Doc.73-22349 Filed 10-19-73;8:45 am]

federal register

TUESDAY, OCTOBER 23, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 203

PART III

ENVIRONMENTAL PROTECTION AGENCY

AIR PROGRAMS

■

Approval and Promulgation of Implementation Plans

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, State plans for implementation of the national ambient air quality standards for the District of Columbia and the States of Idaho, Illinois, New Mexico, Rhode Island and Wyoming. This publication contains amendments to the previous actions involving these States. The Adminstrator's approval/disapprovals are amended as a result of the following:

1. Supplemental information submitted by three States (Idaho, Illinois, Wyoming).

2. Plan revisions submitted by one State (Rhode Island) and the District of Columbia.

This publication also contains revisions to previously promulgated regulations for power plants in New Mexico.

The District of Columbia submitted a revision which corrects an error in Appendix 1, Figure 1 of the Air Quality Control Regulations of the District of Columbia. The revision does not make any substantive changes and is approved below.

Idaho submitted supplemental information on May 26, 1972, which included a list of clarifications which made no significant changes to the plan. This information was submitted too late to be included in the Agency's initial approval/disapproval actions of May 31, 1972 (37 FR 10842), and was inadvertently omitted from subsequent actions involving Idaho. This error is corrected below to indicate approval of this supplemental information.

On May 31, 1972 (37 FR 10842), the emergency episodes portion of the Illinois plan was disapproved because certain episode criteria levels were deficient, and the plan did not provide for all sources emitting 100 tons per year or more of any pollutant to submit an emission control action program. Illinois submitted supplemental information on August 29, 1972, which corrected these deficiencies, and, therefore, the disapproval is revoked below. Also, an error which appeared in the March 20, 1973, FEDERAL REGISTER (38 FR 7323) is corrected.

On July 27, 1972 (37 FR 15094), the Administrator disapproved Regulation 602.B (emission limitation for sulfur dioxide from existing coal-burning equipment) of New Mexico's Air Quality Control Regulations, since it did not provide for the degree of control necessary to attain and maintain the national standards for sulfur dioxide in New Mexico's portion of the Four Corners Interstate Region. Regulation 602.A pertaining to sulfur dioxide emission limitations from new coal-burning equipment, is considerably more restrictive than regulation 602.B and was not disapproved. On March 23, 1973 (38 FR 7554), the Administrator promulgated substitute regulations for regulation 602.B, which were applicable to Units No. 1 and No. 2 at the San Juan power plant and to Units Nos. 1–5 at the Four Corners power plant. It has subsequently been determined that Unit No. 1 at the San Juan plant is not subject to regulation 602.B, but is considered a new source subject to regulation 602.A. Since regulation 602.A is as restrictive as the emission limitations promulgated by the Administrator on March 23, 1973, the applicability of the Agency's regulation is changed below to exclude Unit No. 1 at the San Juan plant.

On March 19, 1973, the Rhode Island Department of Health submitted a revision to the Rhode Island implementation plan which adds a regulation to the control strategy limiting the amount of particulate matter emitted from fuel burning equipment. This regulation is designed to restrict particulate matter emissions from new sources burning coal and would enhance the maintenance of the ambient air quality standards. This regulation is considered to be consistent with reasonably available technology for new sources, and is approved below.

Wyoming submitted supplemental information on February 27, 1973, which corrects the deficiencies in the emergency portion of the plan. This portion of the plan was originally rejected because of insufficient air quality sampling during an episode. Also, on April 18, 1973, after proper notice and public hearing, Wyoming submitted revisions to its plan. The previously approved control strategy for sulfur oxides is revised by adding emission limitations for sulfuric acid plants. This revision is approved below. In addition, the emission limitations for nitrogen oxides from fuel combustion sources and nitric acid plants are revised to be less restrictive. However, since all regions in Wyoming are Priority III for nitrogen dioxide and no violation to air quality standards is expected, or known to occur, these revisions are approvable. The State also submitted a minor change to a regulation prohibiting the removal of air pollution devices from existing motor vehicles. This revision does not affect the acceptability of the plan with respect to the maintenance of national standards for automobile-related pollutants. Therefore, this revision is approved below.

These approval actions are effective on the date of publication in the FEDERAL REGISTER. The agency finds that good cause exists for not publishing these substantive actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

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

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

(42 U.S.C. 1857c–5.)

Dated October 16, 1973.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

Subpart J—District of Columbia

1. Section 52.470 is amended by adding paragraph (d) as follows:

§ 52.470 Identification of plan.

* * * * *

(d) Plan revisions were submitted on January 29, 1973, by the Department of Environmental Services.

Subpart GG—New Mexico

2. In § 52.1624, paragraph (c)(1) is revised to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacement regulation for Regulation 602.B (Fossil fuel-fired steam generators in the Four Corners Interstate Region).* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, 3, 4, and 5 at the Four Corners power plant and Unit 2 at the San Juan power plant in the Four Corners Interstate Region (§ 82.121 of this chapter).

* * * * *

Subpart N—Idaho

3. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 23, April 12, and May 26, 1972, by the Idaho Air Pollution Control Commission, and

(2) March 2, May 5, and June 9, 1972, and February 15, 1973.

* * * * *

Subpart O—Illinois

4. In § 52.720, paragraph (c) is revised to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 13, April 18, and July 28, 1972, by the Illinois Environmental Protection Agency, and

(2) May 4 and August 29, 1972, and April 27, 1973.

§ 52.723 [Revoked]

Section 52.723 is revoked.

CORRECTION

In FR Doc. 73-5135 appearing at page 7323 of the issue for Tuesday, March 20, 1973, footnote "c" should be changed to footnote "d" and references to footnote "c" in the sentence in § 52.727 should be changed to reference footnote "d". The sentence and footnote should read as follows:

§ 52.727 [Amended]

"In § 52.727, the attainment date table is revised by replacing the date "July 1975, d" for attainment of the national standards for carbon monoxide in the Metropolitan Chicago Interstate Region with the date "May 31, 1975, d", and by revising footnote "d" to read as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15, 1973."

Subpart OO—Rhode Island

5. In § 52.2070, paragraph (d) is revised to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(d) Plan revisions were submitted on March 7, and March 19, 1973, by Rhode Island Department of Health.

Subpart ZZ—Wyoming

6. In § 52.2620, paragraph (c) is revised and paragraph (d) is added.

As amended, § 52.2620 reads as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) Supplemental information was submitted on March 28, and May 3, 1972, and on February 27, 1973, by the Wyoming Department of Health and Social Services.

(d) Plan revisions were submitted on April 18, 1973.

§ 52.2627 [Revoked]

7. Section 52.2627 is revoked.

[FR Doc.73-22387 Filed 10-19-73;8:45 am]

NOTICE TO CFR SUBSCRIBERS

The Office of the Federal Register has received numerous inquiries regarding the publication and availability of the Code of Federal Regulations volumes that were scheduled for revision as of July 1, 1973. The volumes included in this group comprise Title 28 through Title 41.

At present, the 17 volumes listed below of the 33 volumes involved are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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	19–100	2.30
General Index Supplement		1.35

We have been informed by the Government Printing Office that production of some of the remaining CFR volumes has been delayed due to a severe shortage of the paper stock normally used to print the CFR.

We regret that delivery of the CFR volumes has been delayed and together with GPO are making every effort to publish the remaining "as of July 1" volumes as quickly as possible.

As in the past, availability of individual volumes will be announced in the FEDERAL REGISTER.

FRED J. EMERY,
Director of the Federal Register.